

TOWN OF GUTTENBERG
COUNTY OF HUDSON, STATE OF NEW JERSEY
ORDINANCE # 09-20

AN ORDINANCE AMENDING CHAPTER 4-1 OF THE CODE OF THE TOWN OF GUTTENBERG - “TAXICABS, LIMOUSINES AND LIVERY VEHICLES”

BE IT ORDAINED by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that Chapter 4-1 of the Code of the Town of Guttenberg - “Taxicabs, Limousines and Livery Vehicles” is amended in its entirety as follows:

SECTION 1

Taxicabs

Subsection 1:

Definitions.

The following words and phrases when used in this Section have the meanings as set out herein:

CERTIFICATE of PUBLIC CONVENIENCE – Taxi license as understood under the terms of N.J.S.A. 48:16-2.1 et seq., as issued under the terms provided hereunder.

CRUISING — The driving of a taxicab on the streets or public places of the Town of Guttenberg in search of or soliciting prospective passengers for hire.

HEARING — A public hearing at which the Licensee or Holder shall be given an opportunity to appear personally and be represented, by his chosen counsel, and be heard, and to present evidence on his behalf or otherwise answer the charges against him.

HOLDER — A person to whom a Certificate of Public Convenience has been issued.

LICENSEE – A person to whom a Taxi Driver’s License has been issued.

LICENSE INSPECTOR — The Public Safety Director or his/her designee.

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

RATE CARD — A card issued by the License Inspector for display in each taxicab.

STREET - means and includes any street, avenue, park, parkway, highway or other public place.

TAXICAB - means and includes any automobile or motor car, commonly called taxi, 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 or public highways of this state, and particularly accepts and discharges such persons as may offer themselves for transportation from points or places to points or places within or without the state, which is so constructed as to comfortably seat not less than four passengers exclusive of the driver, and not operated on a fixed route, having a seating capacity of fewer than six (6) persons.

TAXI DRIVER'S LICENSE shall mean the permission granted by the Public Safety Director to a person to drive a taxicab upon the streets of the Town.

TAXI STAND — A public place alongside the curb of a street or elsewhere in the Town of Guttenberg which place has been authorized for a holder of Taxi Driver's Licenses to use exclusively for the dispatching of taxicabs.

TRANSFER — To sell, transfer or in any other manner dispose of a taxicab license. Where the license is in the name of a corporation or other legal entity, any change in the control of the holder shall constitute a "transfer" of taxicab license held in the name of said corporation or other legal entity.

The Public Safety Director shall determine what constitutes a change in control.

WAITING TIME — The time when a taxicab is not in motion from the time of acceptance of a passenger or passengers to the time of discharge, but does not include any time that the taxicab is not in motion, if due to any cause other than the request, action or fault of a passenger or passengers.

Subsection 2:

Compliance with state law; insurance requirement.

- A. In order to ensure the safety of the public, it shall be unlawful for the holder to operate or cause to permit a taxicab to be operated, nor shall any certificate or license be issued hereunder, until and unless the applicant shall have complied with the provisions of N.J.S.A. 48:16-1 to 48:16-12 and the acts amendatory thereof or supplemental thereto. The owner of the taxicab shall have filed with the clerk of the Town of Guttenberg in which such operation is permitted, an insurance policy which shall be issued by an admitted insurance company duly licensed to transact business under the insurance laws of this State or a company registered to do business in the State, the policy providing for not less than \$35,000 of motor vehicle liability insurance coverage or the amount of motor vehicle liability insurance coverage required pursuant to section 1 of P.L.1972, c.197 (C.39:6B-1), whichever is greater, to satisfy all claims for damages, by reason of bodily injury to, or the death of, any person or persons, resulting from, or on account of, an accident, by reason of the ownership, operation, maintenance, or use of such taxicab upon any public street; and to satisfy any claim for damages to property of any person or persons, resulting from, or on account of, an accident, by reason of the ownership, operation, maintenance, or use of such taxicab upon any public street. The insurance policy shall provide for the payment of any final judgment recovered by any person on

account of the ownership, maintenance, or use of the taxicab or any fault in respect thereto, and shall be for the benefit of every person suffering loss, damage or injury as aforesaid; and

(1) Notwithstanding the foregoing, and in addition thereto, every owner, registered owner or operator of a taxicab registered or principally garaged in this state shall maintain the minimum level of coverages that may otherwise be required pursuant to N.J.S.A. 17:1-1 et seq., or N.J.S.A. 39:1-1 et seq., and the regulations of the New Jersey Department of Banking and Insurance.

(2) The owner shall furnish the License Inspector with evidence that the aforesaid provision has been complied with and that the premium for the full period of the licensing year has been paid. Each policy shall contain an endorsement providing for 20 days' written notice from the insurance company to the Town of Guttenberg in the event of any change in the policy or cancellation of the policy. Each Certificate of Public Convenience shall become effective and operation thereunder shall be permitted only so long as the insurance policy shall remain in force to the full and collectible amounts as aforesaid.

B. Each insurance policy shall provide for payment of any final judgment recovered by any person on account of the ownership, maintenance or use of the taxi or any fault in respect thereto and shall be for the benefit of every person suffering loss, damage or injury as aforesaid.

C. If an owner operates more than one taxi, he may file with the Licensing Officer a bond or insurance policy of a company duly licensed to transact business under the insurance laws of this state, in the sum of \$50,000, which shall be a blanket insurance covering all cabs operated by such owner which shall provide for the payment of any final judgment recovered by any person on account of the ownership, maintenance and use of any such taxicab or any fault in respect thereto, and shall be for the benefit of every person suffering loss, damage or injury as aforesaid.

(1) The filing of such bond or insurance shall not excuse every owner, registered owner or operator of a taxicab registered or principally garaged in this state from maintaining the minimum level of coverages that may otherwise be required pursuant to N.J.S.A. 17:1-1 et seq., et seq., N.J.S.A. 39:1-1 et seq., and the regulations of the New Jersey Department of Banking and Insurance.

D. In addition to the insurance requirements as aforesaid, the owner of every taxicab shall execute and deliver to the Licensing Officer, concurrent with the filing of the insurance policy and bond referred to in this section, a power of attorney wherein the owner shall appoint the Town Clerk of the Town of Guttenberg as his true and lawful attorney for the purpose of acknowledging service of process from a court of competent jurisdiction to be served against the insured by virtue of the indemnity granted under the insurance policy filed.

Subsection 3

Certificate of Public Convenience Required.

