

**BOROUGH OF WESTWOOD
NOTICE**

NOTICE IS HEREBY GIVEN that Ordinance #13-11 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 - 11

AN ORDINANCE ESTABLISHING CHAPTER 202, LIMOUSINES

BE IT ORDAINED that the Mayor and Council of the Borough of Westwood hereby create Chapter 202, Limousines, as follows:

§ 202-1 License required; compliance with statute.

No limousine 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. 48:16-13 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 "limousine owner's license."

§ 202-2 Definitions

AUTOCAB – a limousine

LIMOUSINE – means and includes an automobile or motor car used in the business of carrying passengers for hire to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route and with a seating capacity in no event of more than 14 passengers, not including the driver, provided, that such a vehicle shall not have a seating capacity in excess of four passengers, not including the driver, beyond the maximum passenger seating capacity of the vehicle, not including the driver, at the time of manufacture. A limousine shall not include taxicabs, hotel buses, buses employed solely in transporting school children or teachers, vehicles owned and operated directly or indirectly by a business engaged in the practice of mortuary science when that vehicle is used exclusively for providing transportation related to the provision of funeral services, autobuses which are subject to the jurisdiction of the Department of Transportation or interstate autobuses required by federal or state law or regulations of the Department of Transportation to carry insurance against loss from liability imposed by law on account of bodily injury or death..

PERSON – means and includes any individual, copartnership, association, corporation or joint stock company, their lessees, trustees or receivers appointed by any court whatsoever.

PRINCIPAL PLACE OF BUSINESS – means, in reference to a municipality, the location of the main place of business of the limousine service in the municipality where limousine service is conducted, where limousines are dispatched, or where limousine drivers report for duty.

STREET – means and includes any street, avenue, park, parkway, highway, or the public place.

LIMOUSINE OR LIVERY SERVICE – means and includes the business of carrying passengers for hire by limousines.

§202-3 Classes of licenses

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

A. Limousine Owners Business License

(1) A limousine owner’s license shall entitle the holder thereof to engage in the business of operating a maximum of 9 limousines 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. Limousine Vehicle License

(1) A limousine vehicle license shall entitle the limousine therein described to be operated in the Borough by a driver duly licensed by the State of New Jersey DMV pursuant to NJSA 48:15-22a et seq., who has provided a copy of the notice of qualification and a copy of his/her driver’s license to the Borough Clerk.

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

§202-4 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 limousine license shall be sent to the owners of all limousine licenses by the Borough Clerk approximately 30 days prior to the expiration date of all limousine 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.

§202-5 Application for limousine owners business license

No limousine company owner's license shall be issued for any limousine 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. 15-digit Corporation Code issued by MVC.
4. A copy of the certificate of occupancy for the business office as approved by the Zoning Officer.
5. Insurance **policy** for all vehicles employed by the limousine company, by an insurer licensed to transact business under the insurance laws of the State of New Jersey, in accordance with §202-7.
6. Power of Attorney showing Borough Clerk
7. List of all vehicles owned and/or operated under the limousine company, including the make/model, VIN#, and license plate #.
8. List of all drivers licensed by the State of New Jersey to operate a limousine, a copy of each driver's license, and the letter of qualification issued by the State of New Jersey Division of Motor Vehicles for each driver.
9. 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).

No limousine 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.

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.

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

Nothing herein shall supersede any zoning regulation

§202-6 Application for limousine vehicle license

All applications for the issuance or renewal of a limousine 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 §202-7;
5. Vehicle registration;
6. Location where the vehicle shall be parked and/or stored;
7. Copy of Power of attorney submitted to DMV (for each vehicle)
8. Checklist for general examination of limousine condition prior to commencement of operation for the day, as required under NJSA 48:16-22.2a
9. Date of last inspection by New Jersey Division of Motor Vehicles

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

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 §202 - 9.

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

§202-7 Insurance requirements; power of attorney

A. Insurance Requirements

Every applicant for a limousine owner's license and/or limousine 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 limousine 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.

