

ORDINANCE NO. 22-12

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING
CHAPTER 250 OF THE CODE OF THE TOWNSHIP ENTITLED,
TAXICABS AND LIMOUSINES**

BE IT ORDAINED by the Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey, as follows:

SECTION 1. Chapter 250 entitled Taxicabs and Limousines, of the Code of the Township of Hanover is hereby amended and supplemented to read in its entirety as follows:

Chapter 250. TAXICABS AND LIMOUSINES

ARTICLE I. GENERAL PROVISIONS.

§ 250-1. Definitions.

As used herein, the following terms shall have the meanings indicated:

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 of no more than 14 passengers, not including the driver, and meeting the standards established by N.J.S.A. 40:48-16.13.

LIMOUSINE DRIVER: means any person certified by the New Jersey Motor Vehicle Commission as qualified for employment as a "Limousine Driver" in accordance with N.J.S.A. 48:16-22.3a.

LIMOUSINE SERVICE: means the business of carrying passengers for hire by limousine(s).

LIMOUSINE SERVICE LICENSE: means a license issued by the Township of Hanover to a Limousine Service that meets the terms and conditions of this Chapter 250 and applicable New Jersey statutes for the operation of a Limousine Service.

PERSON: means and includes any individual, 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 office of a limousine service in the municipality where the limousine service is conducted, where two-way driver communications are available and/or initiated, where calls or electronic requests for limousine transportation are received, from which limousines are dispatched, where limousine drivers report for duty, and/or where the books and records of the limousine service are kept and maintained.

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 a taxi or autocab (as defined in N.J.S.A. 48:16-1), 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.

TAXICAB DRIVER: means any person who shall drive or operate a taxicab.

TAXICAB DRIVER'S LICENSE: means a license required to be issued by the Hanover Township Committee to any person who operates a taxicab on the streets of Hanover Township.

TAXICAB OWNER'S LICENSE: means a license issued by the Hanover Township Committee to the owner of a taxicab who has satisfied the requirements of Article II of this Chapter 250 of the Hanover Township Code.

§ 250-2. Issuance of Licenses. Upon the Township Clerk's satisfaction that all required information has been provided by the applicant for a license required under this Chapter 250, such application shall be presented to the Township Committee for approval or denial. In the event of denial, the Committee shall adopt a resolution setting forth the reasons for such action and the applicant shall be given an opportunity to be heard prior to adoption of such a resolution.

§ 250-3. Garaging of vehicles required.

All taxicabs and limousines licensed or regulated under this Chapter 250 shall be garaged and shall not be parked or stored on any street or in any residential driveway in the Township of Hanover.

§ 250-4. License expiration and Renewal.

a. Expiration. All licenses issued pursuant to this Chapter shall expire on December 31 of each year.

b. Renewal. Any license issued under this Chapter 250 may be renewed each year upon application to the Township Clerk provided that the applicant provides satisfactory updated application information and pays the fees established in Chapter 125, entitled Fees, of the Code of the Township of Hanover. Any person who fails to renew a license granted hereunder by December 31 of any year, but who submits a satisfactory renewal application prior to January 31 of the following year, may be issued a renewal license upon the payment of a late penalty as provided in Chapter 125, entitled Fees, of the Code of the Township of Hanover. If no renewal application is filed by an existing license holder by January 31, the affected license shall be deemed to have expired as of December 31.

§250-5. Revocation of license.

a. Any license issued under and pursuant to this Chapter 250 is subject to revocation for any of the following:

- (i) Submission of false data in an application;
- (ii) Failure to pay the licensing fee;
- (iii) Repeated violations of the traffic laws;
- (iv) Violation of any statutory requirements for taxicab and limousine operations, as set forth in N.J.S.A. 48:16-1 et seq;
- (v) Operation of a vehicle which is unsafe or in any other respect is in violation of the traffic laws; or
- (vi) Other conduct of a serious nature warranting revocation of such license.

B. No license may be revoked prior to the licensee being provided with notice and an opportunity to be heard by the Township Committee, and a vote by the Township Committee to revoke such license.

§ 250-6. Applicability of other laws.

This Chapter 250 shall not be construed to limit or restrict the obligations of taxicab or limousine services and/or drivers to comply with all other requirements of the law.

§ 250-7. Enforcement.

This Chapter shall be enforced by the Township Clerk with the assistance of the Police and Building Departments.

§ 250-8. Violations and penalties.

