

BOROUGH OF KENILWORTH

ORDINANCE NO. 2012 - 07

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 179 (TAXICABS) OF THE CODE OF THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

SECTION 179-2 OF THE KENILWORTH BOROUGH CODE IS HEREBY DELETED AND REPLACED BY THE FOLLOWING:

SECTION 179-2. License for Each Taxicab Required; License for Taxicab Owner; Fee:

- a. *License Required for each Vehicle.* No person shall carry on the business of picking-up passengers for hire in taxicabs in the Borough of Kenilworth without first obtaining a Borough of Kenilworth license for each vehicle to be used. Applications for a Vehicle License shall be available from and submitted to the Kenilworth Borough Clerk accompanied by a fee for each vehicle in the amount of \$ 50.00.
- b. *License Required for Taxicab Operator.* No person shall operate a taxicab licensed in the Borough of Kenilworth without first obtaining a Taxicab Operator's License.

(1) Applications for a Taxicab Operator's License.

- i. Each applicant for the issuance or renewal of any form of license shall supply, in full, the information requested on application forms adopted by the Borough Council and obtained from the Kenilworth Borough Clerk and shall verify the correctness thereof by oath or affirmation. Any submission of an application shall be accompanied by a fee of \$ 75.00 for each operator.
- ii. Applications for a Taxicab Operator's License shall include:
 1. Two (2) identification photographs, size one by one (1 x 1) inch, of the head and shoulders of the applicant.

2. The applicant shall file the completed application with the Kenilworth Borough Clerk with a copy to the Kenilworth Police Department together with the full amount of the proper fee hereinafter fixed.
 - iii. Applications for new Taxicab Operator's Licenses shall be filed in accordance with preceding sub-paragraph no later than thirty (30) days prior to the date action is requested on the license application from the Borough Council.
- c. *License Required for Taxicab Business Operations.* No person who owns ten (10) percent or more of any business entity shall carry on the business of picking-up passengers for hire in taxicabs in the Borough of Kenilworth without first obtaining a Taxicab Business Operator's License.
- (1) *Applications for a Taxicab Business Operation's License.*
- i. Each applicant for the issuance or renewal of any form of license shall supply, in full, the information requested on application forms adopted by the Borough Council and obtained from the Kenilworth Borough Clerk and shall verify the correctness thereof by oath or affirmation. Any submission of an application shall be accompanied by a fee of \$ 75.00 for each application.
 - ii. Applications for a Taxicab Business Operation's License shall include:
 1. Two (2) identification photographs, size one by one (1 x 1) inch, of the head and shoulders of the applicant.
 2. The applicant shall file the completed application with the Kenilworth Borough Clerk with a copy to the Kenilworth Police Department together with the full amount of the proper fee hereinafter fixed.
- d. Applications for new Taxicab Operator's License and Taxicab Business Operation's Licenses shall be filed in accordance with preceding sub-paragraph no later than thirty (30) days prior to the date action is requested on the license application from the Borough Council. If the maximum number of Taxicab Business Operation's Licenses has been issued, no new licenses shall be approved before an existing license is surrendered to the Kenilworth Borough Clerk.
- e. At the time of filing an application for any license, the applicant shall be fingerprinted at a location and/or agency designated by the Kenilworth Police Department and said fingerprints shall be submitted to the Bureau of Identification, New Jersey State Police

for a report of applicant's criminal record, if any. Any and all costs of this process shall be borne by the applicant.

- (1) An application shall be automatically denied, in the event the applicant's criminal record reveals a conviction of any of the following:
 - i. Aggravated Assault;
 - ii. Arson;
 - iii. Burglary;
 - iv. Escape;
 - v. Extortion;
 - vi. Homicide;
 - vii. Kidnapping;
 - viii. Robbery;
 - ix. Aggravated Sexual Assault;
 - x. Sexual Assault;
 - xi. Endangering the welfare of a child pursuant to N.J.S.A. 2C:24-4;
 - xii. Crime pursuant to the provisions of N.J.S.A. 2C:39-3, 2C:39-4 or 2C:39-9;
and
 - xiii. Any crime other than a disorderly persons or petty disorderly persons offense for the unlawful use, possession or sale of a controlled dangerous substance as defined in N.J.S.A. 2C:35-2.

