BOROUGH OF DUNELLEN

ORDINANCE #07-13

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF DUNELLEN, AND CREATE CHAPTER 264, TAXICABS

BE IT ORDAINED by the Borough Council of the Borough of Dunellen, County of Middlesex, State of New Jersey, that Chapter 150-1(C) is amended in part, and new Chapter 264, Taxicabs, is enacted.

The purpose of this Ordinance is to regulate taxi service within the Borough of Dunellen in order to protect the health, safety and welfare of the residents of Dunellen.

Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BOROUGH - The Borough of Dunellen Borough.

DRIVER - Any person who operates a taxicab.

OPERATION OF A TAXICAB – Transporting or accepting for transport, one or more passengers for hire by a taxicab from one point within Borough limits to another point within or from a point within Borough limits to a point outside of the Borough limits. The operation of a taxicab by a driver other than the owner of said cab shall be deemed to be operation by the owner as well as by the person actually driving said cab.

OWNER - An individual who is the named titled holder of a taxicab registered with the New Jersey Division of Motor Vehicles and is listed as the owner of the taxicab in the Dunellen Borough Application for Taxicab Owner License. Owner and holder are one and the same.

STREET - Includes any Dunellen Borough street, avenue, park, highway or public roadway, whether or not same is paved or unimproved.

TAXICAB – A motor vehicle commonly called a taxi or cab which is used, offered or advertised for use for the common carriage and conveyance of passengers for hire from any place within the Borough to any other place within or outside of Dunellen Borough.

Section 1. License Required.

A. No person shall operate a taxi indicating that it has been licensed by the Borough of Dunellen unless both the owner and the driver of the
taxi are licensed under this chapter. However, a Dunellen license shall not be required of either the taxi owner or driver if the taxi is licensed by some other municipality.

B. There shall be established two (2) classes of taxi licenses, to be known as a Taxi Driver's License and a Taxi Owner's license respectively.

C. A Taxi Owner's License shall be issued for a specific vehicle, and each owner is required to have a license for each taxi operating in the Borough.

Section 2. Establishment of Central Place of Business Within the Borough, Dunellen Phone Number Required.

A. Every owner holding a Dunellen Taxi Owner's License shall maintain a fixed place of business within the Borough, which is approved by the Borough Zoning Officer.

Every owner must obtain a Certificate of Occupancy from the Zoning Officer for the offices designated as its fixed place of business in Dunellen.

While on duty, taxis licensed in Dunellen may only park at the central place of business. No taxi, regardless of where it is licensed, shall be operated from a residential use.

B. Every owner operating a taxi licensed by the Borough shall have a telephone number that is a local or of no cost to all exchanges that serve Dunellen.

Section 3. Application Process for a Taxi Owner's License.

The application process for a Taxi Owner's License is as follows:

A. A completed application shall contain all applicable information, shall be accompanied by three passport size photographs of the applicant, the required fee as required by the Mayor and Council of Dunellen and shall be sworn to by oath or affirmation. If information on the vehicle is unknown at the time the Taxi Owner's License is applied for, it shall be submitted to the Borough Clerk's office prior to the issuance of the license.

B. Every applicant shall sign the necessary forms for the police department to secure a Criminal History Record from the State Police and/or the Federal Bureau of Investigation. If the applicant is a partnership or corporation, each and every person with any ownership interest in the company must sign the necessary forms authorizing the Police Department to receive a Criminal History Record. The applicant shall also submit the additional fee required to cover the cost of fingerprinting and the SCIC/NCIC check for each person having an ownership interest. An additional fee shall be required every three (3) years to update the criminal history record of the
The Clerk shall forward the application to the Borough Zoning Officer for written certification that all necessary zoning approvals have been received by the applicant including but not limited to issuance of a Certificate of Occupancy for the central and fixed place of business.

Upon receipt of written approval from the Borough Zoning Officer, the Clerk shall forward the application to the Chief of Police.

The Chief of Police shall conduct an investigation into the applicant's background.

The Chief of Police shall issue a report to the Borough Council either recommending approval or denial of the application within 10 days of receipt of the background information requested from the State Police and/or Federal Bureau of Investigation.

The Borough Council shall either approve or deny the application by resolution.

