

BOROUGH OF MANASQUAN

ORDINANCE NO. 2276-19

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4 (GENERAL LICENSING) SECTION 4-16 (TAXICABS, AUTOCABS) AND REPEALING CHAPTER 16 (FEES) SECTION 16-1 (4-16: TAXICABS, AUTOCABS) OF THE BOROUGH OF MANASQUAN CODE IN THE BOROUGH OF MANASQUAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

WHEREAS, pursuant to the revised General Ordinance of the Borough of Manasquan, County of Monmouth, is desirous of amending and supplementing Chapter 4 Section 4-16 as to the licensing for taxi/autocabs within the Borough of Manasquan;

NOW, THEREFORE, BE IT ORDAINED, by the Borough of Manasquan, County of Monmouth, State of New Jersey, as follows:

Section 1. Definitions. As used in this section:

“Borough” shall mean Borough of Manasquan.

“Driver” shall mean any person who drives a taxi/autocab within the Borough of Manasquan and such taxi/autocab holds a Business Registration Certificate from the State of New Jersey bearing a Borough of Manasquan street address.

“License” shall mean a certification and/or document from the Borough of Manasquan for the licensee to use in the normal course of business stating that the operator is authorized to operate a taxi/autocab pursuant to Ordinance 2272-22 and has been issued a decal to utilize the Borough of Manasquan designated taxi stands.

“Operation” of a taxi/autocab shall consist of transporting in such taxi/autocab of one or more persons for hire. A taxi/autocab which is operated or run, over any of the streets within the Borough, to seek or accept passengers for transportation from points or places to points or places within or outside the Borough shall be deemed to be operation of a taxi/autocab within the Borough. A taxi/autocab parked or idling on a Borough street or accepting a passenger for hire from a point of departure within the Borough shall be deemed to be operation. Operation of a taxi/autocab by one other than the owner shall be deemed operation by the owner, as well as operation by the person actually driving the taxi/autocab. The transportation in or through the Borough of any person other than the owner or driver of any motor vehicle bearing signs therein or thereon using the word “taxi”, “cab”, “autocab”, “car service”, “hack”, “dial a ride”, “call a ride”, “transport”, “transport vehicle”, “car service” or “transportation” shall be prima facie evidence of operation.

“Owner” shall mean any person, corporation, business entity or association in whose name title to any taxi/autocab is registered with the New Jersey Motor Vehicle Commission, or who appears in any governmental records to be the conditional vendee or licensee thereof and holds a Business Registration Certificate from the State of New Jersey bearing a Borough of Manasquan street address.

“Person” means and includes any individual, co-partnership, association, corporation or joint stock company, their lessees, trustees or receivers appointed by any court whatsoever.

“Taxi/Autocab” shall mean and include any automobile commonly called taxi, holding a Business Registration Certificate from the State of New Jersey bearing a Borough of Manasquan street address and 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 accepts or discharges passengers for transportation from points or places to points or places within or outside the Borough. “Taxi/Autocab” shall not include a limousine as defined by N.J.S.A. 48:16-3.

Section 2. Requirement of taxi/autocab owner or operator license

No person shall receive a certification and/or document from the Borough of Manasquan for the licensee to use in the normal course of business, unless both the taxi/autocab and the driver thereof are licensed in the Borough in accordance with this ordinance and said person or corporation conforms to all of the laws and regulations of the State of New Jersey.

Section 3. Licenses

All taxi/autocab owners and operators, operating within the Borough shall be licensed in accordance with the provisions of this ordinance.

There are hereby established two (2) classes of taxi/autocab licenses in the Borough as follows:

- a. "Taxi/Autocab Driver's License". This license shall entitle the individual named therein to operate within this Borough any taxi/autocab duly licensed hereunder. Such license may only be issued in the name of an individual and not in the name of the business entity.
- b. "Taxi/Autocab Owner's License". This license shall entitle the vehicle therein listed and described to be used as a taxi/autocab and operated in this Borough by a driver duly licensed hereunder.