- (2) If an applicant produces a certificate of rehabilitation, a conviction of the criminal offense stated in the preceding sub-paragraph shall not disqualify the applicant from operating or driving a taxicab. License holders who have received consent to operate in a municipality prior to the effective date of P.L. 2011 c. 135 shall not be required to submit a criminal history record background check.

f. Applicants shall provide any other documentation and/or information required by Title 48 Public Utilities, Chapter 16 Taxicabs, Autocabs, Limousines and Jitneys of the Statutes of New Jersey or similar law, rule or regulation.

g. *Insurance Requirements.* An applicant shall provide a copy an insurance policy by an admitted insurance company. The policy must satisfy all claims for damages, by reason of bodily injury to, or death of, any person(s), or damages to property resulting from or on account of an accident by reason of ownership, operation, maintenance or use of such taxicab upon any public street. The policy must provide the greater of:

- (1) Not less than \$100,000.00 of motor vehicle liability insurance coverage; or the greater of
- (2) The amounts required by N.J.S.A. 39:6B-1, maintenance of vehicle liability insurance coverage.

SECTION 179-3 OF THE KENILWORTH BOROUGH CODE IS HEREBY DELETED AND REPLACED BY THE FOLLOWING:

SECTION 179-3. Issuance and Expiration of Licenses:

- a. *Issuance and Term of License.* All licenses shall be issued by the Kenilworth Borough Clerk only after a report by the Kenilworth Chief of Police and approval of the Kenilworth Borough Council. Each license so issued shall be provided with a blank space upon which the record shall be made by the Kenilworth Police Department of any suspension or revocation thereof. All such licenses shall expire on the 31st of December next after the date of issuance.

- b. *Number of Taxicab Business Operation's Licenses.* The total number of Taxicab Business Operation's Licenses under this Chapter that may be issued and outstanding at any point shall not exceed fifteen (15). No person shall hold or control more than one (1) Taxicab Business Operation's License, nor shall more than one person living in the same dwelling hold a Taxicab Business Operation's License.
 - (1) *Notice of Public Bidding.* In the event that the governing body determines one (1) or more additional Taxicab Operation's Licenses are available for issuance, a notice shall be published stating the number of new or additional authorized licenses. Said notice shall be published at least twice and at least one week apart. The second notice shall be published at least thirty (30) days prior to the deadline of issuance. One of the said publications can be made by posting on the Borough's website for ten or more days.
 - (2) *Award of License.* The Borough of Kenilworth shall issue the Taxicab Business Operation's License via public auction or through supervision by the Kenilworth Borough Clerk to the highest qualified and responsive bidder.
 - (3) *Reimbursement.* The recipient of a Taxicab Business Operation's License shall reimburse the Borough of Kenilworth for any costs incurred in complying with the public notice requirement. If there is more than one license issued, the cost shall be split equally among the licensees.
 - (4) *Surrender of License.* In the event that the total number of Taxicab Business Operation's Licenses are issued and outstanding, no new licenses may be issued until the surrender of an issued and outstanding licensed.

- c. *Number of Taxicabs per Taxicab Business Operation's License.* The holder of a Taxicab Operation's License under this Chapter shall be permitted to obtain a license for up to fifteen (15) individual taxicabs. The license issued for an individual taxicab is only for that specific taxicab and shall not be transferred to another taxicab.

SECTION 179-4 OF THE KENILWORTH BOROUGH CODE IS HEREBY DELETED AND REPLACED BY THE FOLLOWING:

SECTION 179-4. General Regulations:

- a. All taxicabs shall display on the body of the vehicle their taxi licenses number along with each municipality that has issued a taxi license to that taxicab. The information shall be three (3) inches in height. The taxi license number must be located on the center rear quarter panel on the driver and passenger side as well as the rear center line of the trunk. The list of each municipality shall be displayed on each rear door.
- b. All taxicabs shall be kept clean and in good condition and shall prominently display a TAXI sign. Each vehicle in use shall have displayed in a conspicuous place in the interior thereof a card with the license number of the vehicle and the rates of transportation as established.

SECTION 179-8(C) OF THE KENILWORTH BOROUGH CODE IS HEREBY DELETED.

SECTION 179-11 IS HEREBY ADDED TO CHAPTER 179:

SECTION 179-11. Severability:

Each section, subsection, sentence, clause and phrase of this Article is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Article to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Article.

SECTION 179-11 IS HEREBY ADDED TO CHAPTER 179:

SECTION 179-12. Repealer:

All Borough ordinances and parts of ordinances that are inconsistent with this ordinance are hereby repealed.

Effective date:

This Ordinance shall be in full force and effect from and after its adoption and its publication as required by law.

Introduced: _____

Adoption: _____

Mayor Kathi Fiamingo

ATTEST: _____

Hedy Lipke
Borough Clerk