Upon approval of the Borough Council, receipt of required insurance and all relevant information on the vehicle to be licensed, the Borough Clerk shall issue a Taxi Owner's License to the applicant. Prior to the award of the license, the Police Department shall inspect each car to confirm if it has a valid NJ Motor Vehicle inspection sticker and that it is safe, sanitary and fit for use as a taxi.

Section 4. Application Process for a Taxi Driver's License.

The application process for a Taxi Driver's License is as follows:

A. Applications shall be available in the Borough Clerk's Office and shall be designated to elicit information relevant to the health, the driving record and the law-abiding habits of the applicant.

B. A completed application shall contain all applicable information, shall be accompanied by three passport size photographs of the applicant, the required fee in accordance with section 7 herein and shall be sworn to by oath or affirmation.

C. If the application is the applicant's first application for a Taxi Driver's License, then the applicant shall also sign the necessary forms for the Chief of Police to secure a Criminal History Record from the State Police and the Federal Bureau of Investigation. The applicant shall also submit the additional fee required to cover the cost of fingerprinting and the SCIC/NCIC check. If the applicant has already been fingerprinted as part of a prior application an additional fee shall be required every three years in order to update the Criminal History Record.

D. The Clerk shall forward the application to the Chief of Police.

E. The Chief of Police shall conduct an investigation into the applicant's background.

F. The Chief of Police shall approve, deny or conditionally approve the application within 60 days of receipt of a completed application by the Borough Clerk. A conditional approval can be issued for a period of up to sixty (60) days, if receipt of a Criminal History Record is holding up issuance of approval. Upon receipt of the Criminal History Record, a conditionally approved license shall either be approved
or denied.

Section 5. Requirements for Licenses and Reasons for Denial.

A. Reasons for Denial of a Taxi Owner's Application:
   The Chief of Police may recommend denial of an application if the applicant has been convicted of a crime that raises serious questions about the applicant's moral character.

B. Requirements for a Taxi Driver's License. No license shall be issued unless the applicant meets the following requirements:
   1) The applicant must be at least twenty-one (21) years of age.
   2) The applicant must have a valid driver's license issued by the State of New Jersey.
   3) The applicant must have submitted along with the application a Physician's Certification Form available from the Borough Clerk's office, certifying that the applicant has been examined and has no known affliction that might render him/her unfit for the safe operation of a taxi and that the applicant's eyesight is corrected to 20/20 with glasses. Said Physician's Certification Form shall be dated no more than sixty (60) days prior to the date of application submission.
   4) The applicant must not have been convicted of driving a motor vehicle while under the influence of alcohol or narcotics within ten (10) years prior to the date of application submission.
   5) Applicant must be able to read, write and understand the English language.

C. Reasons for Denial of a Taxi Driver's Application. Reasons for the Chief of Police to recommend denial of an application for a Taxi Driver's License include, but shall not be limited to, the following:

   1) The applicant does not comply with the requirement for issuance of a Taxi Driver's License as delineated in subsection B.
   2) The applicant has been convicted of any other crime that raises serious questions about the applicant's moral character.
   3) The applicant has been convicted of a crime under any of the following sections of the New Jersey Statute Title 2C:11-1 through 2C:11-6; 2C:12-1 through 2C:12-13; 2C:13-1 through 2C:13-8; 2C:14-1 through 2C:14-10; 2C:15-1 through 2C:15-2; 2C:34-1 through 2C:34.1.1; 2C:35-1 through 2C:35-24; or 2C:39-1 through 2C:39-16. A conviction of a violation of a law of a substantially similar nature in another jurisdiction shall constitute a conviction under this subsection.
   4) The applicant has been convicted of three or more moving violations within two years prior to the filing of the application.
   5) The applicant has been convicted of driving under the influence of alcohol or narcotics, or of operating a motor vehicle with controlled dangerous substances or prescription legend drugs, without a prescription, in his possession or in the motor vehicle within ten years prior to the filing of the application.
   6) The applicant has been deemed unfit to drive a taxi for just cause by the Chief of Police.

Section 6. Suspension and/or Revocation of Licenses.
A. Taxi Owner's License.