- A. No person shall operate or permit a taxicab owned or controlled by such person to be operated as a vehicle for hire upon the streets of the Town of Guttenberg, without having first obtained a Certificate of Public Convenience from the License Inspector.
- B. No Certificate of Public Convenience shall be issued or renewed unless the holder thereof has paid an annual license fee of \$350 for each taxicab to be operated under that Certificate of Public Convenience. Said certificate shall be for the year ending on December 31 and shall be in addition to any other fee or charges established by proper authorities and applicable to said holder for the vehicle or vehicles under his operation and control.
- C. Each person issued a Certificate of Public Convenience by the Town of Guttenberg shall, as a condition to continued maintenance of such Certificate, submit each of his taxicabs for a full mechanical and vehicle inspection once each three months during the one-year period of his Certificate pursuant to a schedule established by the Town of Guttenberg. Such inspection shall be conducted by a garage licensed by the State of New Jersey who shall certify that the vehicle is in good working order and is not in need of repair as that term is defined below. In the event that said vehicle is in need of repair, the Certificate holder shall repair the same within 30 days of the inspection and shall resubmit the vehicle for inspection by a licensed garage, plus submit a written report or invoice specifying the services performed and parts furnished to correct the condition noted in the prior inspection report. The term "in need of repair" shall include but is not limited to the following:
 - (1) That the glass (windows and/or windshield) is cracked, chipped or scratched or that the glass in the mirrors is cracked.
 - (2) That the horn does not function properly so as to produce a sound audible for 200 feet.
 - (3) That the emergency brake does not hold the vehicle when parked on a grade.
 - (4) That the foot brake does not hold the vehicle when parked on a grade and that it does not have sufficient reserve pedal.
 - (5) That the headlights, taillights, stoplights and directional lights do not turn on and off when operated by the controls in the vehicle or are otherwise broken or defective.
 - (6) That the windshield wipers do not rotate back and forth with sufficient pressure when turned on and do not stop when turned off by the controls in the vehicle.
 - (7) That the tires have damage, ply separation, breaks or cuts and do not have at least 2/32 inch of tire tread.
 - (8) That a defroster does not function properly so as to produce a temperature in excess of 50° F.

- D. A Certificate of Public Convenience shall only be effective, and operation thereunder shall be permitted only so long as the insurance policy(ies) required by Section 2 shall remain in force to the full and collectible amounts as aforesaid.

Subsection 4

Certificate of Public Convenience application procedure.

- A. Applications for a license shall be filed with the License Inspector upon forms provided by the Town of Guttenberg; and said application shall be verified under oath and shall furnish the following information:
- (1) Name and address of applicant; where the applicant is not a natural person, the name and address of all owners or participants in the ownership of the legal entity and all officers, directors or others of like position whatever be their title.
 - (2) The year, type and model of the vehicle for which the Certificate of Public Convenience is desired.
 - (3) The number of persons the vehicle is capable of carrying.
 - (4) Such further information as the License Inspector of the Town of Guttenberg may require.
- B. The annual application for renewal of Certificate of Public Convenience shall be filed not later than 30 days prior to the expiration date.

Subsection 5

Issuance of Certificate of Public Convenience.

- A. The number of Certificate of Public Conveniences issued and in use in the Town of Guttenberg at any one time shall not exceed 35.
- B. Whenever the Mayor and Council determines to authorize the issuance of one or more new or additional Certificate of Public Conveniences, it shall publish a notice, in a newspaper circulating generally within the Town, stating the number of new or additional certificates to be authorized and the application period for the new or additional certificates. The notice shall specify a time and date after which no further applications will be accepted. The notice shall be published at least twice and at least one week apart, with the second notice published at least 30 days prior to the time and date specified in the notice as the time and date after which no further applications will be accepted.
- C. The publication of a notice pursuant to the preceding paragraph shall not require the issuance of any Certificate of Public Convenience or Certificates of Public Convenience with respect to which a notice has been published but in any case in which any such Certificate of Public Convenience or Certificates of Public Convenience have not been issued within six months after the closing time and date for acceptance of applications specified in the notice, no such

Certificate of Public Convenience or Certificates of Public Convenience shall be issued without again complying with the provisions of the preceding paragraph.

- D. Each operator or driver of the taxicab for which the owner thereof is seeking the issuance or renewal of a Certificate of Public Convenience to operate in the Town of Guttenberg shall submit to the performance of a criminal history record background check. The cost for the criminal history record background check, including all costs of administering and processing the check, shall be borne by the operator or driver of the taxicab.
- E. A person shall be disqualified from operating a taxicab if a criminal history record background check required pursuant to this subsection 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.A. 2C:24-4, whether or not armed with or having in his possession any weapon enumerated in subsection r. of N.J.S.A. 2C:39-1, a crime pursuant to the provisions of N.J.S.A. 2C:39-3, N.J.S.A. 2C:39-4, or N.J.S.A. 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.A. 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.

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.A. 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 a taxicab.

The provisions of this subsection shall not apply to an operator of a taxicab who has received the consent to operate in the Town of Guttenberg prior to November 29, 2011.

- F. If the Public Safety Director finds that the applicant is fit, willing and able to perform such public transportation and in accordance with the provisions of this Section and the rules promulgated by the Public Safety Director, then the Public Safety Director shall order the issuance of a license stating the name and address of the applicant, the date of issuance and the year, type and model of the vehicle; otherwise, the application shall be denied. In making the above findings, the Public Safety Director shall take into consideration the character, experience and responsibility of the applicant.

Subsection 6

Transfer of Certificate of Public Convenience

No Certificate of Public Convenience may be sold, assigned or otherwise transferred without the consent of the Public Safety Director. Any license may be transferred to another to be used in the bona fide operation of a taxicab business, with the consent of the Public Safety Director, upon the filing of an application as provided in Subsection 4 of this Section and upon payment of a transfer fee of \$15; provided, however, that no transfer may be made in the month of December. No Certificate of Public Convenience shall be assigned, mortgaged, pledged or otherwise transferred to secure a debt, loan, advance or other financing transaction.

Subsection 7

Suspension and revocation of Certificate of Public Convenience.

- A. Certificate of Public Convenience issued under the provisions of this Section may be suspended or, after hearing, revoked by the Public Safety Director if the holder thereof had:
 - (1) Violated any of the provisions of this Section.
 - (2) Discontinued operation for more than 60 consecutive days.
 - (3) Violated any ordinance of the Town of Guttenberg or the laws of New Jersey, the violation of which reflects unfavorably on the fitness of the holder to offer public transportation.
- B. Prior to revocation, the holder shall be given written notice of the proposed action to be taken and the charges against such person and shall be given a hearing. Notwithstanding the use of the words "suspended or, after hearing, revoked" in this Section, the Public Safety Director may suspend and, after hearing, revoke such Certificate of Public Convenience.
- C. A Certificate of Public Convenience may also be revoked by the Mayor and Council of the Town of Guttenberg, after notice and hearing, whenever it shall appear that the person to whom the consent was granted has failed to furnish or keep in force the insurance policy or bond and power of attorney required by this article, or to comply with any terms or conditions imposed by the board or body granting the consent, or any law of this state.