Section 4. Applications for licenses

Application Form. Each applicant for the issuance or renewal of a license of either class shall supply, in full, the information requested on the application forms approved by the Borough Administrator and obtained from the Borough Clerk, and shall verify the correctness thereof by certification. The completed application must be filed with the Borough Clerk, together with the fee hereinafter fixed.

- a. Applications for taxi/autocab owner's and driver's licenses shall be filed with the Borough Clerk at any time, but no taxi/autocab shall receive a certification and/or document from the Borough of Manasquan for the licensee to use in the normal course of business, unless both the taxi/autocab and driver are licensed in accordance with this section each year.
- b. Requirements for Taxi/Autocab Owner's Licenses. Each applicant for a taxi/autocab owner's license must meet the following requirements to be considered for issuance of a license:
 1. Be of the age of twenty-one (21) years, or over.
 2. Possess a valid New Jersey driver's license.
 3. Submit a completed Medical Examiner's Certificate required under 49 CFR 391.41-391.49 to the Borough from a licensed physician stating that the applicant has been examined within sixty (60) days of the date of the application and is fit for the safe operation of a taxi/autocab.
 4. Fully complete an application form provided by the Borough Clerk, which shall be signed and sworn to or certified by the applicant and filed with the Borough Clerk as a permanent record.
 5. The applicant shall be required to consent to and submit to a state and federal criminal history check, either by fingerprinting or live scan through Morphotrak, Inc. (a private company under contract with the State of New Jersey) or whoever the current State vendor

under contract is at the time, at the Borough's sole discretion, or provide a CDL Passenger Endorsement, which shall be forwarded to the Borough at the cost and expense of the applicant.

6. The applicant shall be required to apply to the New Jersey Motor Vehicle Commission for a certified driver history abstract which shall be forwarded to the Borough at the cost and expense of the applicant.

7. Insurance.

(i) Each applicant for a taxi/autocab owner's license shall, together with the application, submit the insurance policy required by N.J.S.A. 48:16-3 et seq., covering the taxi/autocab sought to be licensed; and each applicant shall then and thereafter comply with all of the provisions of N.J.S.A. 48:16-1 et seq., as well as the acts amendatory thereof or supplemental thereto.

(ii) If the applicant operates in more than one municipality, the applicant must file an original duplicate autocab insurance certificate issued pursuant to N.J.S.A. 48:16-7 by the Clerk of the municipality within which the Owner's principal place of business is located.

(iii) The minimum acceptable insurance liability limit is as follows: Combined single limit coverage: One Hundred Thousand (\$100,000.00) dollars.

c. Requirements for renewal of taxi/autocab driver's license. Each renewal applicant for a taxi/autocab driver's license must meet the following requirement:

1. For any applicant seeking to renew a taxi/autocab owner's and/or driver's license who does not maintain a valid CDL Passenger Endorsement, the Morphotrak criminal history check shall be performed once every three consecutive years. For the two consecutive years following each Morphotrak check, the applicant shall submit to a Criminal History Record Information for a Noncriminal Justice Purpose SBI 212B check to be performed through the Borough Police Department at the applicant's expense. Renewal applicant shall maintain insurance coverage as delineated in Section 4-16.4(7) (Insurance).

Section 5. Issuance of license

a. Upon notification by the Borough Clerk of satisfactory fulfillment of the foregoing requirements, the Mayor and Council shall either grant or deny the license application, unless the governing body returns or holds over the application for further investigation.

b. Any license issued pursuant to this section shall expire at midnight of the thirty-first (31st) day of January of the following year from when it was issued, and shall not be transferable. All taxi/autocabs duly licensed shall receive a Borough of Manasquan decal, which shall be affixed to the vehicle.

