

TOWN OF MORRISTOWN

ORDINANCE O-31-2023

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4 "LICENSING AND BUSINESS REGULATIONS", SECTION 26 "TAXICABS"

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Morristown, County of Morris, State of New Jersey, being the governing body thereof, that Chapter 4 "Licensing and Business Regulations", Section 26 "Taxicabs" of the Town of Morristown Ordinances be and hereby is amended to read as follows:

§ 4-26 **TAXICABS.**

§ 4-26.1 **Definitions.**

[Ord. No. O-12-83 § 187-1]

As used in this section:

LIVERY

Any motor vehicle (other than a motor vehicle used in the conduct of a funeral) which is owned or used for the purpose of transporting passengers for hire and which is hired by specific charter or for a particular contract, or by the date, hour, or other fixed period, and for which use there is charged a fare or price agreed upon in advance between the owner or operator and the passenger.

OPERATOR

Any person who owns, directs, conducts or is in charge of any taxicab or livery business or of any taxicab or livery, either as an owner, manager, driver, or otherwise.

OWNER

Any person who holds legal title to any taxicab or livery, any conditional vendee or lessee, or any other person having an interest in a taxicab or livery which shall entitle him to the immediate possession thereof.

PUBLIC TAXICAB STAND

Any section of a public street or other public place set apart for the exclusive use of taxicabs.

TAXICAB

Any motor vehicle, other than a bus or livery, which is operated or engaged in the business of transporting passengers for hire.

§ 4-26.2 **Licenses required.**

[Ord. No. O-12-83 § 187-2]

- a. No person shall operate any taxicab for hire in the Town of Morristown unless the owner thereof has obtained a Taxicab License for such taxicab. A person shall be deemed to "operate" a taxicab if he picks up passengers within the Town of Morristown for a fee or other consideration, except in those cases where the ride originated outside of the Town of Morristown and the passenger either requested that the taxicab wait or return to pick him up at a designated time.
- b. No person shall operate any livery for hire in the Town of Morristown unless the owner thereof has first obtained a Livery License for such livery.
- c. No person shall operate a taxicab or livery for hire, nor shall any owner or operator allow a taxicab or livery to be operated for hire, unless the driver thereof has first obtained a Town of Morristown Taxicab/Livery Driver's Permit.
- d. The provisions of this subsection shall not apply to out-of-town owners, operators or drivers who deliver passengers to Morristown or pass through the Town, nor to vehicles used regularly and exclusively for transportation of passengers from the Morristown Railroad Station to points within or without the Town limits which do not charge or accept a fee, fare or any compensation from the passengers, such as vans maintained by a business for the convenience and use of its employees.

§ 4-26.3 Notification of Municipal Clerk of conviction of crime.
[Ord. No. O-19-00 § 1]

It shall be a condition of any Taxicab License or Livery License, and any Taxicab/Livery Driver's Permit that the Municipal Clerk shall be notified in writing within 10 days in the event that a driver or licensee is convicted of a crime.

§ 4-26.4 Application for Taxicab License or Livery License; transferability.
[Ord. No. O-12-83 § 187-3]

- a. An application for a Taxicab License or Livery License shall be filed in writing with the Municipal Clerk pursuant to Subsection 4-1.2. In addition to the requirements of Subsection 4-1.2, the application shall be accompanied by the following:
 - 1. Proof of the applicant's ownership of the vehicle and a certificate of the insurance required by law;
 - 2. Proof that the vehicle has passed inspection by the New Jersey Motor Vehicle Commission; and
 - 3. Certification from the Morristown Bureau of Police that the vehicle has been inspected by a member of the Bureau within 30 days preceding the date of the application and that such vehicle complies with the standards set forth in Subsection 4-26.18.
 - 4. A working telephone number as set forth in the application.
 - 5. Certification that the taxicab(s) will be operated a minimum of 40 hours per week, and that

the applicant shall comply with the provisions of Subsection **4-26.21**.

6. The initial schedule setting forth the actual hours that such taxicab(s) will be operated; and, if at any time such schedule is modified, such revision shall be immediately submitted to the Municipal Clerk as a modification of the application.
- b. A Taxicab License or Livery License may be transferred from one vehicle to another vehicle owned by the same owner, provided that the requirements of Subsection **4-26.10** are met.
- c. A Taxicab or Livery License may be transferred or assigned from one person to another, provided, however, that the transferee complies with all of the provisions of this section.

§ 4-26.5 Insurance required; power of attorney.

