

BOROUGH OF BEACH HAVEN
COUNTY OF OCEAN

ORDINANCE #2024-23C

AN ORDINANCE AMENDING Chapter 182, Article II "Limousines" "Code of the Borough of Beach Haven, County of Ocean, State of New Jersey"

WHEREAS, the Governing Body previously established Chapter 182, Article II "Limousines" establishing, among other things, general requirements to operate a limousine within the Borough; and,

WHEREAS, the Borough desires to amend the existing Chapter 182, Article II to establish a fee structure and further codify, among other things, the licensing requirements to operate a limousine within the Borough of Beach Haven.

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE BOROUGH OF BEACH HAVEN DO HEREBY ORDAIN:

SECTION I

Chapter 182, Article II "Limousines," of the Code of the Borough of Beach Haven, shall be amended as follows (underscored bold italics represent additions; ~~strikethroughs~~ represent deletions):

§ 182-16 Definitions.

As used in this article, the following terms shall have the meanings indicated in N.J.S.A 48:16-13, as amended and supplemented: "autocab," "person," and "street," "limousine," "limousine or livery service," and "principal place of business".

§ 182-17 Compliance with statutes, certification requirement, application and fees

- A.** The applicable provisions of N.J.S.A. 48:16-14 to 48:16-22, both inclusive, as amended and supplemented, shall be complied with in the licensing and regulating of autocabs in this article.
- B.** Certification Required. No person shall maintain or operate a limousine or livery service in the Borough unless the owner thereof has secured a limousine service certification, signed by the Borough Clerk and the land use officer, as provided herein.
- C.** Application and Fee.
 - a.** All applications for limousine service certification shall be filed with the Borough Clerk, together with the required fee, and shall contain the full name, address, and telephone number of the applicant; the names, titles and complete addresses of all corporate officers or partners of the applicant; and the federal identification or social security number of the applicant. In addition, every application for a limousine service certification shall contain the complete business address of the limousine service and the Tax Map lot and block number of the property on which the business is located.
 - b.** Each such application shall be accompanied by an insurance policy from a company duly licensed to transact business under the insurance laws of the State of New Jersey in the sum of \$1,500,000 against loss by reason of the liability imposed by law upon every limousine owner for damages on account of bodily injury or death suffered by any person as a result of an accident occurring by reason of the ownership, maintenance or use of the limousine upon any public street. Such operation shall be permitted only so long as the insurance policy shall remain in force to the full and collectible amount of \$1,500,000. The policy must provide for the payment of any final judgment

recovered by any person on account of the ownership, maintenance and use of such limousine or any fault in respect thereto, and shall be for the benefit of every person suffering loss, damage or injury as aforesaid. In addition, each such application shall be accompanied by a copy of power of attorney executed and delivered to the Division of Motor Vehicles concurrent with the filing of the required insurance policy, as set forth above; a power of attorney wherein and whereby the owner shall appoint the Director of the Division of Motor Vehicles 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. Applicant must also provide proof that the limousine is equipped in accordance with the minimum standards established by the Director of the Division of Motor Vehicles in the Department of Transportation with a two-way communications system; a removable first aid kit and an operable fire extinguisher; and sideboards attached to the permanent body construction of the vehicle if the height of the vehicle floor is 10 inches or more above ground level (as fully delineated in N.J.S.A. 48:16-22.1). Applicant must also provide proof of compliance with the inspection requirements delineated in N.J.S.A. 48:16-22.2.

- c. Each application shall also be accompanied by photocopies of the registrations of all vehicles utilized in connection with the limousine service.
- d. The fee for the issuance of a limousine service certification shall be the sum of \$50 per vehicle.
- e. Upon receipt of an application for a limousine service certification, the Borough Clerk shall refer the application documents to the Land Use Officer who shall determine whether the operation of a limousine service at the location specified in the application is permitted under the land use regulations of the Borough. No limousine service certification shall be issued by the Borough Clerk unless the Land Use Officer has certified that the operation of the limousine service is a permitted use at the specified business location and/or a determination that the limousine is being operated exclusively on an intramunicipal basis.
- f. License to operate on intramunicipal basis. No person shall operate or permit to be operated a limousine providing service on an intramunicipal, point-to-point basis within the Borough without having first obtained a license from the Borough. Licenses in accordance with this section shall be issued to expire 12 months next succeeding the date of registration and insurance renewal, unless sooner suspended or revoked by the Borough.

D. Revocation, suspension and nonissuance of licenses. The Borough may, in its discretion and after notice and hearing, refuse to issue or renew, revoke or suspend any license issued to a limousine service under this chapter where the applicant or licensee has once been convicted of a crime in this or any other jurisdiction or twice convicted of being a disorderly person or in violation of Title 39, the Motor Vehicle and Traffic Regulations, of the Revised Statutes of New Jersey, or who has violated any provision of this article or has any judgment of record unsatisfied against him arising out of an automobile accident, or who has failed or fails to render a reasonably prompt, safe and adequate formal, private automobile livery or limousine service or has not complied fully with all of the requirements of this chapter for such class of license.

E. Violations and penalties. Any person, firm or corporation violating any of the provisions of this chapter shall be, upon conviction thereof, punished in the discretion of the court as follows: imprisonment in the county jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding 90 days; or by a fine of not less than \$100 and not exceeding \$2,000; or by a period of community service not exceeding 90 days. In addition thereto, the license provided by this chapter shall be suspended, pending action by the Mayor

and Borough Council with respect to suspension or revocation of said license in accordance with the terms of this chapter. It shall be the duty of the Judge to notify the Mayor and Borough Council of all convictions for violations of the terms of this chapter.

F. Compliance with other laws. Nothing in this chapter shall exempt any person owning or operating any autocab, limousine or livery service from complying with the law relating to the ownership, registration and operation of automobiles in this state.

SECTION II

All Ordinances or parts of Ordinances inconsistent herewith are repealed to the extent of such inconsistency. The Borough Clerk is authorized to renumber and/or re-codify any sections affected by such repeal to the extent consistent with this Ordinance.

SECTION III

If any word, phrase, clause, section or provision of this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional such word, phrase, clause, section or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

SECTION IV

This Ordinance shall take effect upon publication thereof after final passage according to law.

CERTIFICATION

I, Sherry Mason, RMC, Municipal Clerk of the Borough of Beach Haven, do hereby certify that the foregoing Ordinance was duly adopted on first reading by the Municipal Council of the Borough of Beach Haven at a regular meeting held on the 12th day of August 2024, a quorum being present and voting in the majority.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 12th day of August 2024.



Sherry Mason, RMC, Municipal Clerk

<i>Introduction:</i>	<i>July 8, 2024</i>
<i>First Publication:</i>	<i>July 18, 2024</i>
<i>Adoption:</i>	<i>August 12, 2024</i>
<i>Second Publication:</i>	<i>August 22, 2024</i>
<i>Effective Date:</i>	<i>September 1, 2024</i>