1. A taxi owner's license issued under the provisions of this chapter may be revoked or suspended by the Borough Council if the licensee has:

   a. Failed to provide taxi service under the license utilizing drivers holding a valid Taxi Driver's Licenses, within one hundred twenty (120) days of issuance or within six (6) months after approval by the Borough Council of the application, whichever comes first, unless such failure was caused by the unavailability of drivers holding valid Taxi Driver's Licenses, in which case the licensee shall be permitted one 60 day extension of the 120 day period in which to provide taxi services under the license utilizing drivers holding valid Taxi Driver's Licenses. The 60 day extension shall not extend the six (6) month period.

   b. Allowed the license to remain inactive for more than ninety (90) days, once operational, without providing written notification to the Borough Clerk detailing the reason that taxi service cannot be provided. For good cause shown, the Borough Council may extend the period of license inactivity to a period greater than thirty (30) days.

   c. Made a false statement of any material fact in the application or any record to be maintained.

   d. Failed to maintain or keep in force the insurance policy and power of attorney required.

   e. Violated any of the provisions of this chapter regarding safety, hours, service or operation of taxis.

   f. Committed any other act which, in the opinion of the Borough Council, renders such person unfit to hold such license.

   g. Failed to maintain an approved central place of business.

2. Prior to the revocation or suspension of a Taxi Owner's License by the Borough Council the licensee shall be given notice of the proposed action to be taken and the reasons therefore, and such licensee shall have the opportunity for a hearing before the Borough Council. In the event a licensee does not request a hearing within ten (10) days of receipt of said notice the license shall be revoked or suspended in conformance with the notice.

3. In the event that the Chief of Police believes that the health, safety or welfare of passengers would be endangered if a license is not immediately suspended or revoked, the Chief of Police is authorized to immediately suspend or revoke a license prior to the licensee having an opportunity for a hearing with Borough Council. In such cases of immediate suspension or revocation, the licensee shall be entitled to a hearing before the Borough Council within thirty (30) days of the Chief of Police's notification of the suspension or revocation.

B. Taxi Driver's License.

1. A Taxi Driver's License issued under the provisions of this chapter may be revoked or suspended by the Borough Council if the licensee has:

   a. Made a false statement of any material fact in the application or any record required to be maintained.

   b. Violated any of the provisions of this chapter regarding safety, hours, service or operation
of taxis.
c. Committed any other act which, in the opinion of the Borough Council, renders such person unfit to hold a license.

2. Prior to the revocation or suspension of a Taxi Driver's License, the licensee shall be given notice of the proposed action to be taken and the reasons therefore, and such licensee shall have the opportunity for a hearing before the Borough Council.

3. In the event that the Chief of Police believes that the health, safety or welfare of passengers would be endangered if a license is not immediately suspended or revoked, the Chief of Police is authorized to immediately suspend or revoke a license prior to the licensee having an opportunity for a hearing with the Borough Council. In such cases of immediate suspension or revocation, the licensee shall be entitled to a hearing before the Borough Council within thirty (30) days of the Chief of Police's notification of the suspension or revocation.

Section 7. License and Administrative Fees.

A. Taxi Owner's License.
Each application for the issuance of a Taxi Owners License shall be accompanied by an application fee of $1,000.00 per vehicle for each calendar year or portion of a year for which the license is issued. Such fee shall not be prorated, nor shall any portion of said fee be refunded for any reason.

B. Taxi Driver's License.
Each application for the issuance of a Taxi Driver's License shall be accompanied by an application fee of $100.00 for each calendar year or portion of a year for which the license is issued. Such fee shall not be prorated nor shall any portion of said fee be refunded for any reason.

C. Administrative Fees.
There will be a $25.00 Administrative Fee charged for each request for a document from the Municipal Clerk’s Office regarding ownership or title transfers, or for purposes of registering a vehicle with the Department of Motor Vehicles.

Section 8. Transfer of Licenses Restricted.