Subsection 8

Taxi Driver's License required.

- A. No person shall operate a taxicab for hire upon the streets of the Town of Guttenberg, and no person who owns or controls a taxicab shall permit it to be so driven, and no taxicab licensed by the Town of Guttenberg shall be so driven at any time for hire, unless the driver of said taxicab shall have first obtained from the Public Safety Director and shall have then in force the Taxi Driver's License under the provisions of this Section and provided, further, that said driver shall be a holder or servant, employee or agent of the holder of the Certificate of Public Convenience.

- B. Every person applying for a license to drive a taxicab must furnish satisfactory evidence as follows:
- (1) That he or she has received a driver's license under the New Jersey State Motor Vehicle law.
 - (2) That he or she has no prior criminal history or has ever been convicted of driving under the influence of drugs and alcohol. The applicant shall furnish fingerprints at the applicant's cost; said fingerprints shall be submitted to the appropriate authorities to verify the applicant's criminal history. If an application is approved before confirmation of the applicant's representation of no criminal history and the appropriate authority determines that there is a criminal history, the License Inspector can rescind said Taxi Driver's License.
- C. Each applicant for a taxi driver's license under the terms of this Section must conform to the following regulations:
- (1) Be of the age of 21 years or over and be a resident of the State of New Jersey for one year or more.
 - (2) Be able to read and write the English language with sufficient proficiency to provide taxi services to the general public in the opinion of the Public Safety Director and be eligible to work in the United States.

Subsection 9

Taxi driver's license application procedure.

- A. An application for a taxi driver's license shall be filed with the License Inspector on forms provided by the Town of Guttenberg. The application shall contain the following:
- (1) The full name and address of the applicant.
 - (2) Places of residence for the preceding five years.
 - (3) Age, height, color of eyes and hair.
 - (4) Place of birth, whether married or single.
 - (5) Previous employment, whether he has ever been convicted of a crime or disorderly persons offense or a violation of this Section.
 - (6) Whether a driver's license, issued by any state or political subdivision thereof, ever held by such person has been suspended or revoked, and for what cause.
- B. Each driver seeking the issuance or renewal of a taxi driver's license to operate in the Town of Guttenberg shall submit to the performance of a criminal history record background check. The cost for the criminal history record background check, including all costs of

administering and processing the check, shall be borne by the operator or driver of the taxicab.

C. A person shall be disqualified from operating or driving a taxicab if a criminal history record background check required pursuant to this subsection reveals a record of conviction of any of the following crimes: is

(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.

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 a taxicab.

The provisions of this subsection shall not apply to an operator or driver of a taxicab who has received the consent to operate in the Town of Guttenberg prior to November 29, 2011.

D. A person shall be disqualified from operating or driving a taxicab if driver's driving record check reveals more than three moving violations in the prior three-year period, or one of the following violations in the prior three-year period:

(1) driving under the influence pursuant to N.J.S.A.39:4-50;

(2) resisting arrest; eluding an officer pursuant to N.J.S.2C:29-2;

(3) reckless driving pursuant to N.J.S.A.39:4-96;

(4) driving with a suspended or revoked license pursuant to N.J.S.A.39:3-40; or

(5) a violation committed in any other state, territory, commonwealth, or other jurisdiction of the United States that is comparable to one of the violations enumerated in paragraph (1), (2), (3), or (4) of this subsection;

- E. A person shall be disqualified from operating or driving a taxicab if the applicant or driver is a match in the United States Department of Justice's Dru Sjodin National Sex Offender Public Website.

Subsection 10

- A. Upon approval of the application for a driver's license by the Public Safety Director, the License Inspector shall issue a license to the applicant which shall bear the name, signature and photograph of the applicant.
- B. Such license shall be in effect for the remainder of the fiscal year ending December 31. The fee for such license shall be \$15, and the license for every year thereafter shall be issued upon the payment of \$15.
- C. The license shall also contain the Town license number and a notice that, in case of any complaint, the Department shall be notified of the license number of the taxicab driver. The license shall bear the signature of the License Inspector.

Subsection 13

Display of Taxi Driver's License and rate card.

Every driver licensed under this Section shall post his Taxi Driver's License, together with a rate card, as hereinafter provided, in such a place as to be in full view of all passengers while such driver is operating a taxicab. The display of the license and rate card shall be on the right side of the dashboard or affixed to the back of the front seat and shall be properly illuminated so that they are clearly visible at all times.

Subsection 14

Suspension and revocation of Taxi Driver's License.

The Public Safety Director is hereby given the authority to suspend any driver's license issued under this Section upon justified complaint of any person, including a holder, for a driver failing or refusing to comply with the provisions of this Section; provided, however, that such suspension shall not exceed 20 days. The Public Safety Director is also given the authority to revoke any Taxi Driver's License for failure to comply with the provisions of this Section; provided, however, that a license may not be revoked unless the driver has received notice and a copy of the charges against such person and has been given a hearing. Notwithstanding the use of the words "suspend or, after hearing, revoke" in this Section, the Public Safety Director may suspend and, after hearing, revoke any such license.

Subsection 15

Compliance with other laws.

Every driver licensed under this Section shall comply with all Town, state and federal laws the violation of which reflects unfavorably on the fitness of such driver to engage in public

transportation; failure to do so will justify the Public Safety Director in suspending or, after hearing, revoking the license.

If, at any time within the licensed year, a taxicab driver has been found guilty of a crime set forth in Subsection 9 or is otherwise disqualified by Subsection 9, or has permitted his cab to be used for any illegal or immoral purpose, the Public Safety Director may immediately suspend or, after hearing, revoke the driver's license.

Nothing in Section shall exempt any person owning or operating any taxicab from complying with the law relating to the ownership, registration and operation of automobiles in this state.

Subsection 16

Vehicle equipment and maintenance.

- A. No license shall be issued until said taxicab has been thoroughly inspected and found to be in a safe condition for the transportation of passengers and of good appearance.
- B. Every vehicle operating under this Section shall be periodically inspected, at such intervals as the License Inspector may direct, to ensure the continued maintenance of safe operating conditions.
- C. Every vehicle operating under this Section shall be kept in a clean and sanitary condition in accordance with the rules and regulations promulgated by the License Inspector.
- D. Any vehicle on the streets of the Town of Guttenberg in violation of this section may be removed from the streets by the Police Department. If the vehicle is not returned to service in accordance with the provisions of this section within 90 days, the Public Safety Director may suspend or, after hearing, revoke the Certificate of Public Convenience.

Subsection 17

Required markings on taxicabs.