Any person, owner or operator who is found guilty of violating any provision of this Chapter 250 shall, in addition to any other penalties applicable under State statute, be subject to a fine of not more than \$1,000 or 90 days in jail, or both.

ARTICLE II. LIMOUSINES

§ 250-9. Limousine Service License.

a. **License Required.** No Limousine Service shall operate or maintain a Principal Place of Business in the Township of Hanover without first having applied for and obtained a Limousine Service License. Limousine Service Licenses shall be issued for the term established in § 250-4(a) and may be renewed annually as provided in § 250-4(b).

b. Information Required for Issuance of License. Each applicant for a Limousine Service License shall provide the following information to the Township Clerk:

(i) the business name;

(ii) a copy of the New Jersey State Business Registration Certificate for the Limousine Service, or if a partnership or sole proprietor, a copy of the Business Registration filed with the Morris County Clerk;

(iii) physical address and mailing address (if different) of the Principal Place of Business;

(iv) telephone and fax numbers of the Limousine Service;

(v) a copy of the business' Corp Code issued by the New Jersey Motor Vehicle Commission ("NJMVC") to evidence corporate vehicle registration privileges;

(vi) any other information required to be submitted on a NJMVC Corp Code Request Form;

(vii) a list of all offices, dispatching facilities and locations where vehicles are kept, whether in or outside of the Township of Hanover;

(viii) for each location outside the Township of Hanover where a vehicle is kept, proof that such storage location is a valid/approved location for the storage of a Limousine under the zoning or other applicable local law or ordinance of the jurisdiction where the vehicle is stored;

(ix) as mandated by N.J.S.A. 48:16-14, a certified copy of an insurance policy of a company duly licensed to transact business under the insurance laws of this State in the sum of \$1,500,000 against loss by reason of the liability imposed by law upon every limousine owner for damages on account of bodily injury or death suffered by any person as the result of an accident occurring by reason of the ownership, maintenance or use of the limousine upon any public street, endorsed to provide for 30 days' notice of cancellation (for non-payment or any other reason) or material change (by the deletion or addition of a covered vehicle) to the Township of Hanover;

(x) the identity of each Limousine Driver who will operate a vehicle covered under the insurance policy on file with the Township of Hanover, including (1) first and last name, (2) residence address, (3) home and mobile telephone numbers, (4) the individual's New Jersey commercial driver's license ("CDL") with Passenger endorsement in the event such person may operate a vehicle requiring same under law and/or a certificate from NJMVC evidencing the individual's qualification as a Limousine Driver under N.J.S.A. 48:16-22.3a;

(xi) An identification of each vehicle to be operated as a Limousine and covered under the mandated insurance policy, including the Make, Model,

Year, Vehicle Identification Number, number of doors, Passenger capacity (including the driver) and proof of registration as a limousine (code 14);

(xii) A certification that no Limousine identified in the application which is not yet registered with NJMVC as a Limousine shall be operated until such registration is obtained;

(xiii) A certification that each Limousine identified in the application is equipped, in accordance with minimum standards established by NJMVC, with: (1) a two-way communications system, which, at a minimum, shall provide for communication to a person outside the vehicle for a distance of not less than 100 miles and which requirement may be satisfied by a mobile telephone; (2) a removable first-aid kit and an operable fire extinguisher, which shall be placed in an accessible place within the vehicle; and (3) sideboards attached to the permanent body construction of the vehicle if the height of the vehicle floor is 10 inches or more above ground level.

c. Issuance and Termination of Limousine Service Licenses.

(i) Procedure for Issuance of License. Upon receipt, review and approval of all information required under this §250-10, the payment of required fees, and the availability of a Limousine Service License, the Township Clerk shall present such application for a Limousine Service License to the Township Committee for approval and issuance. Such Limousine Service License shall thereafter be issued in duplicate and shall certify that the Limousine Service has complied with all requirements of N.J.S.A. 48:16-13, et seq. Such Limousine Service License shall recite the name of the insurance company providing coverage for each authorized Limousine, the policy number, the expiration date of the policy, the description of every Limousine insured thereunder, and the registration number of the same.

(ii) Termination of License. In the event a Limousine Service License is terminated, the Limousine Service shall terminate all operations within the Township of Hanover and the license shall become available for issuance to another applicant therefor.

d. Display of License and Associated Documentation.

