

ORDINANCE NO. 2024-09

ORDINANCE ENACTING CHAPTER 177, "LIMOUSINES" AND AMENDING CHAPTER 91, "FEES AND LICENSES" OF THE MUNICIPAL CODE OF THE BOROUGH OF KENILWORTH TO REGULATE THE OPERATION OF LIMOUSINES THROUGHOUT THE BOROUGH

WHEREAS, pursuant to N.J.S.A. 40:48-1, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this State or Federal Government, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the Governing Body has determined that in the interests of efficiency and economy it is appropriate to enact rules providing for the governance of limousine owners, operators, and drivers, throughout the Borough of Kenilworth and to revise the Borough's ordinances, accordingly, and

WHEREAS, limousine owners, operators, and drivers are required to comply with N.J.S.A. 48:16-13, et seq., and any regulation enacted therefrom, and are subject to further regulation by municipalities; and

WHEREAS, the enactment of municipal rules governing limousines owners, operators, and drivers in the Borough of Kenilworth provides for appropriate oversight and accountability of limousine services in the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Kenilworth in the County of Union, State of New Jersey as follows:

SECTION 1. The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

SECTION 2. Section 91-1(A), "Schedule of Fees and Licenses" of Chapter 91, "Fees and Licenses" shall be amended as follows (with additions **bolded and underlined** and deletions ~~stricken~~):

Chapter 177, Limousines

License fee for business operation (per year) \$50
License fee per vehicle (per year) \$10

Chapter 179, Taxicabs ~~and Limousines~~
License fee for business operation (per year) \$75
License fee per vehicle (per year) \$50
License fee per driver (per year) \$75

SECTION 3. Chapter 177 "Limousines" shall be enacted as follows:

§177-1 Definitions.

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

"Limousine" means and includes any automobile or motor car used in the business of carrying passengers for hire to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route and with a seating capacity in no event of more than fourteen (14) passengers, not including the driver, provided that such a vehicle shall not have a seating capacity in excess of four passengers, not including the driver, beyond the maximum passenger seating capacity of the vehicle, not including the driver, at the time of manufacture. In addition, a "Vehicle Emission Control Information" label, which contains the name and trademark of the manufacturer and an unconditional statement of compliance with the emission requirements of the Environmental Protection Agency, shall be present on the vehicle. Nothing in this article contained shall be construed to include taxicabs, hotel buses, buses employed solely in transporting school children or teachers, vehicles owned and operated directly or indirectly by businesses engaged in the practice of mortuary science when those vehicles are used exclusively for providing transportation related to the provision of funeral services, autobuses which are subject to the jurisdiction of the Department of Transportation, or interstate autobuses required by federal or state law or regulation of the Department of Transportation to carry insurance against loss from liability imposed by law on account of bodily injury or death.

"Limousine or Livery Service" means and includes the business of carrying passengers for hire by limousines.

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

"Principal Place of Business" means the location of the main place of business of the limousine service in the Borough of Kenilworth where limousine service is conducted, where limousines are dispatched, or where limousine drivers report for duty.

“Street” means and includes any street, avenue, park, parkway, highway, or other public place.

§177-2 License Required.

A. Except for limousines registered in other states pursuant to N.J.S.A. 48:16-22.4, no owner of a limousine service having its principal place of business in the Borough of Kenilworth shall operate a limousine wholly or partly along any street in the Borough of Kenilworth, until the owner or operator of said limousine service shall have obtained a license from the Borough Clerk. Such license shall be for a term of one year from the date of issuance, shall be renewable annually, and shall be nontransferable. To obtain a license to operate a limousine from the Borough, the owner or operator must comply with the requirements of this Chapter and complete the Limousine License Application form, maintained by the Borough Clerk.

B. No person shall operate a limousine service on the streets of the State of New Jersey

or any municipality thereof unless he/she has been issued a license pursuant to N.J.S.A. 48:16-17 and/or is otherwise governed by N.J.S.A. 48:16-22.4 and is equipped in accordance with the minimum standards established by the director of the Division of Motor Vehicles and the Department of Transportation with:

1. A two-way communication system, which, at a minimum, shall provide for communication to a person outside the vehicle for a distance of not less than one hundred (100) miles and which requirement may be satisfied by a mobile telephone;

2. A removable first aid kit and operable fire extinguisher, which shall be placed in an accessible place within the vehicle;

3. Sideboards attached to the permanent body construction of the vehicle if the height of the vehicle floor is ten (10) inches or more above ground level.

§177-3 Insurance; amount.

The owner or operator of a limousine must file with the Borough Clerk an insurance policy of a company duly licensed to transact business under the insurance laws of New Jersey in the sum of one million five hundred thousand dollars (\$1,500,000.00) 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 any 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 one million five hundred thousand dollars (\$1,500,000.00). The insurance policy shall 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, injury aforesaid.

§177-4 Issuance of License; contents; filing and posting.