- A. The owner of a taxicab shall cause to be displayed on the body of the vehicle the Certificate of Public Convenience number issued to that vehicle. The number shall be three inches in height and located in the center of the rear quarter panels on the driver and passenger sides and the rear center line of the trunk of the vehicle. Each taxicab shall display on each rear door of the taxicab the name of the municipality or municipalities which has issued the taxicab a Certificate of Public Convenience or other taxi license as that term is understood under the terms of N.J.S.A. 48:16-2.1 et seq., in letters three inches in height.
- B. Each taxicab shall bear on the outside of each rear or front door painted letters, not less than three inches nor more than four inches in height, in contrasting colors, indicating the name of the owner, association of which the owner is a member or registered trade name by which the owner conducts his business; in addition, the taxicab may bear an identifying design approved by the Public Safety Director. The assigned number of each taxicab shall appear on each taxicab and in the rear in numerals not less than two inches in height and in

clear view. No vehicle covered by the terms of this Section shall be licensed, whose color scheme, identifying design, monogram or insignia to be used thereon shall, in the opinion of the License Inspector, conflict with or imitate any color scheme, identifying design, monogram or insignia used on a vehicle, or vehicles already operated under this Section, in such a manner as to be misleading or tend to deceive or defraud the public; and provided, further, that if, after a license has been issued for a taxicab hereunder, the color scheme, identifying design, monogram or insignia thereof is changed so as to be, in the opinion of the Public Safety Director, in conflict with or in imitation of any color scheme, identifying design, monogram or insignia used by any other person, owner or operator, in such a manner as to be misleading or tend to deceive the public, the license covering such taxicab may be suspended or, after hearing, revoked.

- C. It shall be unlawful and a violation of this Section for any person to operate any vehicle not licensed under this Section in such a manner as to be misleading or tending to deceive or defraud the public into believing said vehicle is a taxicab or is being operated as a taxicab.

Subsection 18

Fare rates.

No owner or driver of a taxicab shall charge a greater sum for the use of a taxicab in accordance with the following rates:

Distance Traveled	Maximum Charge
6 blocks or less	\$4.50
7 blocks to 10 blocks	\$5.00
10 blocks to 14 blocks	\$5.50
14 blocks to 22 blocks	\$6.00
22 blocks to 26 blocks	\$6.50
26 blocks to 30 blocks	\$7.00
30 blocks to 36 blocks	\$7.50
36 blocks to 42 blocks	\$8.00
42 blocks to 48 blocks	\$8.50
48 blocks to 54 blocks	\$9.00
54 blocks to 60 blocks	\$10.00
60 blocks to 70 blocks	\$12.00

70 blocks to 80 blocks \$13.00

For distances greater than eighty (80) blocks the following set rates shall apply:

Guttenberg to: Secaucus Maximum \$20.00

Jersey City Maximum \$30.00

Hoboken Maximum \$17.00

Fairview Maximum \$ 9.00

Cliffside Park Maximum \$12.00

Ridgefield Maximum \$12.00

Palisade Park Maximum \$15.00

Ridgefield Park Maximum \$20.00

Fort Lee Maximum \$15.00

Leonia Maximum \$20.00

Bogota Maximum \$20.00

Englewood Maximum \$25.00

Englewood Cliffs Maximum \$25.00

Hackensack Maximum \$30.00

New York City Maximum \$45.00

Newark Airport Maximum \$35.00

LGA Airport Maximum \$55.00

JFK Airport Maximum \$70.00

Owners or drivers of taxicabs shall be allowed to charge for tolls and reasonable gasoline surcharges.

Every taxicab operated under this section shall have a rate card setting forth the authorized rates of fare displayed in such a place as to be in view of all passengers in the

cab. Nothing herein shall be deemed to prohibit an owner and/or operator of a taxicab from charging less than the above recited rates.

Subsection 19

Rental of taxicabs to drivers.

- A. It shall be unlawful for the owner of any taxicab to hire out or rent such taxicab to a taxicab driver or any other person for use within the Town for a stipulated sum over a definite period of time.
- B. The method by which the compensation is paid to the driver, whether by percentage of receipts, salary or fixed rate, shall not be construed to be a hiring or a renting.

Subsection 20

Receipts.

The driver of any taxicab shall, upon demand by the passenger, render to such passenger a receipt for the amount charged on which shall be the name of the owner, driver, the Certificate of Public Convenience number, the amount of the charge, and date and time of the transaction.

Subsection 21

Fare disputes.

All disputes as to the local rate of fare shall, upon request of the driver or passenger, be determined by the police officer in charge of the police station. Failure to comply with such determination shall subject the offender to a charge of disorderly conduct.

Subsection 22

Tints Prohibited

Tinted windows, Side curtains or shades shall not be permitted on any taxicab licensed in the Town of Guttenberg.

Subsection 23

Riding in front seat restricted.

No person, other than the licensed driver of the taxicab, shall ride or sit in the front seat of the taxicab unless the rear is fully occupied by the passengers, except when, for physical or health reasons, a passenger must sit in the front seat.

Subsection 24

Use for illegal or immoral purposes prohibited.

No holder or driver shall knowingly permit his taxicab to be used for any illegal or immoral purposes, under penalty of suspension or, after hearing, revocation of holder or driver's license, or both, and such other penalty as may be provided.

Subsection 25

Solicitation of passengers.

- A. Soliciting patronage by the driver. No driver shall solicit passengers for a taxicab except when sitting in the driver's compartment of such taxicab or while standing immediately adjacent to the curbside thereof at any legal taxi stand.
- B. Prohibited solicitation. No driver shall solicit patronage by way of electronic amplifier, in a loud tone of voice or in any manner annoy any person or obstruct the movement of any person or follow any person for the purpose of soliciting patronage.
- C. Receipt and discharge of passengers on a sidewalk. Drivers of taxicabs shall not receive or discharge passengers in the roadway but shall pull up to the right-hand side as nearly as possible, 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 at either the right- or left-hand sidewalk or side of the roadway in the absence of a sidewalk.
- D. Cruising. No driver shall cruise in search of passengers except in such areas and at such times as may be designated by the Public Safety Director. Such areas and times shall only be designated when the Public Safety Director finds that taxicab cruising would not congest traffic or be dangerous to pedestrians and other vehicles.

Additional passengers. No driver shall permit any other person to occupy or ride said taxicab unless the person or persons first employing a taxicab shall consent to, the acceptance of an additional passenger or passengers; provided, however, that an additional passenger or passengers shall not be accepted if they are of a different sex than the passenger first employing the taxicab. No charge shall be made for an additional passenger, except when the additional passenger rides beyond the previous passenger's destination, and then for only the additional distance so traveled. Upon reaching the original passenger's destination, the driver shall collect his fare and the passenger shall be charged as if the additional distance traveled were a new trip.

