

**BOROUGH OF WESTWOOD
NOTICE**

NOTICE IS HEREBY GIVEN that Ordinance #13-10 was introduced and passed on first reading on regular meeting of the Mayor and Council on the 16th day of April, 2013, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 21st day of May, 2013 at 8:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Karen Hughes, Borough Clerk
Borough of Westwood

**ORDINANCE NO. 13 – 10
AN ORDINANCE REPEALING CHAPTER 337, TAXICABS AND
LIMOUSINES, AND CREATING CHAPTER 337, TAXICABS**

BE IT ORDAINED that the Mayor and Council of the Borough of Westwood hereby repeal Chapter 337, Taxicabs and Limousines, in its entirety; and

BE IT ORDAINED that the Mayor and Council of the Borough of Westwood hereby create Chapter 337, Taxicabs, as follows:

§ 337-1 License required; compliance with statute.

No taxicab shall be operated and based within the Borough of Westwood, Bergen County, New Jersey, for the transportation of passengers for hire until the same shall have complied with all of the provisions of N.J.S.A. 48:16-1 et seq., nor until such owner shall have been licensed in accordance with the following provisions of this chapter, such license to be known as a "taxicab owner's license."

§ 337-2 Definitions

CRUISING – The practice of driving about the city streets with a taxicab so as to solicit passengers or to bring the presence of the taxicab to the attention of prospective passengers. A taxicab driving along the streets of the Borough for any purpose other than transporting a passenger going to a definite destination by the most direct route in response to a call for a taxicab by a prospective passenger, or returning by the most direct route to the taxicab's home terminus after discharging a passenger or going to or from the terminus to the driver's home by the most direct route shall be prima facie evidence of "cruising."

DRIVER – Any person, corporation, or association in whose name title to any taxicab is registered with the New Jersey Department of Motor Vehicles, or who appears in such records to be the conditional vendee or lessee thereof.

OPERATION OF A TAXICAB – Consists of transporting in such taxicab one or more persons for hire along any of the streets of this Borough. Accepting a passenger to be transported for hire within this Borough or from a point within this Borough to a point outside of the Borough limits or discharging a

passenger transported for hire from a point outside of the Borough limits to a point within the Borough limits shall be deemed to be operation of a taxicab within the meaning thereof. Notwithstanding anything to the contrary contained herein, taxicabs licensed in other jurisdictions may pick up or discharge passengers at a residential or commercial location within the Borough, provided that any passenger has made previous arrangement for such a trip. Taxicabs not licensed by the Borough shall be specifically prohibited from picking up fares unless they have been prearranged. The operation of a taxicab in any of the above described manners by one other than the owner shall be deemed operation by the owner thereof as well as by the person actually driving the same. The transportation of any person other than the owner or driver in any motor vehicle bearing sign therein or thereon using the words “taxi,” “taxicab,” “cab” or “hack” shall be prima facie evidence of operation.

OWNER – An individual, family i.e., related by blood or marriage to the third degree of consanguinity), partnership, joint venture, union, entity, limited liability company or corporation, licensed by the Borough to own and operate a taxicab. As of the effective date of this article, no owner shall be issued or possess more than one license. The Borough shall issue not more than 3 taxicab owner’s licenses, 2 of which licenses shall be considered a new license and subject to auction pursuant to NJSA 48:16-2.1 et seq.

TAXICAB – any automobile or motor car, 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 particularly accepts and discharges such persons as may offer themselves for transportation from points or places to points or places within or without the Borough.

§337-3 Classes of licenses

There are hereby established three classes of taxicab licenses to be known as “taxicab owner’s license,” “taxicab vehicle license,” and “taxicab driver’s license,” respectively.

A. Taxicab Owners Business License

(1) A taxicab owner’s license shall entitle the holder thereof to engage in the business of operating a maximum of 15 taxicabs with the Borough, pursuant to the provisions set forth herein, until the license either expires or is surrendered, suspended or revoked and said license shall not be transferable without the approval of the Mayor and Council.

B. Taxicab Vehicle License

(1) A taxicab vehicle license shall entitle the taxicab therein described to be operated in the Borough by a driver duly licensed by the State of New Jersey and the Borough of Westwood.

