

ORDINANCE NO. 2213

**AN ORDINANCE AMENDING CHAPTER 135 OF THE CODE
OF THE BOROUGH OF ROSELLE PARK REGARDING
LIVERY, LIMOUSINES/SHUTTLE BUS**

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that Chapter 135 of the Borough Code is hereby amended in its entirety as follows:

SECTION I.

§135-1 Definitions. As used in this chapter, the following terms will have the meanings indicated:

DRIVER – Any individual, regardless of status, who drives a licensees limousine or shuttle bus for the purposes of carrying passenger(s) for hire.

LIMOUSINE – Any motor vehicle used in the business of carrying passengers for hire to provide prearranged passenger transportation at a fare on a dedicated, non-scheduled charter basis, that is not conducted on a regular route, with a seating capacity of not more than 14 passengers (not including the driver). Nothing in this chapter shall be construed to include taxicabs or buses, employed solely in transporting school children or teachers or autobuses which are subject to the jurisdiction of the Department of Transportation, or interstate autobuses, regulated by the federal or state government.

LIVERY SERVICE – The business of carrying passengers for hire by limousine or shuttle bus.

PERSON – Any individual, corporation, partnership, proprietorship, limited liability company, association or joint stock company, their lessees, trustees, assigns or receivers appointed by any court competent jurisdiction.

SHUTTLE BUS – Any motor vehicle use d in the business of carrying passengers for hire to provide a prearranged passenger transportation at a fare on a dedicated, non-scheduled chartered basis, that is not conducted on a regular route, with a seating capacity of no less than fifteen (15) no more than twenty-four (24) passengers (not including the driver). Nothing in this chapter shall be construed to include taxicabs or buses, employed solely in transporting school children or teachers or autobuses which are subject to the jurisdiction of the Department of Transportation, or interstate autobuses, regulated by the federal or state government.

STREET – Includes any street, avenue, park, parkway, highway or other public place.

§135-2 License requirements. No person shall carry on the business of transporting passengers for hire in limousines or shuttle buses in the Borough without first obtaining a livery license.

§135-3 Application for License. Each application for a livery license required by §135-2 shall be filed with the Borough Clerk, accompanied by the fee prescribed in §135-6 of this Article.

§135-4 Issuance of license.

- A. Each application for any license set forth in §135-2 shall be referred to the Chief of Police, who shall investigate the applicant and make his recommendation with respect to the granting or rejection of the application.
- B. The Borough Clerk may not issue any livery license until the application had been approved by the Borough Council, after favorable recommendation by the Chief of Police.
- C. No livery license shall be issued until and unless the applicant has complied with the provisions of N.J.S.A. 48:16-1 et seq. and N.J.S.A. 48:22.3 et seq., with respect to proof of insurance and delivery of power of attorney.
- D. Upon the filing of the required insurance policy or bond, and the approval by the Mayor & Council with the approval of the Chief of Police, the Borough Clerk shall issue a limousine license, in duplicate, showing that the owner of the limousine has complied with the terms and provisions of N.J.S.A. 48:16-1 et seq. and N.J.S.A. 22.3 et seq. The license shall be in the form prescribed by N.J.S.A. 48:16-6.

§135-5 Term of license. All licenses issued pursuant to the provisions of this article shall expire on December 31 next after the date of issuance.

§135-6 Fees.

- A. Licensed vehicle.
 - (1) The fee for each vehicle licensed as a limousine shall be \$50.00.
 - (2) The fee for each vehicle licensed as a shuttle bus shall be \$50.00.

§135-7 Application for license.

- A. Each application for a livery driver's license required by §135-2 shall be submitted to the Borough Clerk of forms provided by the Borough.
- B. Each application shall be accompanied by:
 - (1) Affidavits of two reputable persons who have known the applicant and have observed his character for more than a year.
 - (2) Two identification photograph, size one inch by one inch, of the head and shoulders of the applicant.
 - (3) The following information for all drivers:
 - (a) Name
 - (b) Address

- (c) Social Security Number
- (d) Driver's License (enclose photocopy)
- (e) Telephone Number
- (f) E-mail address
- (4) Authorization/waiver permitting the Police Department to verify the motor vehicle and criminal records signed by the applicant and all of its drivers.

§135-8 Qualification of applicants. All livery licensees, applicants for license and drivers for any licensee shall meet the following qualifications:

- A. Not less than 21 years of age.
- B. Of sound physique, with good eyesight and not subject to epilepsy, vertigo, heart trouble or any other disease or deformity of body or mind which might render him unfit for the safe operation of a limousine.
- C. Of good moral character.
- D. Able to read and write the English language.
- E. Clean in dress and person.
- F. Not addicted to the use of intoxicating liquors, habit forming narcotics or other drugs.
- G. Not had his or her driver's license revoked by New Jersey or any other State in the preceding ten (10) years.
- H. Is not charged with more than nine (9) motor vehicle points under the Division of Motor Vehicles/Motor Vehicle Commission, motor vehicle point system.
- I. Complied with N.J.S.A. 48:16-1 et seq. and N.J.S.A. 48:22.3 et seq.

§135.9 Investigations.

- A. The Borough Clerk may not issue any livery license unless and until the applicant shall first be investigated, the granting of the application has been recommended by the Chief of Police, and approved by the Mayor and Council, and the appropriate license fee prescribed by §135-5 has been received.
- B. As part of the investigation referred to in Subsection A, the applicant and its driver shall be fingerprinted and photographed by the Police Department.

§135-10 Renewal of license.

- A. Each application for a livery license renewal shall be submitted to the Borough Clerk on forms provided by the Borough.
- B. Applications for renewal of limousine licenses are subject to provisions of §135-8 A through I.

§135-11 Limit on Licenses Issued.

- A. There shall be no more than 20 limousine licenses issued or in effect at one time.
- B. There shall be no more than 3 shuttle bus licenses issued or in effect at one time.

§135-12 Violations and Penalties; Revocation.

- A. Any person or persons, firms, corporations or other organizations found to be in violation of any of the provisions of this Chapter shall, upon conviction thereof in Municipal Court and in addition to the penalties provided by N.J.S.A. 48:16-11, pay a fine not exceeding five hundred dollars (\$500) or imprisonment for a term not exceeding ninety (90) days, or both. Each day a violation of this Chapter continues shall constitute a separate offense.
- B. In addition to such penalties as aforesaid, every license granted in pursuance to this Article may be revoked by the Borough Clerk upon evidence of failure to comply with any provision of N.J.S.A. 48:16-13 et seq.

SECTION II. All ordinances and parts of ordinances inconsistent with the terms hereof are repealed to the extent of such inconsistency.

SECTION III. This ordinance shall take effect at the time and in the manner prescribed by law.

Introduced: June 21, 2007

Adopted:

Mayor

Attest: _____
Borough Clerk