- F. Restrictions on the number of passengers. No driver can permit more than five persons to be carried in a taxicab as passengers. A child under six years of age shall not be counted as a passenger.
- G. Refusal to carry orderly passengers prohibited. No driver shall refuse or neglect to carry any person or persons, upon their request, unless previously engaged or unable or forbidden by the provisions of this Section to do so.
- H. Prohibition of drivers. It shall be a violation of this Section for any driver of a taxicab to solicit business for any hotels, motels, rooming houses, bars, taverns, restaurants, theaters and the like, or to attempt to divert patronage from one such place to another. Neither shall such driver engage in selling intoxicating liquors or solicit business for any house of ill repute or use his vehicle for any purposes other than the transporting of passengers.

Subsection 26

Establishment of Taxi stands.

- A. The Public Safety Director is hereby authorized and empowered to establish open stands in such place or places upon the streets of the Town of Guttenberg as he deems necessary for the use of taxicabs operating in the Town. Said Public Safety Director shall not create an open stand without taking into consideration the need for such stand by the companies, convenience to the general public and the recommendation of the Police and Fire Departments of the Town of Guttenberg. The Public Safety Director shall prescribe the number of cabs that shall occupy such open stands.
- B. Open stands shall be used by the different drivers on a first-come, first-serve basis. The driver shall pull to the open stand from the rear and shall advance forward as the cabs ahead pull off. The drivers shall stay within five feet of their cabs, and shall not engage in loud or boisterous talk while at an open stand. Nothing in this Subsection shall be construed as preventing a passenger from boarding the cab of his choice that is parked at an open stand.

Subsection 27

Use of company stands.

- A. The Mayor and Board of Commissioners, upon the recommendation of the Public Safety Director, are empowered to authorize company stands at locations to be selected for convenience and safety. The company stand shall be used solely by the company to whom the same is granted and by its agents and servants. No other company or holder of a taxicab license shall be permitted to use the same. **[Amended 12-27-1991 by Ord. No. 1965]**
- B. Company stands shall be used by the different drivers on a first-come, first-serve basis. The driver shall pull to the company stand from the rear and shall advance forward as the cabs pull off. The drivers shall stay within five feet of their cabs, and shall not engage in loud or boisterous talk while at a company stand. Nothing in this Subsection shall be construed as preventing a passenger from boarding the cab of his choice that is parked at a company stand.
- C. The parking of any vehicle other than licensed taxicabs shall be prohibited on taxi stands legally authorized by the Public Safety Director of the Town of Guttenberg, and such stands shall be considered tow-away zones for any vehicles illegally parked at said stands for the purpose of the enforcement of this Subsection.

Subsection 28

Standards of service.

All persons engaged in the taxicab business in the Town of Guttenberg operating under the provisions of this Section shall render an overall service to the public desiring to use taxicabs.

They shall answer all calls received by them for service inside the corporate limits of the Town of Guttenberg as soon as they can do so and, if said services cannot be rendered within a reasonable time, they shall then notify the prospective passenger how long it will be before the said call can be answered and give the reason therefor. Any holder who shall refuse to accept a call anywhere in the corporate limits of the Town of Guttenberg at any time when such holder has available cab or cabs, or who shall fail or refuse to give overall service, shall be deemed a violator of this Subsection and any license granted to such holder may, after a hearing, be revoked.

Subsection 29

Required records.

- A. Every holder shall require the driver to keep a daily record, identified by the cab number of the cab used that day and the license number of the driver, of the time and place when and where the passenger was accepted as well as the time and place of the discharge of the passenger, together with the fare received for the trip, which record the holder shall keep intact for 180 days from the date thereof and shall be kept open at all times for inspection by a duly authorized representative of the Police Department or the License Inspector.
- B. Every holder shall record in a book kept solely for such purpose the time of departure from the garage or cabstand of every licensed vehicle, giving the name and address of the driver thereof, his license number and the license number of the vehicle and the time of the return to the garage or cabstand of each such vehicle, which book shall be kept open for inspection at all times to a duly authorized representative of the Police Department or the License Inspector.

Subsection 30

Advertising on vehicles.

Subject to the rules and regulations of the Public Safety Director, it shall be lawful for any person owning or operating a taxicab to permit advertising matter to be affixed or installed on the outside of such taxicab, provided that such advertising matter shall not be of a lewd, lascivious or obscene nature, nor shall the location in the cab interfere with the comfort of the passengers or the operation of the vehicle.

Subsection 31

Register of license holders.

The License Inspector shall keep a register of the name of each holder licensed under this Section, together with the license number and the make and description of the limousine or livery vehicle licensed, with the date and record of inspections made of it.

Subsection 32

Standing in certain locations prohibited.

Subject to the rules and regulations of the Public Safety Director, it shall be unlawful for any taxicab to stand in any restricted area, or any area which is controlled by parking meters, or at the curb within 15 feet of the entrance to any theater, hotel, restaurant or other public place.

Subsection 33

Behavior of drivers.

The driver, while engaged in the operation of a taxicab, shall behave himself in a gentlemanly manner, and he shall not use any indecent, profane or insulting language while engaged in such operation.

Subsection 34

Operation by unlicensed drivers prohibited.

It shall be unlawful for any person owning or operating any taxicab in the Town of Guttenberg, licensed under the provisions of this Section, to permit such taxicab to be operated by any person who does not hold a valid driver's license as required by this Section.

Subsection 35

Restrictions on operations.

- A. No taxicab, while waiting for employment by passengers, shall stand on any public street or space other than at or upon a taxicab stand designated or established in accordance with this Section, nor shall any driver of such taxicab seek employment by repeatedly and persistently driving his taxicab to and fro in a short space before or by otherwise interfering with the proper and orderly access to or egress from any theater, hall, hotel, public resort or other place of gathering, and no driver shall solicit passengers for a taxicab except when standing at his vehicle or sitting upon the driver's seat thereof.
- B. Every holder shall be responsible for the operation of the vehicle for which the license has been granted regardless of the legal relationship between such holder and the driver of said vehicle.

Subsection 36

Lost articles.

Every driver of a taxicab, immediately after the termination of any hiring or employment, must carefully search such taxicab for any property lost or left therein, and any such property, unless sooner claimed or delivered to the owners, must be reported, in writing, by the driver or holder, to the License Inspector with brief particulars and a description of the property, within 24 hours after the finding thereof.

Subsection 37

Enforcement.

The Police Department of the Town of Guttenberg is hereby given the authority and is instructed to watch and observe the condition of holders and drivers operating under this Section. Upon discovering a violation of the provisions of this Section, the Police Department shall report the same to the Public Safety Director, who shall order or take appropriate action.

Subsection 38

Hearings.

All hearings under this Section shall be conducted by the Public Safety Director.

Subsection 39

Promulgation of rules and regulations.