(2) A taxicab vehicle license shall only be issued for vehicles operated under the auspices of a taxicab business duly licensed by the Borough of Westwood.

C. Taxicab Driver’s License

A taxicab driver’s license shall entitle the person named therein to operate within this Borough any taxicab duly licensed hereunder.

§337-4 License term; expiration

A. The licensing term for any license issued under this chapter shall be from May 1 of the current year through April 30 of the following year unless sooner surrendered, suspended or revoked.

B. Notification of the need to renew a taxicab license shall be sent to the owners of all taxicab licenses by the Borough Clerk approximately 30 days prior to the expiration date of all taxicab licenses. If the license is not renewed within 15 days after the expiration date, a second and final notice shall be

sent notifying the owner of the Borough's intention to deem abandoned and revoked any and all licenses which have not been renewed within 30 days after the expiration date.

- C. Any license issued pursuant to the terms of this chapter may not be automatically renewed. Each licensee must show proof of compliance with this chapter when submitting an application for either a new license or yearly renewal of an existing license.

§337-5 Application for taxicab owners business license

- A. No taxicab company owner's license shall be issued for any taxicab company under the provisions of this chapter to any natural person unless such person is at least 21 years of age, a citizen of the United States of America, a resident of the County of Bergen for at least 30 days next preceding the filing of his application for such license, nor until he shall have filed with the Borough an application addressed to the Mayor and Council, which application shall include:

1. The full name and address of the owner. If the owner is a corporation or partnership said application shall also contain the full names and addresses of all the officers or partners respectively. Any and every change of address of the owner(s) shall be reported to the Borough Clerk within three days after such change.
2. The address of the business office, which shall therein have a telephone operating.
3. A copy of the certificate of occupancy for the business office as approved by the Zoning Officer.
4. Insurance **policy** for all vehicles employed by the taxicab company, by an insurer licensed to transact business under the insurance laws of the State of New Jersey, in accordance with §337-8.
5. Power of Attorney showing Borough Clerk
6. List of all vehicles owned and/or operated under the taxicab company, including the make/model, VIN#, and license plate #.
7. List of all drivers, including a copy of each driver's New Jersey driver's license and Borough of Westwood taxi driver's license
8. Proof of off-street parking for all vehicles. Said proofs must be approved in writing by the Zoning Officer. All vehicles must be garaged in accordance with 195-130.I(13).

- B. No taxicab company owner's license shall be issued to any corporation unless each stockholder, director, officer and manager of such corporation qualifies in all respects as an individual applicant for such license.

- C. If, at any time during the period for which such license is issued, any stock of such corporation is transferred or any new director is employed, then such new transferee, officer, director or manager shall meet all of the requirements of any individual application for such owner's license before such license shall continue in effect.

- D. Every application shall be accompanied by the fee for such license as hereinafter provided.

- E. Nothing herein shall supersede any zoning regulation

§337-6 Application for taxicab vehicle license

- A. All applications for the issuance or renewal of a taxicab vehicle license shall be made in writing and shall contain at a minimum:
1. the full name and address of the owner;
 2. the VIN number, make, model, year and color of the vehicle;
 3. the number of persons it is capable of carrying;

4. Insurance **policy** for the vehicle, by an insurer licensed to transact business under the insurance laws of the State of New Jersey, in accordance with §337-8;
5. Vehicle registration;
6. Location where the vehicle shall be parked and/or stored;
7. Date of last inspection by New Jersey Division of Motor Vehicles
8. Certification of annual meter inspection by manufacturer dated within 90 days of yearly renewal

B. Every application shall be accompanied by the fee for such license and Police Department inspection as hereinafter provided.

C. Every vehicle shall be subject to inspection by the Westwood Police Department to confirm that said vehicle is clean and in good repair, and conforms to the requirements as enumerated in §337 – 10.

D. A taxicab vehicle license shall not be issued unless a taxicab business owners license has been approved for the individual or corporation operating the vehicle.

§337-7 Application for taxicab driver's license

A. All applicants for the issuance of a taxicab vehicle license must be at least 21 years of age and hold a New Jersey driver's license valid for at least 12 consecutive months prior to the date of application.

