

AN ORDINANCE PROVIDING FOR THE REGISTRATION AND REGULATION OF TAXICABS ENGAGED IN THE BUSINESS OF CARRYING PASSENGERS FOR HIRE, FIXING LICENSE FEES AND PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF

CERTAIN LICENSE OR PERMIT REQUIRED FOR TAXIS PROVIDING INTRA-MUNICIPAL POINT TO POINT SERVICE: Notwithstanding any other provisions of law to the contrary, the Borough of Wharton requires a taxicab service to obtain a corporate license, permit, certificate or other form of authority if the taxi service is providing service on an intra-municipal point-to-point basis within the Borough of Wharton. The fee for the issuance of this license is \$50 per taxicab operated by a taxicab service providing such intra-municipal point-to-point service within the Borough of Wharton.

WHEREAS, the Mayor and Council of the Borough of Wharton have found it is in the public interest and in order to ensure the safety and quality of life for all residents of and visitors to the Borough create licensing requirements and regulate the operation of taxis and drivers of taxis, engaged in the business of carrying passengers for hire within the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Wharton in the County of Morris State of New Jersey, that Chapter 285 Taxi/Autocab Licensing is hereby added to the Code of the Borough of Wharton:

§ 285-1. Definitions.

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

“Borough” shall mean Borough of Wharton

“Driver” shall mean any person who drives a taxi/autocab within this Borough.

“Operation” of a taxi/autocab shall consist of transporting in such taxi/autocab of one or more persons for hire. A taxi/autocab which is operated or run over any street within the Borough, to seek or accept passengers for transportation from points or places to points or places within or outside the Borough shall be deemed to be operation of a taxi/autocab within the Borough. A taxi/autocab parked or idling on a Borough street or accepting a passenger for hire from a point of departure within the Borough shall be deemed to be operation. Operation of a taxi/autocab by one other than the owner shall be deemed operation by the owner, as well as operation by the person actually driving the taxi/autocab. The transportation in or through the Borough of any person other than the owner or driver of any motor vehicle bearing signs therein or thereon using the word “taxi”, “cab”, “autocab”, “car service”, “hack”, “dial a ride”, “call a ride”, “transport”, transport vehicle”, “car service” or “transportation” shall be prima facie evidence of operation.

“Owner” shall mean any person, corporation, business entity or association in whose name title to any taxi/autocab is registered with the New Jersey Motor Vehicle Commission, or who appears in any governmental records to be the conditional vendee or licensee thereof.

“Person” means and includes any individual, co-partnership, association, corporation or joint stock company, their lessees, trustees or receivers appointed by any court whatsoever.

“Taxi/Autocab” shall mean and include any automobile commonly called taxi, engaged in the business of carrying passengers for hire which is held out, announced or advertised to operate or run, or which is operated or run over any of the streets within the Borough and which accepts or discharges passengers for transportation from points or places to points or places within or outside the Borough. “Taxi/Autocab” shall not include a limousine as defined by N.J.S.A. 48:16-3.

§ 285-2. Requirement of taxi/autocab owner or operator license.

- A. No person shall operate any taxi/autocab within the Borough, unless the company, taxi and driver are currently licensed in good standing in a municipality which shares any part of a common border with the Borough and has received an Intra-Municipal Taxi/Autocab License in accordance with this ordinance and said person or corporation conforms to all of the laws and regulations of the State of New Jersey.**

§ 285-3. Licenses.

- A. All taxi/autocab owners and operators, operating within the Borough shall be licensed in accordance with the provisions of this ordinance.**
- B. There are hereby established one (1) class of taxi/autocab licenses in the Borough as follows:
 - (1) Intra Municipal Taxi/Autocab License: This license shall entitle the vehicle therein listed and described to be used as a taxi/autocab and operated in this Borough by a driver duly licensed hereunder.****

§ 285-4. Applications for licenses.

- A. Application Form.
 - (1) Each applicant for the issuance or renewal of a license shall supply, in full, the information requested on the application forms approved by the Chief of Police and obtained from the Borough Clerk, and shall verify the correctness thereof by certification. The completed application must be filed with the Borough Clerk, together with the fee hereinafter fixed.****
- B. Applications for Intra Municipal Taxi/Autocab Licenses shall be filed with the Borough Clerk at any time, but no taxi/autocab shall be operated in the Borough until the Intra-Municipal Taxi/Autocab is licensed in accordance with this section each year.**
- C. There shall be a maximum of sixty (60) Intra-Municipal Taxi/Autocab Licenses available for issuance. Said number may be increased (or decreased) subject to the discretion of the Borough in accordance with N.J.S.A. §48:16-2.1 et seq.**
- D. Requirements for Intra-Municipal Taxi/Autocab Licenses. Each applicant for an Intra-Municipal Taxi/Autocab Licenses must meet all requirements of the original licensing municipality and be in “Good Standing” to be considered for issuance of a license:
 - (1) Be of the age of twenty-one (21) years, or over.****

(2) Fully complete an application form provided by the Borough Clerk, which shall be signed and sworn to or certified by the applicant and filed with the Borough Clerk as a permanent record.

(3) Insurance.

(a) Each applicant for an Intra-Municipal Taxi/Autocab Licenses shall, together with the application, submit the insurance policy required by N.J.S.A. 48:16-3 et seq., covering the taxi/autocab sought to be licensed; and each applicant shall then and thereafter comply with all of the provisions of N.J.S.A. 48:16-1 et seq., as well as the acts amendatory thereof or supplemental thereto.