The Public Safety Director shall promulgate reasonable rules and regulations to implement this Section and to carry out its intendments which shall be filed with the Town Clerk of the Town of Guttenberg. The Public Safety Director shall cause the rules and regulations as promulgated, together with this Section, and any amendments or additions thereto, to be printed and distributed to the holders of Certificate of Public Convenience and Taxi Driver's Licenses, and to all those who in the future shall obtain such certificates or licenses.

Subsection 40

Violations and penalties.

Any person found guilty of violating any of the provisions of this Section may, in addition to the suspension or revocation of any certificate or license as heretofore provided, upon conviction, be liable to the penalty stated in Section I, Section 1-5.

SECTION TWO

Livery and Limousines

Subsection 1

The definitions set forth in Section 1 Subsection 1 apply to Section except as to the extent the below definitions may differ in which case the below definitions apply to this Section to such extent:

HEARING - A public hearing at which the licensee shall be given an opportunity to appear personally and be represented, by his chosen counsel, and be heard and to present evidence on his behalf or otherwise answer the charges against him.

HOLDER - A person to whom a limousine or livery vehicle license has been issued pursuant to this Section.

LIMOUSINE OR LIVERY OPERATOR - Any person holding a valid, current New Jersey special driver's license to operate a motor vehicle carrying six or more passengers.

LIMOUSINE OR LIVERY VEHICLE - A vehicle which has been issued livery license plates by the State of New Jersey, is used exclusively to carry passengers for hire, does not have an established route and which is constructed and designed as to comfortably seat not more than nine passengers excluding the operator of the vehicle.

LIMOUSINE OR LIVERY VEHICLE DRIVER'S LICENSE shall mean the permission granted by the Public Safety Director to a person to drive a limousine or livery vehicle upon the streets of the Town.

TRANSFER - To sell, transfer or in any other manner dispose of a limousine or livery vehicle license. Where the license is in the name of a corporation or other legal entity, any change in control of the holder shall constitute a transfer of the license held in the name of said corporation or other legal entity. The Public Safety Director shall determine what constitutes a change in control.

Subsection 2

Compliance with state law; insurance requirements.

- A. In order to ensure the safety of the public, it shall be unlawful for any person to operate or cause to permit a limousine or livery vehicle to be operated, nor shall any license be issued hereunder, until and unless the applicant shall have complied with the provisions of N.J.S.A. 48:16-13 to 48:16-27 and the acts amendatory thereof or supplemental thereto, which require an insurance policy of a company duly licensed to transact business under the insurance laws of the state conditional for the payment of a sum of a minimum of \$50,000 or such additional minimum amount as may be specified in New Jersey statutes to satisfy all claims and damages by reason of bodily injury to or the death of any one person resulting from an accident by reason of the ownership, operation, maintenance or use of

such limousine or livery upon any public street. The owner shall furnish the License Inspector with evidence that the aforesaid provision has been complied with and that the premium for the full period of the licensing year has been paid. Each policy shall contain an endorsement providing for 30 days' written notice from the insurance company to the Town of Guttenberg in the event of any change in the policy or cancellation of the policy. Each limousine or livery vehicle license shall become effective and operation thereunder shall be permitted only so long as the insurance policy shall remain in force to the full and collectible amounts as aforesaid.

- B. Each insurance policy shall provide for payment of any final judgment recovered by any person on account of the ownership, maintenance or use of the limousine or livery vehicle or any fault in respect thereto and shall be for the benefit of every person suffering loss, damage or injury as aforesaid.
- C. If an owner operates more than one limousine or livery vehicle, he may file with the Licensing Officer a blanket insurance policy of a company licensed to transact business under the laws of New Jersey in the minimum sum of \$50,000, which shall be blanket insurance covering all limousine or livery vehicles operated by such owner and which shall provide for the payment of any financial judgment recovered by any person on account of the ownership, maintenance and use of any such limousine or livery vehicles or any fault in respect thereto and shall be for the benefit of every person suffering loss, damage or injury as aforesaid.

Subsection 3

Power of attorney.

To the extent the Town of Guttenberg permissible pursuant to N.J.S.A. 48:16-13 to 48:16-27, in addition to the insurance requirements as aforesaid, the owner of every limousine or livery vehicle shall execute and deliver to the Licensing Officer, concurrent with the filing of the insurance policy referred to in Subsection 2 a power of attorney wherein the owner shall appoint the Town Clerk of the Town of Guttenberg as his true and lawful attorney for the purpose of acknowledging service of process from a court of competent jurisdiction to be served against the insured by virtue of the indemnity granted under the insurance policy filed.

Subsection 4

Limousine or livery vehicle license required.

- A. No person shall operate or permit a limousine or livery vehicle owned or controlled by such person to be operated as a vehicle for hire upon the streets of the Town of Guttenberg without having first obtained a limousine or livery license from the State of New Jersey and a limousine or livery vehicle license from the License Inspector of the Town of Guttenberg except to the extent the Town of Guttenberg, may not require same under the terms of N.J.S.A. 48:16-13 to 48:16-27.
- B. No license shall be issued or renewed unless the holder thereof has paid an annual license fee of \$350 for each limousine or livery vehicle to be operated under that license. Said

license shall be for the year ending on December 31 and shall be in addition to any other fee or charges established by proper authorities and applicable to said holder for the vehicle or vehicles under his operation and control.

- C. Nothing in this Subsection shall excuse any the owner, operator or driver of a limousine or livery vehicle from otherwise complying with the provisions of N.J.S.A. 48:16-13 to 48:16-27 while such vehicle is being operated within the Town of Guttenberg.

Subsection 5

Inspection of vehicles required; repairs.

- A. Each person issued a limousine or livery operator's license by the Town of Guttenberg shall, as a condition to continued maintenance of such license, submit each of his limousine or livery vehicles for a full mechanical and vehicle inspection once each three months during the one-year period of his license pursuant to a schedule established by the Town of Guttenberg. Such inspection shall be conducted at the town garage by town mechanics.
- B. In the event that town inspectors report that any vehicle is in need of repair, the licensee shall repair the same within 30 days of the inspection and shall resubmit the vehicle for inspection, plus submit a written report or invoice specifying the services performed and parts furnished to correct the condition noted in the prior inspection report. The term "in need of repair" shall include but is not limited to the following:
- (1) That the glass (windows and/or windshield) is cracked, chipped or scratched or that the glass in the mirrors is cracked.
 - (2) That the horn does not function properly so as to produce a sound audible for 200 feet.
 - (3) That the emergency brake does not hold the vehicle when parked on a grade.
 - (4) That the foot brake does not hold the vehicle when parked on a grade and that it does not have sufficient reserve pedal.
 - (5) That the headlights, taillights, stoplights and directional lights do not turn on and off when operated by the controls in the vehicle or are otherwise broken or defective.
 - (6) (That the windshield wipers do not rotate back and forth with sufficient pressure when turned on and do not stop when turned off by the controls in the vehicle.
 - (7) That the tires have damage, ply separation, breaks or cuts and do not have at least 2/32 inch of tire tread.
 - (8) That a defroster does not function properly so as to produce a temperature in excess of 50° F.