The original Limousine Service License or a copy thereof shall be retained within each covered thereby limousine and shall be available for inspection by any law enforcement officer in the State of New Jersey. In addition to the general insurance information contained on the Limousine Service License, a notarized letter from an insurance company containing the same required insurance information with respect to a particular Limousine shall be contained within such Limousine along with its Vehicle Identification Number (VIN) or a notarized certificate of insurance for that Limousine showing the VIN, as well as the limits of insurance coverage and an insurance card, which together shall constitute proof of insurance coverage. All such insurance information shall be available for inspection by any law enforcement officer in the State.

§ 250-10. Updated Applications Required for Changed Circumstances.

In the event any of the information required to be submitted for the issuance of a Limousine Service License changes during the term of the License, the License holder shall immediately submit such updated or changed information for review by the Township Clerk, including, without limitation and where required, a new, revised insurance policy and new NJMVC certification of driver qualification for each driver covered by the Limousine Service License. If the holder of a Limousine Service License fails to submit such information as required herein, the Limousine Service License shall be subject to termination by the Township Committee. If the updated application information fails to satisfy the requirements of this Chapter or of applicable New Jersey statutes, the Limousine Service License shall be subject to termination by the Township Committee.

§ 250-11. Denial, Suspension or Revocation of Limousine Service License.

a. Denial of License. Any application submitted for a Limousine Service License may be refused or denied by the Township Committee if it appears that any information required by this Chapter 250 is missing, incomplete, or fails to satisfy statutory standards or the standards of this Chapter 250.

b. Suspension or Revocation. Any Limousine Service License issued pursuant to this Chapter may be suspended or revoked by the Township Committee after notice and hearing for any of the following causes:

(1) it is determined that a driver operating a vehicle covered by the Limousine Service License is not identified in the current application on file in the office of the Township Clerk, is not qualified as a Limousine Driver by NJMVC, has operated a Limousine requiring a CDL where such driver does not possess such a license, or is otherwise disqualified under New Jersey statutes;

(2) it is determined that a vehicle covered by the Limousine Service License is being kept at an unapproved location;

(3) it is determined that vehicles are being operated by the Limousine Service without coverage under the filed insurance policy or appropriate registration by NJMVC as a Limousine;

(4) it is determined that the license holder has failed or fails to render reasonably prompt, safe and adequate service; or

(5) it is determined that the license holder has failed to comply with any law of the State of New Jersey or ordinance of the Township of Hanover or applicable rule or regulation regarding the ownership and operation of limousines.

ARTICLE III. TAXICABS.

§ 250-12. License required to Operate a Taxicab on the Streets of Hanover Township.

a. Licenses Required. No taxicab shall be operated along any street in Hanover Township until the owner thereof obtains a Taxicab Owner's License with respect to such vehicle and unless the driver possesses a valid Taxicab Driver's License.

b. Revocation of Licenses. A Taxicab Owner's License and a Taxicab Driver's License may each be revoked by the Township of Hanover if, after notice and hearing, it appears to the Township Committee that the person to whom the applicable license was granted has failed to comply with any terms or conditions of the license, any provision of the Hanover Township Code, or any law.

c. Violation. Any person who operates a taxicab in Hanover Township without first obtaining a Taxicab License is guilty of a petty disorderly persons offense.

§ 250-13. Requirements for Issuance of a Taxicab Owner's License.

a. Insurance Coverage. The owner of the taxicab for which a license to operate is requested shall file with the Township Clerk an insurance policy that meets the following requirements:

- (i) it 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 this State;
- (ii) the policy shall provide for not less than \$35,000 of motor vehicle liability insurance coverage, or the amount of motor vehicle liability insurance coverage required pursuant to N.J.S.A. 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;
- (iii) the policy shall provide for not less than \$35,000 of motor vehicle liability insurance coverage, or the amount of motor vehicle liability insurance coverage required pursuant to N.J.S.A. 39:6B-1, whichever is greater, 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; and
- (iv) 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.

In the event the applicant for a Taxicab Owner's License operates in more than one municipality, the insurance policy required by this § 250-15 shall be filed with the clerk of the municipality in which the applicant has his principal place of business. Such municipal clerk shall issue a certificate to the Township of Hanover certifying that the applicant has complied with all the provisions of this section.