[Ord. No. O-12-83 § 187-4; Ord. No. O-12-04; Ord. No. O-2-08]

- a. Insurance required. No Taxicab License shall be issued unless the owner of the taxicab or livery shall have filed with the Municipal Clerk a copy of an insurance policy issued by a company duly licensed to transact business under insurance laws of this State, providing for the payment of not less than \$100,000 to satisfy all claims for damages by reason of bodily injuries to or the death of all persons resulting from an accident, by reason of the ownership, operation, maintenance, or use of such taxicab or livery upon any public street in the Town, and further providing for the payment of a sum of not less than \$10,000 to satisfy all claims for damages to property of all persons on account of any such accident by reason of the ownership, operation, maintenance, or use of such taxicab upon any public street in the Town.
- b. The insurance policy shall provide that the insurance company shall notify the Town of Morristown 10 days prior to cancellation or substantial change in coverage.
- c. Power of attorney. In accordance with the requirements of N.J.S.A. 48:16-5, the owner of each taxi shall execute and deliver to the Municipal Clerk, concurrently with the filing of a copy of the insurance policy, a power of attorney, wherein and whereby he shall appoint the Chief Financial Officer of the Town of Morristown as 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 insurance by virtue of the indemnity granted under the insurance policy filed.

§ 4-26.6 Number of Taxicab Licenses and Livery Licenses limited.

[Ord. No. O-12-83 § 187-5]

- a. No more than 20 Taxicab Licenses shall be outstanding in the Town of Morristown at one time. Each vehicle shall require a taxicab license.
- b. No more than 15 Livery Licenses shall be outstanding in the Town of Morristown at one time. Each license shall be deemed a fleet license.
- c. The Municipal Clerk shall maintain a list by date of applications of persons interested in

purchasing a Taxicab License or Livery License. When a license becomes available through revocation, surrender, failure to renew, or failure to comply with Subsection 4-26.21 for a total period of 30 days within any particular year commencing on August 1 and ending on July 31, the Municipal Clerk shall notify the first person appearing on the list of the license availability and shall process the application as provided above for the issuance of a license.

§ 4-26.7 Application for driver's permit.

[Ord. No. O-12-83 § 187-6; Ord. No. O-19-00 § 2]

- a. An application for a driver's permit shall be filed in writing with the Municipal Clerk pursuant to Subsection 4-1.2. In addition to the requirements of Subsection 4-1.2, the application shall be accompanied by the following:
 1. A certificate setting forth all states in which the applicant is currently or has been licensed to operate a motor vehicle during the last five years. .
 2. A certificate of fitness from a physician licensed to practice in the State of New Jersey certifying that such physician has examined the applicant within the thirty-day period preceding the date of the application and that to the best of his knowledge the applicant is in good health, has eyesight which meets the minimum vision requirements set by the Motor Vehicle Commission, and is not subject to any disease or infirmity which makes him unfit to drive. A licensee who has complied with the provisions of this subsection and who thereafter seeks to renew his driver's permit shall not be required to again submit a certificate of fitness until his third successive annual application for renewal; provided, however, that persons aged 65 or older shall submit a certificate of fitness with every driver's permit application, whether or not the application is one for renewal.
- b. A member of the Morristown Bureau of Police shall conduct an investigation of each applicant. A report of such investigation and a copy of the traffic and police record of the applicant, if any, shall be promptly forwarded to the Municipal Clerk.
- c. The Municipal Clerk shall promptly issue the permit upon receipt of the investigation, unless the investigation or the certificate of fitness discloses that the applicant is not qualified to hold the permit. If the permit is denied, the Municipal Clerk shall notify the applicant in writing, including the reason or reasons for the denial. Specifically, but not by way of limitation, no person shall be granted a driver's permit if he:
 - (1) Is physically impaired in a manner to affect his ability to drive;
 - (2) Has more than six points on his driving record (new);
 - (3) Has a record of having been in two or more accidents occasioned by his negligence or carelessness (new);
 - (4) Has been convicted of:
 - (i) An indictable offense;

- (ii) Operating a motor vehicle while under the influence of drugs or intoxicating beverages; and/or
- (iii) Reckless driving.
- d. All applicants shall submit two passport size photographs of the driver, one of which shall be affixed to the driver's permit, in accordance with Subsection **4-26.9b**.

§ 4-26.8 Standards and requirements for drivers.

