

10-14 TAXICABS.

10-14.1 Definitions.

As used in this section:

Applicant shall mean an individual over eighteen (18) years of age who seeks to be licensed as a **taxicab** owner and/or driver with a valid New Jersey driver's license applying in compliance with the terms of this section.

Driver shall mean any person licensed by the New Jersey Motor Vehicle Commission to operate within the State of New Jersey who drives a registered **taxicab** within the Borough of Avalon.

Licensing Clerk shall mean the individual who is designated to accept applications for licensing and to issue licenses in accordance with this section.

Operation of a Taxicab shall mean and consist of transporting one (1) or more persons for hire in a **taxicab**. Accepting a passenger to be transported for hire from a point of departure within the Borough to a designation within or out of the Borough shall be considered operation of a **taxicab** within the Borough. Such term shall not include accepting a passenger from outside the Borough to be transported to a destination within the Borough. The transportation of any person other than the owner or driver in any motor vehicle bearing a designation using the words "taxi," "**taxicab**" or "cab" shall be prima facie evidence of operation.

Owner shall mean any person in whose name title to any **taxicab** is registered with the New Jersey Motor Vehicle Commission, or who appears in the Commission's records, or otherwise, to be a conditional vendee or lessee of such motor vehicle or who has any other proprietary interest in a **taxicab**. Such term shall include an individual, sole proprietorship, partnership, limited partnership, corporation or limited liability company.

Taxicab, Taxi or Cab shall mean a motor vehicle used to transport passengers for hire, by the day or hour, except for those that operate over a fixed route, make public deliveries or are public conveyances as by law are exclusively subject to State and/or Federal regulation.

(Ord. No. 636-2010 § 1)

10-14.2 Owner's License and Driver's License Required; Issuing Authority.

No person shall operate a **taxicab** within the Borough unless both the owner and the driver of the **taxicab** are licensed pursuant to this section. The Borough Council shall be the Issuing Authority of all such licenses. A separate license shall be required for each owner and each driver. (Ord. No. 636-2010 § 2)

10-14.3 Licensing of Taxicab Owners; Procedures.

a. *Application Information.* An application for a **taxicab** owner's license shall be filed with the Licensing Clerk of the Borough upon forms provided by the Borough for that purpose. The application shall require disclosure of the following information:

1. Name, address and date of birth of the applicant.

(a) If the applicant is a corporation, its name, address of its principal place of business and the name and address of its registered agent must be supplied. In addition, a copy of the Certificate of Incorporation shall be filed with the application.

(b) If the applicant is a limited liability company, its name, address of all members and address of the registered agent shall be submitted in addition to a copy of the Certificate of Formation of the limited liability company and a current Operating Agreement.

(c) If the applicant is a partnership, the same information required of an individual applicant shall be required for each of the partners.

2. The applicant will cooperate with any agency authorized by the Borough of Avalon to complete a background check of the applicant, including any history of commission or violation of any criminal or quasi-criminal statutes, including but not limited to, traffic laws and municipal ordinances.

(a) In the event that the applicant is a corporation, the background investigation shall include all officers of the corporation and, if practical, the shareholders.

(b) In the event that the applicant is a limited liability company, such background investigation shall include all members.

(c) In the event that the applicant is a partnership, such investigation shall be required with respect to each of the partners, whether full partners or limited partners.

3. The number of vehicles to be operated or controlled by the applicant and the address of the principal place of business and the telephone number. The application shall also describe the make, model, year, and Vehicle Identification Number (VIN) of each vehicle that is to be operated as a **taxicab**.

4. The previous experience of the applicant in the transportation of passengers for hire, including the name of any other state or municipality where the applicant has ever been licensed, or is currently licensed, to operate a **taxicab** and whether said license was ever suspended or revoked or whether an application for the issuance for renewal of a license was ever denied and the reasons for the denial, suspension or revocation.

5. The names and address of three (3) individuals who are not members of the applicant's immediate family, who can verify the applicant's good character and business and financial responsibility to operate a **taxicab**.

6. Any other facts that the applicant believes would have any effect on the decision to grant or deny the license applied for.

7. A description of the insignia to be placed upon the **taxicab**, as defined in this section, the location of such insignia and an identification of all other permanent markings that are to be affixed to the motor vehicle designating the same as a **taxicab**. An applicant may aid in this requirement by submitting, with the application, a color photograph of each vehicle to be used as a **taxicab**.

8. The names and addresses of all drivers (other than owners).

9. Any other information which the Borough Council may prescribe.

b. *Applications to be Verified.* All applications shall be verified by oath or affirmation. Applications by a partnership shall be verified by all partners, applications by a corporation shall be verified by the president or vice-president and applications by a limited liability company shall be verified by any member.

c. *Procedure.* Once an application is complete, and the nonrefundable application fee defined in this section is paid, the Licensing Clerk shall transmit the completed application to the Chief of Police, or the approved agency for investigations responsible for the conduct of investigations for each applicant, to be submitted to the Police when completed.

