

City of Lambertville
ORDINANCE NUMBER 05-2015

An Ordinance to Amend Chapter V, General Licensing, Taxicabs; Establishing a Complaint Procedure, the Contract Compliance Review Board

The City of Lambertville, in accordance with the State of New Jersey, NJSA 48, is licensing all autobuses, liveries, limousines and taxicabs in accordance with the State of New Jersey Statutes, 48:16, 2C:24, 2C:39, 2C: 35, 2A:168A. Therefore, it is a requirement in the City of Lambertville for all autobuses, liveries, limousines and taxicabs to be registered and licensed and to comply fully with the requirements of the State of New Jersey and the City of Lambertville.

I. AUTO CAB, TAXICAB,

- a. Definition as defined in N.J.S.A. 48:16-1, shall mean and include automobile or motor car, commonly called taxi, auto cab, omnibus, or by whatever name or designation they may now or hereafter be known or designated as “taxicab”, engaging in the business of carrying passengers for hire, which is held out, announced or advertised to operator run, or which is operated to run over any of the streets or highways of the City, and particularly accepts and discharges such persons as may off themselves for transportation from points or places within the City, or which is hired by charter, or for a particular contract, or by the day or hour or other fixed period, or to transport passengers to a specified place or places, or which charges a fare or price agreed upon, in advance, between the operator and the passenger. Nothing in this section contained shall be construed to include any motor vehicle by whatever name or designation used and employed solely in transporting school children or teachers, or auto buses which are subject to the jurisdiction of the Board of Public Utility Commissioners, or any motor vehicle owned or operated by the City of Lambertville, County of Hunterdon, State of New Jersey, or operated by any nonprofit organization in the business of transporting persons not for profit.
- b. License Required; Fees for License, as defined in N.J.S.A. 48:16-2, necessity of municipal consent before operating auto cab; limited on license fee. No auto cab shall be operated along any street in any municipality until the owner thereof shall obtain the consent of the elective governing body or member thereof having control of the public streets in the municipality. The City of Lambertville, in accordance with P.L. 2011, c. 135, licenses will be the subject of a public auction for the license.
- c. Issuance of License, Inspection of Taxicabs, In accordance with P.L. 2011, Chapter 135, a municipality shall publish a notice in the newspaper circulating generally within the municipality state the number of new or additional licenses to be authorized and the application period for the new or additional licenses. The notice shall specify a time and date after which no further applications will be accepted. The notice shall be published at least twice and at least one week apart, with the second notice published at least 30 days prior to the time and date

specified in the notice as the time and date after which no further applications will be accepted.

The Mayor's designee shall have the power to issue or refuse to issue a license, in pursuance of the terms of this section. The number of licenses shall not exceed 4, one license per vehicle.

Any license hereafter issued may be transferred upon the payment of a transfer fee of fifty (\$50) dollars for each and every such transfer, and subject to the provisions of subsection 5-1.5, upon obtaining approval, in writing, of the Mayor's designee.

- d. Application Information: shall include the name, address, phone number of the owner and each operator, copies of insurance, State of New Jersey Business Registration, Sales Tax Certificate, Fingerprinting results and any other information as deemed necessary by the Police Department and/or the City Clerk.
- e. Requirements for Applications: No license to operate a taxicab shall be granted to any person unless he is a citizen of the United States, or shall have declared his intention to become such a citizen. In the case of a co-partnership, no license shall be granted to operate a taxicab unless such corporation is either incorporated or is duly authorized to do business under the laws of this State. All applicants and prospective taxicab drivers must:
 - i. Prior to the issuance of a license:
 1. submit to criminal history checks (fingerprinting) at a designated Live Scan facility;
 2. have reached his or her 21st birthday;
 3. not have had a license revoked in any other state; and
 4. possess a currently valid, State of New Jersey issued driver's license.
- f. Fingerprinting: No license shall be granted to operate a taxicab to any person, or to any partnership or corporation who is not, or the members of or officer of which are not persons of good moral character, or who has, or if any of the members of the partnership, or officers of the corporation have been convicted of any following crimes: aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, aggravated sexual assault, sexual assault or endangering the welfare of a child pursuant to N.J.S.A. 2C:24-4, whether or not armed with or having in his possession any weapon enumerated in subsection r. of N.J.S.A. 2C:39-9, or other than a disorderly persons or petty disorderly persons offense for the unlawful use, possession or sale of a controlled dangerous substance as defined in N.J.S.A. 2c:35-2. In any other state, territory, commonwealth, or other jurisdiction of the United States, or any country in the world, as a result of a conviction in a court of competent jurisdiction, a crime which in that other jurisdiction or country is comparable to one of the crimes enumerated in paragraph one (1) of the subsection. If a person who has been convicted of one of the crimes outlined in this ordinance or in P.L. 2011, c.135

(A1471 3R), and can produce a certificate of rehabilitation issued pursuant to N.J.S.A. 2A:168A-8 or if the criminal offense occurred outside New Jersey, an equivalent certificate from the jurisdiction where the criminal offense occurred, the criminal offense shall not disqualify the applicant from operating or driving an auto cab and/or taxicab.