B. Initial application shall be made in writing and shall include at a minimum:

1. full name and address
2. a photograph of the applicant taken within 12 months prior to the date of the application
3. Copy of a valid New Jersey driver's license

C. Each initial applicant must submit to the performance of a criminal history record background check. The cost for fingerprinting and background check shall be borne by the applicant or taxicab business owner. The applicant shall be disqualified from operating or driving a taxicab if the criminal history background check reveals a record of conviction of any of the following crimes: aggravated assault; arson; burglary; DWI, escape; extortion; homicide; kidnapping; robbery; aggravated sexual assault; sexual assault; endangering the welfare of a child pursuant to NJSA 2C:24-4; a crime pursuant to NJSA 2C:39-3, 2C:39-4 or 2C:39-9; or other than a disorderly persons or petty disorderly persons offence for the unlawful use, or possession of a controlled substance as defined in NJSA 2C:35-2.

D. Renewal application for a taxicab driver's license shall include:

1. full name and address
2. copy of valid New Jersey driver's license
3. copy of current Borough of Westwood taxicab driver's license
4. Annual driver's abstract from the NJDMV for the proceeding 12 months.

§337-8 Insurance requirements; power of attorney

A. Insurance Requirements

Every applicant for a taxicab owner's license and/or taxicab vehicle license shall submit an insurance policy (NOT Accord Certificate) in accordance with NJSA 48:16-14 16-15, with premium paid, covering all vehicles to be licensed, except that the amount of such policy shall be in the sum of at least \$500,000 against loss from liability imposed by law upon said owner for damage on account of bodily injury or death suffered by one person as the result of an accident occurring by reason of the ownership, maintenance or use of such vehicle; and in the sum of at least \$1,000,000 against loss from liability imposed upon said owner for damage on account of bodily injury or death suffered by more than one person as the result of an accident occurring by reason of the ownership, maintenance, or use of such vehicle; and in the sum of at least \$50,000 against loss from liability imposed by law upon said owner for property damage suffered by any person as the result of an

accident occurring by reason of the ownership, maintenance, or use of such vehicle. Such taxicab insurance shall remain in full force and effect for the full amounts as herein provided. The Borough of Westwood shall be listed as an additional insured.

B. Power of Attorney

Concurrently with the filing of the insurance policy shall be filed a power of attorney wherein and whereby the owner shall appoint the Borough Clerk 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 filed in accordance with NJSA 48:16-16.

§337-9 Proof of filing with Clerk for Motor Vehicle registration purposes

Upon receipt of a completed application form, valid insurance policy, and applicable fee, the Borough Clerk may issue a letter to the Division of Motor Vehicle for the purposes of registering the vehicle in the State of New Jersey pursuant to NJSA 48:16-17. Said letter is for registration purposes only and does not imply that the Westwood licensing process is complete. Applicants must allow three business days from submittal for the issuance of the letter for registration purposes.

§337-10 Vehicle inspection; equipment

- A. All taxicabs shall be inspected annually, or more often if the Mayor and Council so requires by resolution. In addition, any police officer may inspect any taxicab at any reasonable time to determine if it is in clean, sanitary operating condition and equipped with the equipment required herein, in good operating order.
- B. All vehicles to be licensed, used or operated for the carrying of passengers within the scope of this article shall be lawfully licensed sedans, mini-vans or sport utility vehicles (SUVs) with a minimum of three doors and, where applicable, a trunk lid, at least two of which shall be for the exclusive use of the passengers. The vehicles shall at all times be kept clean and in good repair and in a safe operating condition. Each vehicle shall be equipped with an interior ceiling light which shall be activated upon pickup and discharge of passengers.
- C. Any taxicab which fails to pass inspection shall be immediately taken out of service and shall not be operated again within the Borough until the defects which led to its rejection are corrected. In the case of minor defects which do not constitute an immediate danger to the health or safety of the public, the taxicab may continue to be operated for a period of one week, at the end of which time it shall be reinspected. If the defect has not by then been corrected, the vehicle shall immediately be taken out of service and remain out of service until the defect is corrected.
- D. Equipment required
1. a two way communication system, which requirement may be satisfied by a mobile telephone;
 2. Removable first aid kit, which shall be place din an accessible place within the vehicle;
 3. Operable fire extinguisher, which shall be place din an accessible place within the vehicle;
 4. Sideboards attached to the permanent body construction of the vehicle if the height of the vehicle floor is 10 inches or move above ground level
 5. Child safety seat as defined in §337- 16
 6. Taximeter as defined in 337-14
- E. Mechanical and Operating Condition
- Pursuant to NJSA 48:16-22.2b, yearly inspection of a taxicab vehicle is required and shall be performed by the Westwood Police Department. The fee for said inspection shall be \$25, which fee shall be submitted with the vehicle license application. The inspection shall include, at a minimum,