- (9) That any door for entering into or out of the vehicle is damaged to the extent that it does not fully swing for convenient passenger ingress or egress.

Subsection 6

Limousine or livery vehicle license application procedure; renewal.

- A. Applications for a license shall be filed with the License Inspector upon forms provided by the Town of Guttenberg, and said application shall be verified under oath and shall furnish the following information:
- (1) The name and address of the applicant, where the applicant is not a natural person, the name and address of all owners or participants in the ownership of the legal entity and all officers, directors or others of like position, whatever be their title.
 - (2) The year, type and model of the vehicle for which the license is desired.
 - (3) The number of persons the vehicle is capable of carrying.
 - (4) Such further information as the License Inspector of the Town of Guttenberg may require.
- B. The annual application for renewal of limousine or livery vehicle licenses shall be filed not later than 30 days prior to the expiration date.

Subsection 7

Issuance of limousine or livery vehicle license.

If the Public Safety Director finds that the applicant is fit, willing and able to perform such public transportation and in accordance with the provisions of this Section and the rules promulgated by the Public Safety Director, then the Public Safety Director shall order the Clerk of the Town of Guttenberg to issue a license stating the name and address of the applicant, the date of issuance and the year, type and model of the vehicle; otherwise, the application shall be denied. In making the above findings, the Public Safety Director shall take into consideration the character, experience and responsibility of the applicant.

Subsection 8

Transfer of limousine or livery vehicle license.

No limousine or livery vehicle license may be sold, assigned or otherwise transferred without the consent of the Public Safety Director and payment of a fifteen-dollar transfer fee. No limousine or livery vehicle license shall be assigned, mortgaged, pledged or otherwise transferred to secure a debt, loan, advance or other financing transaction.

Subsection 9

Suspension or revocation of limousine or livery vehicle license.

- A. Licenses issued under the provisions of this Section may be suspended or, after hearing, revoked by the Public Safety Director if the holder hereof had:
- (1.) Violated any of the provisions of this Section.
 - (2.) Violated any ordinance of the Town of Guttenberg or the laws of New Jersey, the violation of which reflects unfavorably on the fitness of the holder to offer public transportation.
- B. Prior to revocation, the holder shall be given written notice of the proposed action to be taken and the charges against such person and shall be given a hearing. Notwithstanding the use of the words "suspend or, after hearing, revoke" in this Section, the Public Safety Director may suspend and, after hearing, revoke such licenses.

Subsection 10

Limousine or livery vehicle driver's license required.

- A. No person shall operate a limousine or livery for hire upon the streets of the Town of Guttenberg and no person who owns or controls a limousine or livery shall permit it to be so driven and no limousine or livery vehicle licensed by the Town of Guttenberg shall be so driven at any time for hire, unless the driver of said limousine or livery shall have first obtained and shall have then in force the limousine or livery operator's license under the provisions of this Section and provided, further, that said driver shall be a holder or servant, employee or agent of such holder.
- B. Every person applying for a license to drive a limousine or livery vehicle must furnish satisfactory evidence that he has received a limousine or livery license under the New Jersey State Motor Vehicle Law.
- C. Each applicant for a limousine or livery vehicle license under the terms of this Section must conform to the following regulations
- (1.) Be of the age of 21 years or over and be a resident of the State of New Jersey for one year or more.
 - (2.) Be able to read and write the English language with sufficient proficiency to provide livery and limousine services to the general public in the opinion of the Public Safety Director and be eligible to work in the United States.

Subsection 11

Limousine or livery vehicle driver's license application procedure.

- A. An application for a limousine or livery vehicle driver's license shall be filed with the License Inspector on forms provided by the Town of Guttenberg. The application shall contain the following:
- (1) The full name and address of the applicant.
 - (2) Places of residence for the preceding five years.
 - (3) Age, height and color of eyes and hair.
 - (4) Place of birth and whether married or single.
 - (5) Previous employment and whether he has ever been convicted of a high misdemeanor, misdemeanor, violation of the Disorderly Persons Act or a violation of this Section.
 - (6) Whether a driver's license, issued by any state or political subdivision thereof, ever held by such person has been suspended or revoked and for what cause.
- B. The applicant shall furnish four passport-type photographs of himself taken within 30 days of the application, front view, two inches by two inches in size.
- C. Each application must be accompanied by a certificate from a licensed and practicing physician of the State of New Jersey, certifying that the applicant has been examined on a certain date and that, in his opinion, the applicant is of sound physique, with good eyesight and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might make such person unfit for the same operation of a limousine or livery vehicle. The examination shall be within 30 days prior to the filing of the application. At the time the application is filed, the applicant shall pay to the License Inspector the sum of \$30.

Subsection 12

Investigation of applicant for Limousine or livery vehicle driver's license.

The Police Department shall conduct an investigation of each applicant for a limousine or livery vehicle driver's license, and a report of such investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the Public Safety Director.

Subsection 13

Consideration of application for limousine or livery vehicle driver's license.

The Public Safety Director, upon consideration of the application and the reports and certificate required to be attached thereto, shall approve or reject the application. If the application is rejected, the applicant may request a hearing to offer evidence why his application should be reconsidered.

Subsection 14

Issuance of limousine or livery vehicle driver's license; complaints.

- A. Upon approval of the application for the limousine or livery vehicle driver's license by the Public Safety Director, the License Inspector shall issue a license to the applicant, which shall bear the name, signature and photograph of the applicant.
- B. Such license shall be in effect for the remainder of the fiscal year ending December 31. The fee for such license shall be \$15, and the license for every year thereafter shall be issued upon the payment of \$5.
- C. The license shall also contain the town license number and a notice that, in case of any complaint, the Department shall be notified of the license number of the driver. The license shall bear the signature of the License Inspector.

Subsection 15

Suspension or revocation of limousine or livery vehicle driver's license.

The Public Safety Director is hereby given the authority to suspend any limousine or livery vehicle driver's license issued under this Section upon justified complaint of any person, including a holder, for a driver failing or refusing to comply with the provisions of this Section; provided, however, that such suspension shall not exceed 20 days. The Public Safety Director is also given the authority to revoke any limousine or livery vehicle driver's license for failure to comply with the provisions of this Section; provided, however, that a license may not be revoked unless the driver has received notice and a copy of the charges against such person and has been given a hearing. Notwithstanding the use of the words "suspend or, after hearing, revoke" in this Section, the Public Safety Director may suspend and, after hearing, revoke any such license.