- g. Issuance of License; Number Limited; Transfer Fee: In accordance with P.L. 2011, Chapter 135, a municipality shall publish a notice in a newspaper circulating generally within the municipality stating the number of new or additional licenses to be authorized and the application period for the new or additional licenses. The notice shall specify a time and date after which no further applications will be accepted. The notice shall be published at least twice and at least one week apart, with the second notice published at least 30 days prior to the time and date specified in the notice as the time and date after which no applications will be accepted.

The Mayor's designee shall have the power to issue or refuse to issue a license, in pursuance of the terms of this section. The number of licenses shall not exceed four (4), one per vehicle, four (4) vehicles in total. Any license hereafter issued may be transferred upon the payment of a transfer fee of fifty (\$50) dollars for each and every such transfer, and subject to the provisions of subsection 5-1.5, upon obtaining the approval in writing of the Mayor's designee.

- h. Inspection Required Before Issuance of License: No Auto cab or Taxicab shall be licensed until it has been thoroughly and carefully inspected and examined by the Police Department and found to be in a thoroughly safe condition for the transportation of passengers. Such licensed taxicabs shall be clean, fit and of good appearance and well painted and varnished. Side curtains or shades shall not be permitted on any such licensed vehicles. The Department shall refuse a license to any applicant or, if already issued, revoke or suspend the license of any vehicle found to be unsafe for the transportation of passengers. All reports of such inspections and examinations, after having been submitted to the Mayor's designee shall be filed with the City Clerk and become a part of the application filed for the licensing of such vehicle, as hereinafter provided.
- i. Contract Compliance Review Board: The Contract Compliance Review Board shall consist of the Mayor or the Mayor's designee, the police director and one member of the local Chamber of Commerce. It is the responsibility of the Contract Compliance Review Board to take measures to ensure that all provisions of this ordinance have been met.

- i. The first complaint or inspection by the police department when a taxicab company is found to be noncompliant will result in the immediate suspension of services of the taxicab service until the company can provide the proper documentation or address the area of concern to the satisfaction of the Contract Compliance Review Board;

- ii. The second complaint or documented review where the company is found to be out of compliance or negligent, a hearing will be scheduled with the Contract Compliance Review Board. The Review Board will decide whether to suspend or terminate the license or to allow the company to continue provide services under the license.
 - iii. In the event of a suspension or termination of a license, the City of Lambertville will not prorate the fee of a license.
- j. Display Requirements: Every licensed taxicab shall display prominently in the interior of the auto/taxicab and in a manner required or approved by the Mayor's designee, the following:
 - i. its City license number;
 - ii. a photo identification of the driver; and
 - iii. a contract compliance placard, provided by the City, which advises the public on how to submit a complaint to the Contract Compliance Review Board.
- k. Register to be Maintained: The City Clerk shall keep a register of the name of each person owning or operating vehicle or vehicles licensed under this section, together with the license number and the description, make dimension of such vehicles, with the date and complete record of inspections made of them. All applications for licenses shall be filed by the City Clerk and carefully preserved for reference. All licenses issued shall be recorded in books provided for that purpose, which shall be in such form as the Mayor's designee shall prescribe. All such records shall be open to the inspection of the public at all reasonable times and shall be deemed the official records of the Department and of the City.
- l. Inspection, Written Reports Required: The Police Department shall maintain a constant vigilance over all taxicabs to see that they are kept in a condition of safety for the transportation of passengers, and to this end shall have the right at any and all times to inspect any and all licensed vehicles, and shall maintain a record, in writing of a report of such inspections. All taxicabs found to be out of compliance with this ordinance will be given one warning. The second time they are found to not be in compliance with this ordinance will require an appearance before the Compliance Review Board.
- m. Insurance: as defined in N.J.S.A. 48:16-3, no such consent shall become effective until the owner of the auto cab shall have filed with the clerk of the municipality in which such operation is permitted, an insurance policy of a company duly licensed to transact business under the insurance laws of this State conditioned for the payment of business unless the applicant shall have complied with the provisions of Chapter 231 of the Laws of 1926, embodied in N.J.S.A. 48-16, et seq., N.J.S.A. 39:6B-1 and P.L. Chapter 135, Assembly number 1471 of the State of New Jersey, and the acts amendatory thereof or supplemental thereto, relating to the filing of an insurance policy covering the owner or operator of such vehicles for damages to person for which he may become liable by reason of the ownership, maintenance or use of the vehicle, not less than \$35,000 of motor