the examination of: brakes, exhaust system, tires, front and rear lights; interior dome light; fan belts/other engine belts; windows; wipers; defroster/heat; cleanliness of vehicle; taximeter seals.

§337-11 License fees

- A. The fee for a taxicab owner's business license shall be \$50.
- B. The fee for each taxicab vehicle license shall be \$25.
- C. In the event that a taxicab license is applied for and issued subsequent to November 1 in any year, the fee for such license shall be ½ of the amount as set forth in this section.
- D. The fee for the inspection of a taxicab as defined in §337-10 shall be \$25 per vehicle.
- E. Fees for reinspection of vehicles or resubmittal of documents shall be as follows:
 - (1) In the event any motor vehicle shall fail the initial physical inspection by the Chief of Police or his designee, there shall be a reinspection fee of \$25 for each vehicle.
 - (2) Proof of insurance to be submitted hereunder shall be an insurance policy, not ACORD certificate. The Borough of Westwood shall be listed as an additional insured on said policy. In the event any policy is found to be nonconforming, there shall be a resubmittal fee of \$20.
- F. The fee for a taxi driver's license shall be \$25, plus the cost of the initial background check.

§337-12 Display of licenses; contents

A. Taxicab Business Owner's License

A taxicab business owner's license shall at all times be openly and conspicuously exhibited in the primary place of business. Copies of the taxicab vehicle licenses shall be available for inspection at the primary place of business all times. Copies of the taxicab driver licenses for each driver employed by the business shall be available for inspection in the primary place of business at all times.

B. Taxicab Vehicle License

A taxicab vehicle license shall at all times be openly and conspicuously exhibited in the vehicle. It shall include the name of the insurance company, the number and date of expiration of the policy, the VIN#, year, make and model of the vehicle. Pursuant to NJSA 48:16-2.4, the owner of a taxicab 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 taxicab shall display on each rear door of the taxicab the name of the municipality or municipalities which has issued the taxicab a taxi license in letters three inches in height.

C. Taxicab Driver License

Each applicant granted a taxicab driver's license shall be issued a license card in evidence thereof in a form approved by Borough Council and signed by the Borough Clerk in its behalf. Such license card shall at all times be prominently displayed and adequately protected in the interior of any taxicab operated by the licensee so that the face thereof shall be at all times in full view of and plainly legible to any passenger seated on the rear seat of such taxicab; and the license card shall at all times be and remain the property of the Borough and on direction of the Borough Council shall at once be surrendered to the Borough Clerk.

§337-13 Meters

- A. Each and every public taxicab operating in the Borough shall have installed therein a taximeter or the equivalent thereof of standard make, by which the fare or charge for hire of such taxicab is mechanically and accurately calculated and registered and on which taximeter such charge is plainly indicated. Such taximeter is to be so laced in the taxicab that the charge thereof may be plainly seen by the passengers.
- B. No person shall use or permit to be used upon any taxicab a taximeter which shall be in such a condition as to be over 5% incorrect to the prejudice of any passenger.

- C. After sundown the face of every taximeter shall be illuminated by a suitable light so arranged as to throw a continuous steady light thereon, while in operation and carrying a passenger, so that the meter will be clearly discernible and can be read by a passenger in the rear seat.
- D. Such taximeter shall be sealed, and a colored sticker different in color at each inspection shall be placed on the taximeter after inspection.
- E. No person shall use or permit to be used or drive for hire a public taxicab equipped with a taximeter in the case of which is unsealed or the seal of which is broken.
- F. Taximeters on all taxicabs shall be subject to inspection at any time by the Westwood Police Department.