Section 6. Denial, revocation or suspension of licenses

- a. The Mayor and Council may, in their discretion, refuse to issue or renew, or may after notice and hearing before the Mayor and Council, revoke or suspend any taxi/autocab driver's and/or owner's license issued hereunder if the applicant or licensee:
 1. Has been convicted of a crime in this or any other jurisdiction.
 2. Violates any provision of this ordinance.
 3. Has not complied fully with all of the requirements of this ordinance.
 4. If the motor vehicle licensed, or to be licensed, has unsafe or unsanitary conditions, or is otherwise dangerous to the safety or health of the occupants or others.
 5. If the policy of insurance required by N.J.S.A. 48:16-3 and Section 4(b)(4) of this Ordinance lapses, or such coverage is not maintained at all times.
 6. Has in any degree contributed to any injury to any person, or damage to property, arising out of reckless operation of a motor vehicle pursuant to N.J.S.A. 39:4-96.
- b. A person shall be disqualified from operating or driving an autocab if a criminal history record background check as required by this Ordinance reveals a record of conviction of any of the following crimes:
 1. In New Jersey or elsewhere any crime as follows: aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, aggravated sexual assault, sexual assault or endangering the welfare of a child pursuant to N.J.S. 2C:24-4, whether or not armed with or having in his possession any weapon enumerated in subsection r. of N.J.S. 2C:39-1, a crime pursuant to the provisions of N.J.S. 2C:39-3, N.J.S. 2C:39-4, or N.J.S. 2C:39-9, or 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. 2C:35-2.
 2. In any other state, territory, commonwealth, or other jurisdiction of the United States, or any country in the world, as a result of a conviction in a court of competent jurisdiction, a crime which in that other jurisdiction or country is comparable to one of the crimes enumerated in paragraph 1. of this subsection.
 3. If a person who has been convicted of one of the crimes enumerated in paragraphs 1. and 2. of this subsection can produce a certificate of rehabilitation issued pursuant to N.J.S. 2A:168A-8 or, if the criminal offense occurred outside New Jersey, an equivalent certificate from the jurisdiction where the criminal offense occurred, the criminal offense shall not disqualify the applicant from operating or driving an autocab.

Section 7. Display of license and certificate of insurance.

- a. No taxi/autocab shall be operated in the Borough unless the taxi/autocab driver's license (including photograph identification) of the person operating the taxi/autocab, is prominently displayed and open to view of passengers in accordance with reasonable procedures of the Borough.
- b. The Certificate of Insurance required by N.J.S.A. 48:16-6 shall likewise be prominently displayed in accordance with reasonable procedures of the Borough provided by way of written notice to the licensee.

Section 8. Lettering and Visual Identification Symbol

- a. Every taxi/autocab operating within the Borough shall have affixed or painted on both sides thereof the words "taxi" or "cab" in letters at least six (6) inches high, or the name of the operating owner containing the words "taxi" or "cab" or "taxicab", as well as the business telephone number.
- b. Every taxi/autocab or other vehicle required to be licensed under this Ordinance operating within the Borough shall display a visual identification symbol the design, specification and contents of same to be determined in the sole discretion of the Borough, by way of a decal, magnetic device, placard or other method which will identify the vehicle as properly and currently licensed. The method of display shall be as determined by the Borough Police Department and communicated in writing to the Taxi license holder which shall be required to adhere to the contents of said notice within seven (7) calendar days of the date of the notice. The Borough may elect to require that the visual identification symbol be made and then affixed to the licensed vehicle by a vendor or vendors of the Borough's designation, all such costs for such production and affixing to the licensed vehicle to be paid by the licensee.

Section 9. Restrictions on Operation of taxi/autocabs

- a. No Cruising. No person shall cruise the streets of the Borough in any vehicle, including but not limited to taxi/autocabs at any time for the purpose of soliciting for one or more persons for transportation for a fee or fare.
 1. Pre-arranged Pickup. Any taxi/autocab may pick up passengers if the taxi/autocab owner or the owner's agent has been specifically called by the person seeking transportation or someone acting on said persons behalf or such person has otherwise arranged in advance for pick up at a specific time and place. The taxi/autocab driver must have proof of such pre-arrangement including at a minimum the full name of the person to be picked up, the full name of the person making the arrangements and a contact phone number for said person making the arrangements.
- b. All persons shall be picked up or discharged at the curb, or in off-street areas designated by business establishments for the use of their patrons, and the taxi/autocab shall at no time interfere with traffic on any roadway.