A. The transfer of a Taxi Owner's License is specifically prohibited.
B. A Taxi Owner's License shall not be assigned, mortgaged, pledged or otherwise transferred to secure a debt, loan or other financing transaction.
C. The vehicle described on a Taxi Owner's License may be substituted or replaced by another vehicle only after written permission therefore is received by the Borough Clerk. The Borough Clerk shall not grant such permission until the existing Taxi Owner's License application is amended to include relevant information on the substituted vehicle. An administrative fee of $25.00 will be charged for any such vehicle substitution or replacement.
D. Change in ownership or title to any taxi licensed under this chapter shall automatically revoke and void the license for said taxi. Any person who acquired ownership or title to a licensed taxi shall, in order to operate such taxi, apply for a new Taxi Owner's License.
E. A Taxi Driver's License is not transferable under any circumstances.
F. A Taxi Owner's License and Taxi Driver's License are both personal in nature and are not transferable under any circumstances.
Section 9. Insurance Requirements.

No license shall be issued by the Borough Clerk until the owner of the Taxi Owner's License shall have filed with the Borough Clerk proof of the following coverage:

Coverage limits shall be:

1. One million five hundred thousand ($1,500,000.00) dollars—combined single limit per occurrence.

or

2. One million ($1,000,000.00) dollars—bodily injury per person, and

3. One million ($1,000,000.00) dollars—bodily injury per occurrence, and

4. One million ($1,000,000.00) dollars—property damage per occurrence.

Said insurance shall be a blanket insurance covering all taxis operated by the owner which have been issued a Dunellen Taxi Owner's License, and shall provide for the payment of any final judgment recovered by any person on account of the ownership, maintenance or use of every taxi owned by the licensee which is licensed by the Borough or any fault in respect thereto and shall be for the benefit of every person suffering loss, damage or injury as aforesaid.

The insurance policy shall specifically state that the owner is insured for doing business in the Borough of Dunellen.

Section 10. Expiration of Licenses.

A. All licenses issued pursuant to the provisions of this chapter shall expire at 12:00 midnight on December 31 of the year in which it was issued, unless said license is surrendered, suspended or revoked on a sooner date.

B. Applications for renewal shall be accepted beginning October 1 of each year and shall be filed no later than November 15 of each calendar year so as to provide ample opportunity for the processing and issuance of said license. However, if an application for renewal is not filed by November 15 at the latest, the license applied for may not be ready for issuance before the end of the calendar year, resulting in the applicant not being able to operate or drive a taxi until such renewal license is issued.

Section 11. Issuance and Display of Taxi Owner's License, Taxi Driver's Licenses and Permitted Fares.

A. Display of Licenses Required. All Taxi Owner's Licenses and Taxi Driver's Licenses shall
be adequately protected and prominently displayed in the interior of all taxis licensed by the Borough of Dunellen. Such licenses shall be displayed so that the faces of the licenses are in full view and plainly legible to any passenger seated in the rear seat of the taxi. The license shall at all times remain the property of the Borough and at the direction of the Borough Council or Chief of Police, shall be surrendered to the Borough Clerk. Permitted fares shall also be displayed in the same manner.

B. Issuance of Taxi Owner's License.
   Upon approval of the Borough Council and submission to the
   
   1. Borough Clerk's office of the required insurance, power of attorney and identification information on the vehicle to be licensed, the Borough Clerk shall issue a Taxi Owner's License for a specific vehicle.

   2. The Taxi Owner's License shall state the following:
      a. The taxi owner's name, address and business telephone number.
      b. The number of the Taxi Owner's License issued for the vehicle.
      c. The make, model, year, license plate number and vehicle identification number of the licensed vehicle.
      d. The maximum permitted occupancy of the taxi.
      e. A statement indicating that passengers may call the Borough Code Enforcement Office with complaints.

   3. Issuance of Taxi Driver's License.
      
      1. Upon approval of the Chief of Police, the Borough Clerk's office shall issue a Taxi Driver's License.
      2. The Taxi Driver's License shall include the following information:
         a. A passport size photograph of the licensee.
         b. The driver's name.
         c. The driver's signature.
         d. The number of the Taxi Driver's License issued to the driver.
         e. A statement indicating that passengers may call the Borough Code Enforcement Office with complaints.

Section 12. Regulations for Maintenance and Operation of Vehicle.