Subsection 16

Compliance with other laws.

Every driver licensed under this Section shall comply with all town, state and federal laws, the violation of which reflects unfavorably on the fitness of such driver to engage in public transportation; failure to do so will justify the Public Safety Director in suspending or, after hearing, revoking the license. If, at any time within the licensed year, a driver has been found guilty of a high misdemeanor, misdemeanor or has permitted his vehicle to be used for any

illegal or immoral purpose, the Public Safety Director may immediately suspend or, after hearing, revoke the limousine or livery vehicle driver's license.

Subsection 17

Maintenance of vehicles.

- A. No license shall be issued until said limousine or livery vehicle has been thoroughly inspected and found to be in a safe condition for the transportation of passengers and of good appearance.
- B. Every vehicle operating under this Section shall be periodically inspected, at such intervals as the License Inspector may direct, to ensure the continued maintenance of safe operating conditions.
- C. Every vehicle operating under this Section shall be kept in a clean and sanitary condition in accordance with the rules and regulations promulgated by the License Inspector.
- D. Any vehicle on the streets of the Town of Guttenberg in violation of this section may be removed from the streets by the Police Department. If the vehicle is not returned to service in accordance with the provisions of this section within 90 days, the Public Safety Director may suspend or, after hearing, revoke the limousine or livery vehicle license.

Subsection 18

Use of vehicle for illegal or immoral purposes.

No holder or driver shall knowingly permit his vehicle to be used for any illegal or immoral purposes, under penalty of suspension or, after hearing, revocation of holder's or limousine or livery vehicle driver's license, or both, and such other penalty as may be provided.

Subsection 19

Solicitation of passengers; receipt and discharge.

- A. Prohibited solicitation. No driver shall solicit patronage in a loud tone of voice or in any manner which would annoy any person or obstruct the movement of any person or follow any person for the purpose of soliciting patronage.
- B. Receipt and discharge of passengers on a sidewalk. Drivers shall not receive or discharge passengers in the roadway but shall pull up to the right-hand side as nearly as possible 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 at either the right- or left-hand sidewalk or side of the roadway in the absence of a sidewalk.

Subsection 20

Number of passengers restricted.

Restrictions on the number of passengers. No driver can permit more than nine persons to be carried in a limousine or livery as passengers.

Subsection 21

Register of license holders.

The License Inspector shall keep a register of the name of each holder licensed under this Section, together with the license number and the make and description of the limousine or livery vehicle licensed, with the date and record of inspections made of it.

Subsection 22

Restrictions on standing.

Subject to the rules and regulations of the Public Safety Director, it shall be unlawful for any limousine or livery vehicle to stand in any restricted area or any area which is controlled by parking meters or at the curb within 15 feet of the entrance to any theater, hotel, restaurant or other public place.

Subsection 23

Behavior of drivers.

The driver, while engaged in the operation of a limousine or livery vehicle, shall behave himself in a gentlemanly manner, and he shall not use any indecent, profane or insulting language while engaged in such operation.

Subsection 24

Operation by unlicensed drivers prohibited.

It shall be unlawful for any person owning or operating any limousine or livery vehicle in the Town of Guttenberg, licensed under the provisions of this Section, to permit such vehicle to be operated by any person who does not hold a valid limousine or livery vehicle driver's license as required by this Section.

Subsection 25

Restrictions on operation.

Every holder of a limousine or livery vehicle license shall be responsible for the operation of the vehicle for which the license has been granted regardless of the legal relationship between such holder and the driver of said vehicle.

Subsection 26

Lost articles.

Every driver of a limousine or livery vehicle, immediately after the termination of any hiring or employment, must carefully search such vehicle for any property lost or left therein, and any such property, unless sooner claimed or delivered to the owners, must be reported, in writing, by the driver or holder, to the License Inspector with brief particulars and a description of the property, within 24 hours after the finding thereof.

Subsection 27

Enforcement.

The Police Department of the Town of Guttenberg is hereby given the authority and is instructed to watch and observe the condition of holders and drivers operating under this Section. Upon discovering a violation of the provisions of this Section, the Police Department shall report the same to the Public Safety Director, who shall order or take appropriate action.

Subsection 28

Hearings.

All hearings under this Section shall be conducted by the Public Safety Director.

Subsection 29

Rules and regulations.

The Public Safety Director shall promulgate reasonable rules and regulations to implement this Section and to carry out its intendments, which shall be filed with the Town Clerk of the Town of Guttenberg. The Public Safety Director shall cause the rules and regulations as promulgated, together with this Section, and any amendments or additions thereto, to be printed and distributed to the holders of limousine or livery vehicle licenses and to all those who in the future shall obtain such license or licenses.

Subsection 30

Violations and penalties.

Any person found guilty of violating any of the provisions of this Section may, in addition to the suspension or revocation of any certificate or license as heretofore provided, upon conviction, be liable to the penalty stated in Section I, Section 1-5 and as set forth in N.J.S.A. 48:16-13 to 48:16-27 and any penalties may be enforced pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274, as may therein be provided for.

SECTION 3

Motor Vehicles Used by a Transportation Network Company

A motor vehicle that is used by a transportation network company driver as defined in the “Transportation Network Company Safety and Regulatory Act” N.J.S.A. 39:5H et seq., to provide prearranged rides and is owned, leased, or otherwise authorized for use by a transportation network company driver, a defined by such Act, and the owner, operator or driver thereof, shall be exempt from the provisions of this Ordinance, only to the extent of the exemption provided under the terms of such Act, and the owner, operator or driver of such vehicle shall bear the burden of establishing such exemption.

SECTION FOUR

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, which shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any portion thereof.

SECTION FIVE

Repealer. All Ordinances or portions thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or portions of ordinances now existing or in effect shall remain in effect unless the they are in conflict or inconsistent with any provision of this Ordinance.

SECTION SIX

Codification - This ordinance shall be part of the Code as though codified and fully set forth therein. The Town Clerk shall have this ordinance and incorporated in the official copies of the Code. The Town Clerk and the Town Attorney be and are hereby authorized and directed to change any heading, chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those headings and numbers and existing provisions of the Code of **the Town of Guttenberg** and to also codify any fee set forth in this Ordinance in such section of the Code, other than **Chapter 4, Sections 4.1 to 4-1.26** of the Code, where such fee may currently be codified in the existing provisions of the Code, as may be deemed appropriate.

SECTION SEVEN

This Ordinance shall take effect upon passage and publication as required by law.

SUMMARY OF ORDINANCE

This Ordinance amends the Chapter 4-1 of the Code of the Town of Guttenberg - “Taxicabs, Limousines and Livery Vehicles” in its entirety as set forth herein.

/S/ Alberto Cabrera
Introduction: 2.24.20
Adoption: 3.23.20