Nothing herein shall preclude commercial establishment locations to establish pick up areas in parking lots.

Section 10. Taxi Stands

The Borough of Manasquan may designate the location and size of any taxi stand in accordance with state law and pursuant to the Borough of Manasquan code §7-16. Only taxi/autocabs and taxi/autocab drivers licensed by the Borough under this Ordinance may utilize the taxi stand. No person shall sit idle, park or operate in a designated taxi stand for any other purpose except to pick up or discharge passengers. A designated taxi stand may only be occupied by a taxi/autocab and driver licensed by the Borough in accordance with this ordinance. No person shall leave any vehicle unoccupied at any designated taxi stand. A taxi stand shall allow a person the opportunity to find transportation services in an expeditious, unbiased, nondiscriminatory and courteous manner. No passenger may be denied transportation by any taxi/autocab occupying any portion of a designated taxi stand provided that said passenger has the ability to meet the terms, fare or fee for the service to be rendered. Call ahead or pre-arranged pick ups may not be picked up from any designated taxi stand.

- a. Temporary Taxi Stand. The ranking or senior Borough police officer on duty may, in the event, the number of people at any location seeking transportation from taxi/autocabs creates or may create a safety concern and or may create a disturbance of the peace, may establish a temporary taxi stand at any public location, such temporary taxi stand to be designated by temporary traffic signs or other traffic devices identifying the Temporary Taxi Stand. The provisions of Section 11 applicable to Taxi Stands shall be applicable to Temporary Taxi Stands pursuant to the Borough of Manasquan Code §7-16.

Section 11. Fines and penalties

- a. Any person violating any of the provisions of this ordinance shall, upon conviction of a first offense be subject to a fine of not to exceed \$250.00; on conviction of a second offense be subject to a fine of not to exceed \$500.00 and for a third or subsequent offense be subject to a fine of \$1,250.00 dollars, and/or be subject to a term of imprisonment not exceeding ninety (90) days in the County Jail, or in any other place provided by the municipality for the detention of prisoners, or both.
- b. Any corporation violating any of the provisions of this ordinance shall, upon conviction, pay a fine of not less than \$500.00 or more than \$1,250.00 dollars.
- c. Nothing herein shall preclude the prosecution of any such violation under Title 48 and or Title 2C of the New Jersey statutes nor restrain or prohibit the Mayor and Council from suspending or revoking any license issued hereunder in accordance with the provisions of this ordinance.

Section 12: Chapter 16 (Fees) Section 16-1 of the Borough of Manasquan Code entitled "4-16: Taxicabs, Autocabs" is hereby repealed.

Section 13: Construction and Effective Dates

- (a) Should any section or provision of this ordinance be held invalid in any proceedings, the same shall not affect any other section or provision of this ordinance, except insofar as the section or provision so held invalid shall be inseparable from the remainder of any such section or provision.
- (b) Chapter 97, et. seq., of the Borough of Manasquan Code and all ordinances and parts of ordinances inconsistent with this Ordinance herewith are hereby repealed.
- (c) This Ordinance shall become effective following the final passage and publication according to the law.

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 2276-19 was introduced at a meeting of the Mayor and Council of the Borough of Manasquan on the 22nd day of January 2019, and was then read for the first time. The said Ordinance will be further considered for final passage by the Mayor and Council at Borough Hall, 201 East Main Street, Manasquan, NJ 08736 at 7:00 p.m. on the 4th day of February 2019. At such time and place, or at any such time or place to which said meeting may be adjourned, all interested persons will be given an opportunity to be heard concerning said ordinance. A copy of this ordinance can be obtained without cost by any member of the general public at the office of the Municipal Clerk in Borough Hall between the hours of 9:00 a.m. and 4:00 p.m. on Monday through Friday, except on legal holidays.



Barbara Ilaria, RMC, CMC
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Passed on First Reading and Introduction: January 22, 2019
Approved on Second Reading and Final Hearing: February 4, 2019



Edward G. Dohovan
Mayor