[Ord. No. O-19-00 § 3]

All drivers holding driver's permits and operating taxicabs shall be required to adhere to the following standards:

- a. All drivers shall be able to understand and speak English.
- b. All drivers shall be neat and clean in their personal appearance, both with respect to personal hygiene and dress.
- c. All drivers shall treat passengers with courtesy and respect.
- d. All drivers shall ensure that there is no accumulation of trash or garbage inside the vehicle in the course of its use as a taxi.
- e. During hot weather, all drivers shall inform customers if air conditioning is not operating.

§ 4-26.9 Display of licenses.

[Ord. No. O-12-83 § 187-7; Ord. No. O-19-00 § 4]

- a. Taxicab or Livery Licenses shall be displayed in the vehicle for which they were issued in such a manner as to be in full view of all passengers. The appropriate license decals shall be permanently affixed to the front doors on each side of the vehicle and on the rear window of the vehicle.
- b. While operating a taxicab or livery, every driver licensed pursuant to this section shall display his driver's permit in such a manner as to be in full view of all passengers. The permit shall bear a passport size photograph of the driver.
- c. All vehicles shall display a card in the cab identifying the cab by its license number and providing a telephone number to call to register complaints.

§ 4-26.10 Transfer of Taxicab or Livery License.

[Ord. No. O-12-83 § 187-8]

If any licensed owner desires to transfer a Taxicab or Livery License from the licensed vehicle to another vehicle owned by such person, he shall file an application pursuant to Subsection **4-26.4** prior to putting the vehicle into service. Upon determining that all of the provisions of this section have been complied with, including payment of the transfer fee, the Municipal Clerk

shall issue a new license identifying the substituted vehicle. The prior license shall at that time be surrendered to the Municipal Clerk.

§ 4-26.11 Term of licenses.
[Ord. No. O-12-83 § 187-9]

All Taxicab Licenses, Livery Licenses, and driver's permits shall expire annually on July 31st at 12:00 midnight. Applications for renewal of Taxicab Licenses, Livery Licenses and driver's permit shall be filed not later than July 1st.

§ 4-26.12 License fees.
[1980 Code § 98-187; Ord. No. O-12-87; Ord. No. O-13-2016]

License fees shall be as follows:

Type	Fee
a. Hack license, per year	\$250
b. Private livery license, per year	\$250
c. For each hackman or driver of a licensed vehicle, per year	\$50
d. Decal fee	\$5

A waiver of any of the above referenced license fees may be requested in writing at time of application/renewal and granted upon approval by the Town Council.

§ 4-26.13 Register of licenses issued.
[Ord. No. O-12-83 § 187-10]

The Municipal Clerk shall keep a register of all licenses issued pursuant to this section. The register shall show the number and date of each license and the name of the person licensed.

§ 4-26.14 Misleading information; circuitous routes.
[Ord. No. O-12-83 § 187-11]

No owner, operator, or driver of any taxicab or livery shall induce any person to employ him or his vehicle by knowingly misinforming or misleading such person, nor shall any driver convey any passenger to any place or by any route other than the most direct route, unless otherwise directed by such passenger.

§ 4-26.15 Lost or abandoned property.
[Ord. No. O-12-83 § 187-12]

The driver of any taxicab or livery shall, immediately after the termination of any hiring or employment, carefully search his taxicab or livery for any lost or abandoned property. Such property shall be delivered to the Morristown Bureau of Police for safekeeping within 24 hours after it is found, unless it is claimed by or delivered to the owner within that time.

§ 4-26.16 **Rates.**

[1980 Code § 98-187; Ord. No. O-12-83 § 187-13; Ord. No. O-12-87 § 187; Ord. No. O-33-98; Ord. No. O-28-03; Ord. No. O-16-08]

The rates that may be charged by the owner, operator, or driver of any taxicab shall be:

Service	Rate
For conveying 1 or 2 passengers from any point in the Town to any other point in the Town, inclusive of Madison Avenue to Punch Bowl Road and points on or south of Hanover Avenue between Speedwell Avenue and Whippany Road:	
Between the hours of 5:00 a.m. and 11:00 p.m.	\$8
Between the hours of 11:01 p.m. and 4:59 a.m.	\$10
For each additional passenger	\$2
For any piece of baggage	\$0

§ 4-26.17 **Display of rates.**

[Ord. No. O-12-83 § 187-14]

Every taxicab licensed pursuant to this section shall contain a rate card setting forth the authorized rates of fare, displayed in such a manner as to be in full view of all passengers.