(Ord. No. 636-2010 § 3; Ord. No. 666-2012)

10-14.4 Licensing of Taxicab Drivers.

All taxicab drivers shall be licensed in accordance with this section by filing an application with the Licensing Clerk on forms provided by the Borough of Avalon and complying with the background check procedures set forth in this section. Upon receiving an approval, the taxi driver license card will be issued as set forth in this section. (Ord. No. 636-2010 § 4)

10-14.5 Investigation of Owner Applicant(s) and Driver(s) Applicant(s).

a. The holder of a license covering a licensed vehicle and a licensed driver hereof shall be responsible for any violations of this section and of the laws of the State of New Jersey. Every licensed driver is the agent, servant and employee of the holder of the license of the vehicle being operated by the licensed driver.

b. The Chief of Police or his designee, or investigating agency shall be responsible for the conduct of an investigation into each applicant for an owner's or driver's taxicab license. Each such applicant shall submit to fingerprinting by the investigating agency. The investigation shall concern all matters stated in the application and shall determine whether the applicant for such license has any criminal record and if so the circumstances of such record including the date, place of such conviction and the nature of the conviction. A report containing the results of such investigation together with the recommendations by the Chief of Police as to whether such license should be granted or denied supported by the reason(s) for such recommendation shall be forwarded to the Licensing Clerk who shall in turn make such report available to the individual members of Borough Council. A copy of the report shall also be sent to the applicant.

(Ord. No. 636-2011 § 5)

10-14.6 Authorization to Release Information.

As a condition of conducting the investigation referred to in this section, each applicant, by submitting an application for a taxi owner's license or taxi driver's license, authorizes the Chief of Police and the Avalon Police Department to release the results of such investigation to the Borough Council, Mayor, Business Administrator, Borough Clerk, Code Enforcement Officer, Borough Solicitor and Licensing Clerk. No such investigation shall be undertaken without such written authorization by the applicant. (Ord. No. 636-2010 § 6)

10-14.7 Issuance of License; Time for Action on Application.

The Borough Council shall, by resolution, act upon the owner's license application within thirty (30) days of the receipt of the investigation report from the Chief of Police. If the Chief of Police recommends granting the license and if the report discloses no reason which would justify denying the license, the Borough Council may proceed to issue the license without a hearing as defined in this section. The applicant owner shall pay the applicable fees to be collected by the Licensing Clerk upon the issuance of the license to the applicant owner. (Ord. No. 636-2010 § 7)

10-14.8 Hearing Required under Certain Circumstances.

If the recommendation of the Chief of Police is to deny the license, or if Borough Council is satisfied that there are reasons which would justify the denial of the issuance of the license separate and apart from the recommendation of the Chief of Police, the applicant owner shall be granted a hearing before Borough Council prior to final

determination. The applicant owner shall receive notification of the date and time for such hearing which shall be scheduled within such thirty (30) days from the denial date and such hearing shall be commenced and concluded within the immediately succeeding thirty (30) days. If the applicant owner refuses the opportunity to appear for a hearing, then Borough Council shall proceed to grant or deny the license in the exercise of its discretion. (Ord. No. 636-2010 § 8)

10-14.9 Substitution of Vehicles or Drivers.

a. An owner may be permitted to substitute a vehicle or driver in the place of the duly licensed vehicle or driver provided, however, written notice of substitution of the vehicle or driver shall have first been filed with the Licensing Clerk and approval given by the Licensing Clerk, which written notice shall consist of the following:

1. The Borough license number of the vehicle is replaced;
2. The time and date of replacement;
3. Reasons for replacement;
4. The insurance coverage of the vehicle substituted;

5. In case of a substituted driver, his/her **taxicab** driver license card issued by the Code Enforcement Officer of the Borough of Avalon.

b. If such substitution is approved for a vehicle, the Borough issued identification number shall then be identified with the vehicle.

(Ord. No. 636-2010 § 9)

10-14.10 License Term; Fees; Renewal.

a. *Initial License Term.* The initial term of a **taxicab** owner's license shall be from June 1, 2010 through December 31, 2011.

b. *License Term.* After the first term, all licenses shall be issued from January 1st through December 31st.

c. *Taxi License Term.* A **taxicab** owner's license shall be valid for the remainder of the calendar year in which it is issued.

d. *Fees.* The annual license fee for an owner's license shall be fifty (\$50.00) dollars per vehicle. The nonrefundable application fee for initial application and all subsequent renewals shall be ten (\$10.00) dollars per application for applicant owner. The annual taxi driver license fee for each driver shall be thirty-five (\$35.00) dollars per year or fraction thereof. These license fees may be amended by resolution of the Governing Body.

e. *Renewal.* A renewal license may be issued upon the applicant owner and applicant driver completing and filing renewal applications and verifying by oath or affirmation that there have been no changes in the information contained in the issuance of the initial applications and that they have continued to comply with all laws of the State of New Jersey relating to the operation of taxicabs and is not in violation of any provision of this section. A criminal records check shall be required on renewals of owners and drivers. Renewal applications of owners will not require approval by Borough Council.