Nothing in this § 250-15 shall prohibit the owner of a taxicab from obtaining any additional amount of motor vehicle liability insurance coverage from any company, whether licensed in or outside the State of New Jersey.

b. Blanket Bond or Insurance Policy. If the applicant for a Taxicab Owner's License owns and operates more than one taxicab, in lieu of the policy required by § 250-15(a) hereinabove such applicant may file with the Township Clerk a bond or insurance policy of a company duly licensed to transact business under the insurance laws of New Jersey in the amount of \$50,000, covering all taxicabs operated by such owner and providing for the payment of any final judgment recovered by any person on account of the ownership, maintenance and use of any such taxicabs or any fault in respect thereto, for the benefit of every person suffering loss, damage or injury as aforesaid.

c. Power of Attorney. Each applicant for a Taxicab Owner's License shall execute and deliver to the Township Clerk a power of attorney appointing the chief fiscal officer of Hanover Township as his true and lawful attorney for the purpose of acknowledging service of any process out of a court of competent jurisdiction served against the taxicab owner by virtue of the indemnity granted under the required insurance policy or bond filed with the Township.

d. Motor Vehicle Check. Each applicant for a Taxicab Owner's License shall sign a form of authorization permitting the Hanover Township Police Department to do a driver's license and motor vehicle check.

e. Payment of Fee. Upon filing an application for a Taxicab Owner's License, the applicant shall pay the fee established by Chapter 125, Fees, of the Code of the Township of Hanover.

§ 250-14. Issuance and Display of Certificate of Compliance.

Upon the issuance of a Taxicab Owner's License by the Township Committee, the Township Clerk shall issue a Certificate of Compliance in duplicate showing that the owner of the taxicab has complied with the terms and provisions of this Article III and has been duly issued a Taxicab Owner's License. The Certificate of Compliance shall recite the name of the insurance company, the number and date of the expiration of the policy or bond, a description of the taxicab insured thereunder, and the vehicle registration number of the same. The duplicate Certificate of Compliance shall be filed with the New Jersey Motor Vehicle Commission before any such car is registered as a taxicab. The original Certificate of Compliance shall be posted in a conspicuous place within the taxicab.

§ 250-15. Display of License Number and Taxicab Driver's License.

a. Taxicab Owner's License. Each taxicab for which a Taxicab Owner's License has been issued shall display the license number issued to that vehicle on the exterior of the taxicab. The number shall be three inches in height and shall be located in the center of the rear quarter panels on the driver and passenger sides, and on the rear center line of the trunk of the vehicle. Each taxicab covered by a Taxicab Owner's License shall display on each rear door of

the taxicab the name of Hanover Township as the issuing authority of the license, in letters three inches in height.

b. Taxicab Driver's License. Each driver of a taxicab in Hanover Township shall display his/her Taxicab Driver's License in the interior of the vehicle in close proximity to the Certificate of Compliance issued to the holder of the Taxicab Owner's License and easily visible to passengers of the taxicab.

§ 250-16. Requirements for Issuance of a Taxicab Driver's License.

a. Satisfactory Criminal Record Check is Required. Each person who applies for a Taxicab Driver's License shall satisfactorily pass a criminal history record background check, the costs of which shall be borne by the operator or driver. Application for such criminal history record background check shall be made to the Police Department of Hanover Township. A person shall be disqualified from receiving a Taxicab Driver's License if such criminal history record background check reveals a record of conviction of any of the following crimes:

- (i) 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](#).
- (ii) 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.

b. Exceptions. Notwithstanding the provisions of subsection (a) hereinabove, if a person who has been convicted of one of the crimes enumerated in paragraphs (i) and (ii) of subsection (a) 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.

c. Applicability of this § 250-16. The provisions of this Section 250-16 shall not apply to an operator or driver of a taxicab who received a Taxicab Driver's License from Hanover Township prior to November 29, 2011.

d. Payment of Fee. Upon filing an application for a Taxicab Driver's License, the applicant shall pay the fee established by Chapter 125, Fees, of the Code of the Township of Hanover.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 3. If any word, phrase, clause, section or provision of this ordinance shall be found by any Court or competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

SECTION 4. This ordinance shall take effect immediately.

TOWNSHIP COMMITTEE
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

DATE OF INTRODUCTION: October 25, 2012
DATE OF ADOPTION: November 8, 2012

NOTICE OF INTRODUCTION

NOTICE IS HEREBY GIVEN, That the foregoing Ordinance was submitted in writing at a meeting of the Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey, held on the 25th day of October, 2012, introduced and read by title and passed on first reading and the Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on the 8th day of November, 2012, at 8:30 o'clock in the evening prevailing time, at the Municipal Building, 1000 Route 10, Whippany, in said Township of Hanover, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

JOSEPH A. GIORGIO, TOWNSHIP CLERK
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

DATED: November 1, 2012