§ 4-26.18 **Maintenance of taxicab or livery.**

[Ord. No. O-12-83 § 187-15; Ord. No. O-19-00 § 5]

Every taxicab or livery licensed pursuant to this section shall at all times be properly maintained and equipped, in accordance with the standards and regulations of the New Jersey State Motor Vehicles and Traffic Regulation Act, and shall comply with the following additional requirements:

- a. The interior shall be clean and sanitary; the upholstery and carpeting shall be free from stains, tears, holes, and cuts.
- b. All doors shall open easily and close firmly.
- c. The exterior shall be clean and free from rust, peeling paint, dents, and body damage.
- d. All four wheels on every taxicab or livery shall have a wheel cover or hubcap.

§ 4-26.19 **Inspections and enforcement.**

[Ord. No. O-19-00 § 6]

Each vehicle shall be subject to regulatory inspections at least annually prior to licensing/renewal, and when deemed appropriate by Town Officials, to ensure that the minimum standards set forth in this section are being maintained.

The Municipal Clerk or designee is the licensing agent of this section. The Police Bureau will

have the authority to enforce violations of Subsection **4-26.18**.

§ 4-26.20 Refusal of passenger to pay legal fare.

[Ord. No. O-12-83 § 187-16]

No person shall refuse to pay the legal fare or the agreed-upon fare after having hired a taxicab or engaged a livery, respectively, nor shall any person hire a taxicab or livery with the intent to defraud the owner, operator, or driver of the value of the service provided.

§ 4-26.21 Advance payment of taxicab fare; duty to convey persons upon request.

[Ord. No. O-12-83 § 187-17]

Every owner, operator, or driver of any taxicab shall have the right to demand payment of the regular fare in advance and may refuse employment unless it is prepaid. No taxicab driver, while waiting for employment, shall otherwise refuse or neglect to transport any orderly person or persons, upon request, to any place within the Town of Morristown.

§ 4-26.22 Weekly hours of operation.

[Ord. No. O-12-83 § 187-18]

Every holder of a Taxicab License shall operate the licensed taxicab, or cause the same to be operated, for the transportation of passengers during a total of at least 40 hours per week. The holder of such taxicab license shall provide the Municipal Clerk with a certified schedule setting forth the actual hours of operation of such taxicab during any particular week on a form provided by the Municipal Clerk.

§ 4-26.24 Establishment of taxicab stands.

[Ord. No. O-12-83 § 187-20]

- a. The Town Council is hereby authorized to establish by resolution public taxicab stands in such place or places within the Town as it deems necessary for the use of taxicabs operated within the Town.
- b. Public taxicab stands shall be for the exclusive use of taxicabs licensed pursuant to this section. Other vehicles for hire and private vehicles shall not at any time occupy the space that has been established as a public taxicab stand.
- c. No taxicab driver shall leave his vehicle unattended while waiting for employment at a public taxicab stand.

§ 4-26.25 Identification of taxicabs and liveries.

[Ord. No. O-12-83 § 187-21]

- a. Decals furnished by the Town of Morristown containing the designation "taxi" shall be fixed upon every taxicab licensed pursuant to this section in such a manner as provided in Subsection **4-26.9**. The decals shall be sold by the Municipal Clerk at cost on an initial basis. It shall be the owner's responsibility to maintain and replace the decals when worn,

defaced, etc., as necessary. The cost of replacement decals shall be as provided for in Subsection 4-26.12.

- b. A vehicle licensed as a livery pursuant to this section shall not bear the designation "taxi" or any similar designation.

§ 4-26.26 Suspension or revocation of a Taxicab License, Livery License, or driver's permit.

[Ord. No. O-12-83 § 187-22]

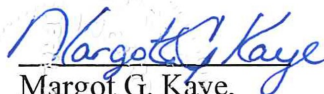
In addition to the grounds for revocation set forth in Subsection 4-1.9, the Town Council shall have the right, after notice and a hearing, to revoke any Taxicab License, Livery License, or driver's permit issued hereunder for a violation of any of the provisions of this section.

§ 4-26.27 Violations and penalties.

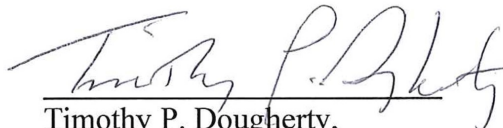
[Ord. No. O-12-83 § 187-23; Ord. No. O-19-00 § 7]

- a. Any person convicted of a violation of any of the provisions of this section shall be liable to the penalty stated in Chapter 1, § 1-5.
- b. Violations of Subsection 4-26.18 shall be subject to a fine of \$100 for each violation. Each day the violation continues shall constitute a separate offense.

ATTEST:


Margot G. Kaye,
Town Clerk

ADOPTED:


Timothy P. Dougherty,
Mayor
Date: 11/9/2023