Upon the filing of the required insurance policy by an owner having its principal place of business in the Borough of Kenilworth as a limousine or livery service, the Borough Clerk, upon the payment of the fee required by Chapter 91, “Fees and Licenses” for each limousine service and for each limousine, which is covered under the required insurance policy, shall be issued in duplicate a license to operate showing that the owner of the limousine has complied with the terms and provisions of N.J.S.A. 48:16-14. The license shall recite the name of the insurance company, the number and date of expiration of the policy, a description of every limousine insured thereunder and the registration number of the same. The duplicate license shall be filed with the New Jersey Motor Vehicle Commission before any such car is registered as a limousine. The original license or a copy thereof shall be retained within the limousine and shall be available for inspection by any law enforcement officer in the state. In addition to the recital of insurance information required on the license pursuant to this section, the owner of a limousine shall attach, to the original license or copy thereof retained within the limousine, a notarized letter from an insurance company containing the same insurance information required in the recital and the vehicle identification number (VIN) or a notarized certificate of insurance for the particular limousine, showing the VIN as well as the limits of insurance coverage, and available insurance card, which shall constitute proof of insurance coverage, and which shall also be available for inspection by any law enforcement officer in the state.

§177-5 License for limousines providing intramunicipal point-to-point service; fee.

Notwithstanding any other provisions of law to the contrary, the Borough of Kenilworth requires a limousine service to obtain a corporate license, permit, certificate or other form of authority if the limousine service is providing service on an intramunicipal point-to-point basis within the Borough of Kenilworth. The fee for the issuance of this license is set forth in Chapter 91, “Fees and Licenses” (which is in addition to any other fee set forth in this Chapter or otherwise), which applies to all limousines operated by a limousine service providing such intramunicipal point-to-point service within the Borough of Kenilworth.

§177-6 Examination and inspection of limousine by operator; report.

A. Prior to any operation of a limousine on the streets of the Borough of Kenilworth for the purpose of picking up passengers, the driver of the limousine shall conduct a general examination of the condition of the vehicle to ascertain its fitness to operate, which shall include, at a minimum, an

examination of the tires, windshield wipers, horn, condition of the front and rear windshield and side windows, front and rear lights, fluid levels and brakes, as well as the condition of the two-way communications system. The completion of a check list by the driver containing, at a minimum, the items enumerated in this subsection and the date and time of the examination, and supplied by the owner of the limousine service, shall constitute proof of compliance with this subsection.

B. In a calendar year in which a limousine is not required to undergo an inspection as required pursuant to N.J.S.A. 39:8-1, the owner of the limousine service shall cause to be conducted, by a person qualified to do so, an examination of the mechanical and operating condition of the limousine, including at a minimum, the condition of the brakes, the exhaust system, condition of the tires, functioning of front and rear lights, and operation of fan belts and other belts in the engine of the vehicle. The person conducting the examination shall issue a report thereof to the owner who shall retain the report of the examination until the time of the next inspection required pursuant to N.J.S.A. 39:8-1. The report shall be subject to inspection by the Division of Motor Vehicles.

§ 177-7 Restrictions on licensing and operation of limousines.

B. No limousine licensed under this chapter shall be operated as a taxi.

C. Limousines licensed under this chapter shall be limited in use to carrying passengers for hire upon contract only, or for such events as funerals, weddings and other special occasions, or for trips outside of the geographic boundaries of the Borough of Kenilworth.

§177-8 Compliance with State statute.

Any owner, operator or driver shall comply with N.J.S.A. 48:16-13, et seq., and any regulation enacted therefrom.

§177-9 Violations and penalties.

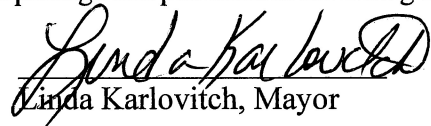
A. Unless another penalty is expressly provided by the New Jersey Statutes, any violation of the provisions of this Chapter, or the provisions of N.J.S.A. 48:16-13 et seq., shall subject such violator, upon issuance of a summons and conviction in municipal court, and at the Court's discretion, to the fines and penalties set forth in the Borough Code for each such violation. Any person who shall operate a limousine service in any street in the Borough of Kenilworth without complying with the provisions of this chapter and the provisions of N.J.S.A. 48:16-13 et seq. shall be subject to the fines and penalties set forth in N.J.S.A. 39:56-1(a).

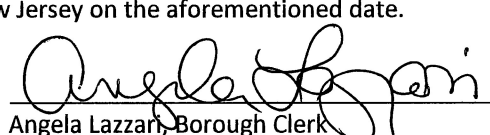
B. Any violation of the provisions of this Chapter may also subject the violator to a suspension, revocation or non-issuance of the license or certificate with the Borough.

SECTION 4. If any section, paragraph, subdivision, sentence, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, sentence, clause, or provision so adjudged and the remainder of this Ordinance shall remain valid and effective.

SECTION 5. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

SECTION 6. This Ordinance shall take effect upon final passage and publication according to law.


Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
		X				PATRICK BOYLE			X			
		X				JOSEPH FINISTRELLA			X			
	X	X				TONI GIORDANO PICERNO			X			
		X				WILLIAM MAURO			X			
		X				SAVINO SCORESE		X	X			
X		X				JOHN ZIMMERMAN	X		X			
Introduced: May 1, 2024						I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.						
Final Adoption: May 15, 2024												
						 Angela Lazzari, Borough Clerk						