§202-8 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.

§202-9 Vehicle Inspection Requirements

All vehicles will be inspected yearly by the Westwood Police Department as part of the licensing process.

A. Equipment required

1. Pursuant to NJSA 48:16-22.1, limousines must be equipped with a two way communication system, which at a minimum shall provide for communication to a person outside the vehicle for a distance of not less than 100 miles and 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 §202-12

B. Mechanical and Operating Condition

Pursuant to NJSA 48:16-22.2b, yearly inspection of a limousine 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:

1. Brakes
2. Exhaust system
3. Tires
4. Front and rear lights
5. Fan belts/other engine belts
6. Cleanliness of vehicle

§202-10 License fees

- A. The fee for a limousine owner's business license shall be \$50.
- B. The fee for each limousine vehicle license shall be \$10.
- C. In the event that a limousine 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 limousine as defined in §202-9 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.

§202-11 Display of licenses; contents

- A. Limousine Business Owner's License
A limousine business owner's license shall at all times be openly and conspicuously exhibited in the primary place of business. Copies of the limousine vehicle licenses shall be available for inspection at all times.
- B. Limousine Vehicle License
A limousine 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.

§ 202-12 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 or vehicle license who cannot comply with the foregoing requirements. The Mayor and Council may, at their discretion, may, after notice and hearing, if requested, revoke or suspend a license:

- A. Any license of any class if the owner or applicant has been once convicted of a crime in this or any other jurisdiction of being a disorderly person, or to have committed a crime as defined under the laws of New Jersey, or of a serious violation of Title 39, Motor Vehicles and Traffic Regulation, of the Revised Statutes of New Jersey, or who has been dishonorably discharged from the armed forces of the United States of America, or who violated any provision of this article or has any judgment unsatisfied of record against him arising out of an automobile accident, or who has made false or evasive or incomplete answers in his application for such license or any renewal thereof, or who has failed or fails to render reasonably prompt, safe, courteous, and adequate limousine service, or who has not complied fully with all requirements of this article for such class of license or who does not possess good moral character;

- B. Any limousine vehicle license if the motor vehicle licenses or to be licensed, by reason of unsafe or unsanitary conditions, is dangerous to the safety or health of the occupants or others, or if the policy of insurance or power of attorney has not been furnished or kept in force, or if terms or conditions imposed by the Borough Council or any law of this state have not been met.
- C. Hearing. An owner or application who will, in writing, request a hearing hereunder, not later than 10 days after a denial of a license, or suspension or revocation thereof, be advised of the date, time and location of a scheduled hearing either in the summons, which also shall briefly describe the alleged violation and the rule claimed to have been violated, in a separate notice of hearing or in the written charges and specifications, at least 15 days prior to the date of the hearing.
- D. If the owner or applicant wishes to plead not guilty to a summons which requires his/her personal appearance, he/she must appear at the hearing with his/her rate card and any relevant documents or evidence. If the owner or applicant is a partnership, family, union, entity or joint venture, any principal may appear on its behalf, and if the owner is a corporation, any officer thereof may appear. At the hearing, the owner or applicant may be represented by an attorney.

§202-13 Operation regulation

- A. Drivers of limousines shall not receive or discharge passengers in the roadway, but shall pull up to the right-hand sidewalk or as nearly as possible thereto, or in the absence of a sidewalk, to the extreme right-hand side of the road, and there receive or discharge passengers, except upon one-way streets where passengers may be discharged on either the right- or left-hand sidewalk or at the side of the roadway in the absence of a sidewalk.
- B. No limousine shall be operated about the streets of the Borough so as to solicit passengers or to bring the presence of the limousine to the attention of prospective passengers.
- C. 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 limousine. In the case of a limousine fleet or mini fleet, such proof shall consist of a written policy and posted notice at the place of operation and in all limousines, 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 limousine 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 limousine.
 - (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 limousine 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 limousines. 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.

§202-14 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