§337-14 Meter and other rates

- A. Every vehicle licensed by the Borough as a taxicab shall have fastened in a conspicuous place therein a printed card showing the rates authorized in figures of not less than ½ inch in height, which card shall bear the license number of such vehicle and also the name of the owner thereof. Any fares charged in excess thereof shall constitute a violation of this article by the driver or owner, or both.
- B. Every driver of a taxicab shall, when requested, give a passenger a receipt for the fare paid.

§ 337-15 Power to issue or reject application for license

The Mayor and Council shall have the sole power to issue licenses hereunder and may reject any applicant for an owner's license who cannot comply with the foregoing requirements.

§337-16 Child passenger restraint system

- A. Adequate provision shall be made for the safe transportation of children up to the age of eight or 80 pounds in weight who are passengers in a taxicab. In the case of a taxicab fleet or mini fleet, such proof shall consist of a written policy and posted notice at the place of operation and in all taxicabs, conspicuous to drivers and passengers, setting forth the following policy, said policy to be strictly enforced by the driver and car owner:
 - (1) Children up to 18 months of age or younger who are passengers in a taxicab shall be placed in a federally approved child restraint rear-facing seat in the rear seat;
 - (2) Children over the age of 18 months but under the age of five must be placed in a federally approved child restraint front-facing car seat if riding in the rear seat of taxicab.
 - (3) Children over the age of five or up to 80 pounds in weight must be placed in a car or booster seat in the rear seat of the licensed vehicle.
 - (4) Children under the age of eight who weigh more than 80 pounds must wear a seat and shoulder belt while riding in the licensed vehicle.
- D. A taxicab fleet or mini fleet must at all times keep and maintain in fleet or mini fleet vehicles or at the base of operation a total number of one safety seat for every four fleet vehicles, which shall at all times be available for use by drivers of the fleet taxicabs. In the case of an individual owner, such proof shall consist of proof that the individual owner keeps and maintains a federally approved car seat in the passenger compartment or trunk at all times.

§337-17 Persons not permitted in driver's compartment

No person other than the licensed driver or a passenger for hire of a taxicab shall ride or sit in the compartment of the taxicab reserved for the driver thereof.

§337-18 Number of passengers permitted

The total number of persons permitted in any taxicab or limousine at any one time shall not exceed the number of persons for which permanent seating capacity is provided in the vehicle as originally designed.

§337-19 Restrictions on solicitation of customers

No person shall solicit customers for transportation in any taxicab in a noisy or offensive manner, nor at any place other than the office of the taxicab owner or at a public taxi stand.

§337-20 Refusal to carry passengers prohibited

No driver of any taxicab which is disengaged shall refuse to carry any orderly person upon the payment of the rate or fare permitted to be charged.

§337-21 Parking and standing restrictions

No taxicab shall be permitted to stand on any street, other than at a taxi stand, except when the same shall be waiting to pick up or discharge a passenger who is presently engaging the use of such taxicab, and the driver of any such vehicle shall remain in, or immediately outside, such vehicle when the same is at any taxi stand, street or public place.

§337-22 Taxi stands designated

The locations described are hereby designated as taxi stands. No vehicle other than a taxi shall be permitted to occupy said locations at any time.

Street	Side	Location
Madison Avenue	East	On the curved driveway to the railroad station in the Veterans Memorial Park, at the north end, a distance of 55 feet along the east curb, starting at a point 35 feet east of the easterly curblines of Madison Avenue and extending east then south along that curb

§337-23 Violations and penalties

Any person, firm, corporation or association who shall violate any of the provision of this chapter shall, in addition to the suspension or revocation of the license as herein provided, be punishable by a fine not exceeding \$200 or imprisonment in the county jail for a term not exceeding 30 days, or both, in the discretion of the Judge who shall hear such violation, and every day that such violation continues shall be deemed and considered to be a separate and distinct offense.

If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

This Ordinance shall take effect immediately upon final passage and publication as required by law.

Adopted: _____

Approved:

Attest:

John Birkner, Jr., Mayor

Karen Hughes, Borough Clerk