

December 5, 2014

71-2023

AMENDED

AN ORDINANCE TO AMEND AND SUPPLEMENT THE MUNICIPAL CODE OF THE CITY OF ORANGE TOWNSHIP AS CHAPTER 121 ENTITLED “DRIVING SCHOOL”. (Submitted by Councilmember-At-Large Adrienne Wooten & South Ward Councilmember Jamie Summers-Johnson)

WHEREAS, pursuant to New Jersey Statute and the New Jersey Administrative Code, the State of New Jersey Motor Vehicle Commission (NJMVC) regulates and approves licenses to operate driving schools and to provide driver training instructions within the state of New Jersey; and

WHEREAS, the law does not provide for any authority for local municipalities to license or otherwise regulate driving schools. The New Jersey Administrative Code at N.J.A.C. 13:23-2.1 solely authorizes the Chief Administrator of the New Jersey Division Motor Vehicle Commission to regulate the operation of driving schools as follows:

Section 13:23-2.1 – Licenses

- (a) Every person proposing to engage in the business of conducting a driving school shall be licensed by the Chief Administrator prior to engaging in such business.
- (b) A driving school license, either initial or renewal, shall not be issued unless at least one motor vehicle, which is owned or leased by the driving school and registered in the name of the driving school or the lessor, is insured and equipped in accordance with 13:23-2.28.
- (c) A license, either initial or renewal, shall not be issued until compliance with the conditions in this subchapter has been effected. (d) In accordance with 39:12-2, a driving school license, either initial or renewal, shall not be issued unless an owner of the driving school or an employee thereof is a qualified supervising instructor. In accordance with 39:12-2.1, a person shall receive hour-for-hour credit from the Commission for the person's behind-the-wheel instructional experience in a public or non-public secondary school toward the fulfillment of the behind-the-wheel hourly instructional requirement for classification as a qualified supervising instructor imposed pursuant to 39:12-2. In order to maintain licensure during the term of the license, an owner of the driving school or an employee thereof shall be a qualified supervising instructor. Compliance with the qualified supervising instructor requirement set forth in 39:12-2 shall not be attained by means of subcontracting. (e) A driving school license, either initial or renewal, shall not be issued unless the applicant therefor has filed with the Commission a surety bond in the amount of \$ 10,000 issued by a company authorized to transact surety business in this State and payable to the New Jersey Motor Vehicle Commission. The surety bond shall be filed with each initial application and each renewal application and shall cover the entire term of the license. If a surety bond is cancelled or terminated for any reason during the term of the license, the company that issued the surety bond shall immediately notify the Chief Administrator of such cancellation or termination. The licensee shall immediately obtain and file with the Chief Administrator a replacement surety bond that shall cover the remaining term of the license; and

WHEREAS, many driving schools operate within the City of Orange Township using our streets in Orange neighborhoods to instruct students on various driving maneuvers such as motor vehicle operation, parking, steering, stopping, negotiating intersections, turning, and direction changes; and

WHEREAS, there is no local mechanism in place to determine whether the schools which operate in Orange are properly licensed by the NJMVC; and

WHEREAS, it is known that driving schools operate on certain public streets and in doing so impede traffic, cause the erection of obstacles in the roadway and various other obstructions to the safe flow of traffic; and

WHEREAS, a couple of the main reasons for concern, traffic safety, accidents and obstruction of roadways.

NOW THEREFORE BE IT ORDAINED that the Municipal Code of the City of Orange Township be amended to include a Chapter 121 which shall be entitled Driving School as set forth below:

CHAPTER 121 - DRIVING SCHOOL REGISTRATION

DEFINITIONS Driving School- A driving school is an institution where individuals are taught how to drive motor vehicles. They typically provide classroom instruction as well practical lessons to understand and follow traffic laws, handle various on-road situations, and ultimately prepare them to pass their driver's license tests.

CHAPTER 121 DRIVING SCHOOL

121-1 Driving Schools.

121-2 Application for license.

121-3 License fee; terms.

121-4 Revocation of license.

121-5 Registration after revocation.

121-6 Violations and penalties.

121-1 Driving Schools

All driving schools utilizing a car, truck, or van for driving school services within the City of Orange Township shall be required to register with the City of Orange Township Department of Planning and Economic Development. A registration shall be required for each vehicle the driving school owns or operates within the City of Orange Township. Said registration shall be obtained from the City of Orange Township Department of Planning and Economic Development by January 1st of each calendar year and shall expire on December 31st of the subsequent year. Proof of state license will be demonstrated by the issuance and the display of a decal, which will be issued to each registrant and must be displayed in each vehicle the driving school owns or operates in the City of Orange Township.

121-2 Application for registration.

A. All applications for driving school registration shall be in writing on all forms furnished by the City of Orange Township, signed by the applicant or the authorized agent of the applicant, and presented to the City of Orange Township Department of Planning and Economic Development. The application shall state:

- (1) The name of the driving school;
 - (2) The correct name under which the business is being operated;
 - (3) Such other pertinent information as may be necessary for an investigation of the applicant;
 - (4) Proof of New Jersey State Driving School License;
 - (5) Each December supply to the City of Orange Township a copy of new license from the state. B.
- All applications for registrations received by the City of Orange Township Department of Planning and Economic Development shall, after appropriate investigation, be presented to the Director of Planning and Economic Development for approval. The Director of the City of Orange Township Planning and Economic Development may for good cause either grant or refuse the application. If the application is approved, a registration decal will be issued to the

registrant upon payment of the registration fee as hereinafter provided. All registrations shall expire December 31, of each calendar year.

121-3 Registration fee; terms.

A. Upon filing such application, the applicant shall pay to the City of Orange Township Department of Planning and Economic Development a fee of twenty five hundred dollars (\$2500.00) for the first vehicle decal and Five hundred dollars (\$500.00) for each additional vehicle.

B. The terms of such registration shall expire on December 31, of the subsequent of the calendar year in which such registration is issued.

121-4 Revocation of registration.

If any person registered in accordance with the provisions of this chapter shall be convicted of violating any statute, ordinance or regulation in the execution of any work for which a permit is required by the applicable ordinance of the City of Orange Township relevant driving school services, the City of Orange Township shall revoke the registration of such person immediately. The City of Orange Township Police Department shall not restore such registration during such time as the violation for which such conviction was obtained, exists or remains.

121-5 Registration after revocation.

Any person whose registration has been revoked under the provisions above may be reregister upon approval by the City of Orange Township Department of Planning and Development when the grounds upon which such registration was revoked are removed or corrected and upon payment of the fee prescribed herein.

121-6 Times of Operations.

Weekdays 10:00am to 2:00pm

No Weekends

121-6 Violations and penalties.

A. Any person who violates any provision of this chapter, shall upon conviction thereof, be punished by a fine not exceeding twenty five hundred dollars (\$2500.00) or by imprisonment for a term not exceeding ninety (90) days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

NOW THEREFORE BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with provisions of this ordinance are repealed to the extent of such conflict.

NOW THEREFORE BE IT FURTHER ORDAINED, this ordinance shall take effect upon adoption and approval in accordance with applicable law. Purpose: To regulate public safety.

Purpose: To require driving schools that operated within the City of Orange Township, to register with the town.

Economic Impact: Minimal the cost to print decals.

Adopted: December 5, 2023

Joyce L. Lanier
City Clerk

Tency A. Eason
Council President