**(b) The minimum acceptable insurance liability limit is as follows:
Combined single limit coverage: One Hundred Thousand (\$100,000.00)
dollars.**

§ 285-4. Issuance of license.

- A. Upon notification by the Borough Clerk of satisfactory fulfillment of the foregoing requirements, the Chief of Police or his/her designee shall either grant or deny the license application.**
- B. Any license issued pursuant to this section shall expire at midnight of the thirty-first (31st) day of December of the year in which it was issued except for the initial 2017 license, which will expire at midnight of the thirty-first (31st) day of December, 2018.**
- C. Licenses shall not be transferable.**

§ 285-5. Fees.

- A. The annual fee for each Intra-Municipal Taxi/Autocab license hereafter issued, or any renewal thereof, shall be fifty (\$50) dollars. The license is not transferable and is granted to a specific vehicle.**

§ 285-6. Denial, revocation or suspension of licenses.

A. The Chief of Police or his/her designee may, in his/her discretion, refuse to issue or renew, or may revoke or suspend any owner's license issued hereunder if the applicant or licensee:

- (1) Has been convicted of a crime in this or any other jurisdiction.**
- (2) Violates any provision of this ordinance.**
- (3) Has not complied fully with all of the requirements of this ordinance.**
- (4) If the motor vehicle licensed, or to be licensed, has unsafe or unsanitary conditions, or is otherwise dangerous to the safety or health of the occupants or others.**
- (5) If the policy of insurance required by N.J.S.A. 48:16-3 and Section 4(b)(4) of this Ordinance lapses, or such coverage is not maintained at all times.**

(6) Has in any degree contributed to any injury to any person, or damage to property, arising out of reckless operation of a motor vehicle pursuant to N.J.S.A. 39:4-96.

(7) Uses the vehicle's audible device improperly.

B. The licensee may appeal a refusal to renew, revocation, or suspension of his/her license to the Mayor and Council.

§ 285-7. Display of license and certificate of insurance.

- A. No taxi/autocab shall be operated in the Borough unless the taxi/autocab driver's license (including photographic identification) of the person operating the taxi/autocab, is prominently displayed and open to view of passengers in accordance with reasonable procedures of the issuing municipality which shares any part of a common border with the Borough.**
- B. The Certificate of Insurance required by N.J.S.A. 48:16-6 shall likewise be prominently displayed in accordance with reasonable procedures of the Borough provided by way of written notice to the licensee.**

§ 285-8. Lettering and Visual Identification Symbol.

- A. The owner of a taxi/autocab shall cause to be displayed on the body of the vehicle the taxi license number issued to that vehicle. The number shall be three inches in height and located in the center of the rear quarter panels on the driver and passenger sides and the rear center line of the trunk of the vehicle. Each taxi/autocab shall display on each rear door of the taxi/autocab the name of the municipality or municipalities which has issued the taxi/autocab a taxi license in letters three inches in height.**
- B. Every taxi/autocab or other vehicle required to be licensed under this Ordinance operating within the Borough shall display a visual identification symbol the design, specification and contents of same to be determined in the sole discretion of the Borough, by way of a decal or other method which will identify the vehicle as properly and currently licensed. The method of display shall be as determined by the Borough Police Department and communicated in writing to the Intra-Municipal Taxi/Autocab Licenses holder which shall be required to adhere to the contents of said notice within seven (7) calendar days of the date of the notice. The Borough may elect to require that the visual identification symbol be made and then affixed to the licensed vehicle by a vendor or vendors of the Borough's designation, all such costs for such production and affixing to the licensed vehicle to be paid by the licensee.**

§ 285-9. Restrictions on Operation of taxi/autocabs.

- A. No Cruising: No person shall cruise any street of the Borough in any vehicle, including but not limited to taxi/autocabs, at any time for the purpose of soliciting for one or more persons for transportation for a fee or fare.**
- B. Pre-arranged Pickup: Any taxi/autocab may pick up passengers if the taxi/autocab owner or the owner's agent has been specifically arranged beforehand by the person seeking transportation or someone acting on said person's behalf or such person has otherwise arranged in advance for pick up at a specific time and place. The taxi/autocab**

driver must have proof of such pre-arrangement including at a minimum the full name of the person to be picked up, the full name of the person making the arrangement and a contact phone number for said person.

- C. All persons shall be picked up or discharged at the curb, or in off-street areas designated by a business establishment for the use of its patrons, and the taxi/autocab shall at no time interfere with traffic on any street.

§ 285-10. Fines and penalties.

- A. Violation of any of the provisions of this article shall be punishable as provided in Chapter 1, General Provisions, Article I, General Penalty.
- B. Nothing herein shall preclude the prosecution of any such violation under Title 48 and or Title 2C of the New Jersey statutes nor restrain or prohibit the Mayor and Council from suspending or revoking any license issued hereunder in accordance with the provisions of this ordinance.

§ 285-11. Construction.

- A. Should any section or provision of this ordinance be held invalid in any proceedings, the same shall not affect any other section or provision of this ordinance, except insofar as the section or provisions so held invalid shall be inseparable from the remainder of any such section or provision.
- B. Should any portion of the Borough of Wharton Code, any ordinance, or any part of an ordinance be inconsistent with this Ordinance, same are hereby repealed.

First Reading: September 11, 2017

Second Reading: September 25, 2017

ATTEST:

Gabrielle Evangelista,
Borough Clerk

BOROUGH OF WHARTON

**WILLIAM J. CHEGWIDDEN,
MAYOR**