(Ord. No. 636-2010 § 10)

10-14.11 Transferring of Ownership of License.

No ownership of a license shall be transferred unless an application for permission to transfer shall have been made to the Licensing Clerk of the Borough of Avalon, a transfer fee of twenty-five (\$25.00) dollars is paid to the Borough of Avalon and approval of such transfer first obtained from Borough Council. (Ord. No. 636-2010 § 11)

10-14.12 Physical Examination of Owners or Drivers.

Each owner and driver seeking to be licensed to operate or drive a **taxicab** shall produce a statement from a physician licensed to practice medicine in the State of New Jersey, said certificate shall attest that the person driving the **taxicab** does not suffer from any vision or hearing impairment or from any other mental or physical condition which would interfere with his ability to operate a **taxicab** in a safe and effective manner. Such certificate shall be dated within ninety (90) days of the initial application or any renewal application. (Ord. No. 636-2010 § 12)

10-14.13 Display of Taxi Driver's License Card.

The taxi driver's license card issued to a taxi driver shall be issued by the Code Enforcement Officer of the Borough of Avalon after the applicant driver has successfully completed the approval process. The taxi driver's 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 and plainly legible to any passenger seated in the rear seat of such **taxicab**. The taxi driver's license card shall at all times be, and remain, the property of the Borough of Avalon. No taxi driver's license card, other than that of the person actually operating the **taxicab** at the time, shall be displayed therein. (Ord. No. 636-2010 § 13)

10-14.14 Identification of Taxicabs.

Each motor vehicle operating as a **taxicab** in the Borough of Avalon shall have permanently affixed a permanent insignia designating such motor vehicle as a **taxicab**. The insignia shall be located on the rear bumper. (Ord. No. 636-2010 § 14)

10-14.15 Fares.

The Borough Council reserves the right to establish by resolution the maximum fares for taxi service provided within the Borough of Avalon. Initially, no provision will be made in this section to set maximum fares. Every **taxicab** shall have displayed in it, in a manner so as to be easily read by all passengers, a card giving the maximum fares for services provided. The fares may be established from time-to-time by resolution of Borough Council. (Ord. No. 636-2010 § 15)

10-14.16 Liability Insurance.

As a condition for the issuance of a license hereunder, the owner of a **taxicab** shall file with the Borough Clerk an insurance policy attesting that the **taxicab** business, owner and/or driver is insured under a policy of comprehensive, general liability insurance with limits of not less than three hundred thousand (\$300,000.00) dollars per occurrence. The Borough Clerk shall issue the Certificate of Compliance, in duplicate, to be filed with the New Jersey Motor Vehicle Commission in accordance with N.J.S.A. 48:16-6. The insurance policy, or an accompanying document, shall obligate the liability insurer to notify the Borough Clerk and Business Administrator of the Borough of Avalon if any change occurs in the policy or if the policy is terminated or canceled for any reason. (Ord. No. 636-2010 § 16)

10-14.17 Rules and Regulations.

The Borough Council may adopt rules and regulations by resolution pertaining to the licensing of taxicabs, owners and drivers. (Ord. No. 636-2010 § 17)

10-14.18 Revocation of License; Failure to Renew.

Any license issued under this section may be revoked or suspended or any application for renewal may be denied for cause. Before taking any such action, the aggrieved party shall be entitled to a hearing before Borough Council. Cause shall be deemed to be any reason set forth in the Code of the Borough of Avalon for the suspension or revocation of any license as well as for any one or more of the following:

- a. Failure to maintain liability insurance required by this section;
- b. Failure to comply with the motor vehicle laws of the State of New Jersey;

- c. Failure to comply with the Code of the Borough of Avalon;
- d. Suspension or revocation of the applicant's driving privileges in the State of New Jersey;
- e. Operating a **taxicab** in a reckless or grossly negligent manner within the Borough of Avalon or habitually operating a **taxicab** in a negligent manner within the Borough of Avalon.
- f. Violation of criminal laws of the State of New Jersey, other States and Federal laws.
(Ord. No. 636-2010 § 18)

10-14.19 Enforcement Official.

The Enforcement Official shall mean and include any of the following:

- a. Code Enforcement Officer;
- b. The Chief of Police or any member of the Avalon Police Department, as well as any other official authorized by resolution of the Borough Council to enforce this Code and ordinances of the Borough.
(Ord. No. 636-2010 § 19)