A. Condition of Vehicle–Annual Inspections.

   1. No vehicle shall be operated on the streets of Dunellen unless by May 31 of each year there shall have been provided to the City Clerk a proof of satisfactory inspection report for said vehicle, issued during the first five (5) months of that year by a Motor Vehicle Commission facility or a private inspection facility registered/licensed by the Motor Vehicle Commission.
2. Such inspections shall be required as a result of input which questions the safety of the vehicle, whenever deemed necessary by the Municipal Clerk.

3. Each vehicle must be kept in good condition with safe, clean interiors for passengers and baggage, and safe, clean outside of uniform color and complete vehicle bodies.

B. Equipment of Vehicles.

1. The equipment of each licensed vehicle shall include the following:

   (a) In each licensed taxi vehicle, a laminated card containing the current company rates, owner of vehicle, driver's name, a two by two (2" x 2") inch photograph (provided by the driver) and driver's license number must be displayed prominently so as to be visible from the back seat. The current company rate information must be on a laminated card affixed to the back of the front seat.

   (b) Any radio or other sound emitting device in the vehicle shall be operated at the discretion of the passenger.

2. Each taxi shall display a sign on both sides of the vehicle which provides the name and telephone number of the business owner.

C. Equipment of Driver.

1. A driver shall carry his Municipal driver's license and registration at all times while operating the vehicle. He shall show the license to any police officer or passenger upon request.

2. A receipt book of forms showing driver’s full name and license number shall be carried. A receipt must be given to any passenger showing the fare charged whenever requested or whenever there is a dispute over the fare.

3. A driver shall keep a trip record by days of all trips made by the vehicle. Such trip records to be kept by the owner for at least six (6) months from date of the trip and shall be subject to inspection at any time by the Police Department or someone authorized by Borough Council. The daily trip records must contain the following information:

   (a) The State Registration (plate number) of the vehicle.
   (b) Name and license number of driver.
   (c) Time and location of the beginning of each trip and the time and termination place of each trip.
   (d) The amount of fare collected for each trip.

D. Conduct of Driver.

1. A driver shall have a good driving record.

2. A driver shall not operate a vehicle while under the influence of drugs or intoxicating liquors or with the smell of alcohol on his/her person or in his/her vehicle.

3. Smoking while carrying passengers is prohibited, except with the permission of the passenger.

4. A driver shall be polite to patrons. Disrespectful conduct or use of abusive or insulting language to passengers is prohibited.

5. A driver shall not solicit patronage for restaurants, night clubs, cabarets, dance halls, hotels, or like places, nor solicit for any place maintained in violation of the law.

6. A driver shall not refuse service to any orderly person unless he is previously engaged.

7. A driver shall thoroughly search the interior of the vehicle immediately after the termination of each trip and note if the passenger has left any article therein. Any property so found shall be taken to Police Headquarters and turned into the officer in charge within twenty-four (24) hours.

8. A driver shall solicit fares only from the driver's seat or in a position within five (5) feet of his vehicle parked in a public taxi stand.

9. A driver of a taxi entering a taxi stand shall do so by taking his position at the rear of any taxis already on the stand.

Section 13. Penalties.

Any owner or driver who violates or permits, aids or abets the violation of any provision of this chapter shall, upon conviction thereof be punished by a fine not to exceed one thousand dollars ($1,000.00). In addition to the maximum penalty provided in this subsection, any Taxi Owner's License or Taxi Driver's License may be suspended or revoked as provided in this chapter. The continuation of a violation on each successive day shall constitute a separate offense.


The owner of the taxicab shall execute and deliver to the Municipal Clerk a power of attorney, wherein and whereby the owner shall appoint the Municipal Clerk of the municipality as his true and lawful attorney for the purpose of acknowledging service of any process, out of a court of
competent jurisdiction, to be served against the insured by virtue of the indemnity granted under
the insurance policy or bond filed pursuant to N.J.S.A. 48:16-3 and 48:16-4.

Section 15. Conflicts with Other Ordinance.

All other ordinances in conflict or inconsistent with this ordinance are hereby repealed
to the extent of such conflict or inconsistency.

Section 16. Severability.

Should any section, paragraph, sentence or clause of this ordinance be declared
unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be
affected thereby and shall remain in full force and effect and to this end the provisions of this
ordinance are hereby declared severable.

Section 17. Effective Date.

This ordinance shall become effective immediately upon final passage and
publication, according to the law.