vehicle liability insurance coverage, or the rate established and set by State of New Jersey Statutes. All such insurance policies shall be issued to cover the term of the license issued by the City.

- n. Licenses Revoked or Suspended; Licenses granted under the preceding sections may be revoked or suspended at any time after notice and hearing by the **Compliance Review Board** if the vehicle shall not be in a safe condition for the transportation of passengers or not kept in conformity with the terms of this **ordinance** or if used or its use permitted for any improper, immoral or illegal business or purpose, or for the violation of any statute or law of the State of New Jersey or of the United States, or for the violation of any of the provisions of this section, or any of the rules and regulations made by the Appropriate Authority.
- o. Mayor and Council to Designate Stand: The Mayor and Council are hereby authorized to designate such place or places within the Central Business District or Highway Commercial Zones of the City as public taxicab stands as the Mayor and Council, in its judgment, may deem necessary as may be required for the proper transportation of passengers. The City Clerk is hereby further authorized to grant permits for the operation of taxicabs from private premises as it may deem necessary and proper. No taxicab shall occupy any public taxicab stand unless such taxicab shall have been licensed as provided in this section.
- p. Regulations: No taxicab, while waiting for employment by passengers shall stand on any public street or space other than that at or upon a taxicab stand designated or established in accordance with this section, nor shall any driver of such taxicab seek employment by repeatedly and persistently driving his taxicab to and fro in egress from any theater, hall, hotel, public resort, railroad station or other place of public gathering, and no driver shall solicit passengers for a taxicab except when sitting upon the driver's seat thereof, nor shall any driver of a taxicab solicit employment in the transportation of passengers by driving in or through any public street or public place a slow rate of speed, commonly designating as "cruising."

Upon request, no owner or driver of a taxicab or other vehicle regulated under this article, unless previously engaged, shall refuse or neglect to carry an orderly person anywhere within the City of Lambertville. Upon request, every driver of a taxicab is required to provide each passenger with a receipt indicated the driver's name, fee and description of the trip

No person operating a taxicab shall permit or allow any person other than a passenger being transported for hire in or about such taxicab when in service as a taxicab.

- q. Penalties for Violations: The penalties for violation of this ordinance shall be as set forth in Chapter I, Section 1-45 of the Code of the City of Lambertville.
- r. The City of Lambertville retains the right to accept or reject applications for taxicab licenses for any reason. Fees will not be prorated or refunded should the applicant be found to be non-compliant.

All other previous ordinances pertained to Taxicabs are hereby repealed.

INTRODUCED: February 17, 2015

PUBLIC HEARING: March 17, 2015

FINAL ADOPTION: April ___, 2015

CLERKS CERTIFICATE

I, Cynthia L. Ege, CMR, RMC, Clerk of the City of Lambertville, in the County of Hunterdon, State of New Jersey, HEREBY CERTIFY as follows:

1. I am the duly appointed Clerk of the City of Lambertville, in the County of Hunterdon, State of New Jersey (herein called the "City"). In this capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the City and the records relative to all ordinances and resolutions of the City. The representations made herein are based upon the records of the City.

2. Attached hereto is a true and complete copy of an ordinance passed by the governing body of the City on first reading February 17, 2015 and finally adopted by the governing body on March 17, 2015.

3. On February 17, 2015 a copy of the ordinance and a notice that copies of the ordinance would be made available to the members of the general public of the municipality who requested copies, up to and including the time of further consideration of the ordinance by the governing body, was posted in the principal municipal building of the City at the place where public notices are customarily posted. Copies of the ordinance were made available to all who requested them.

4. After final passage, the ordinance, a copy of which is attached hereto, was duly published on _____. No protest signed by any person against making the improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the ordinance has been presented to the governing body or to me or filed in my office within the 20 days after the publication or at any other time after the final passage thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this ___ day of _____, 2015.

Cynthia L. Ege, CMR, RMC, City Clerk

(Seal)