

CHAPTER IX
LICENSING OF TAXICABS*

9-1 Definitions.

As used in this chapter:

"Taxicab" shall mean and include 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 over any of the streets within the borough and which particularly accepts and discharges such persons as may offer themselves for transportation from points or places to points or places within or without the borough.

"Driver" shall mean any person who drives a taxicab within the borough.

"Owner" shall mean any person in whose name title to any taxicab is registered with the New Jersey Department of Motor Vehicles, or who appears in such records to be the conditional vendee or lessee.

"Operation of a taxicab" shall consist of transporting in a taxicab one or more persons for hire along any of the streets of the borough. Accepting a passenger to be transported for hire within the borough or from a point within the borough to a point outside the borough or discharging a passenger transported for hire from a point outside the borough limits to a point within the borough shall be deemed to be operation of a taxicab within the meaning thereof. The operation of a taxicab as above described by one other than the owner shall be deemed operation by the owner as well as by the person actually driving the same. The transportation of any person other than the owner or driver in any motor vehicle bearing a sign using the words "taxi," "taxicab," "cab" or "hack" shall be *prima facie* evidence of operation.

"Cruising" shall mean the practice of driving about the streets of the borough with a taxicab so as to solicit passengers or to bring the presence of the taxicab to the attention of prospective passengers. A taxicab driving along the streets of the borough for any purpose other than while transporting a passenger, going to a definite destination by the most direct route in response to a call for a taxicab by a prospective passenger or returning by the most direct route to the taxicab's home terminus after discharging a passenger or going to or from the terminus to the driver's home by the most direct route, shall be *prima facie* evidence of cruising.

*The general power to license and prescribe license fees is contained in R.S. 40:52-1, *et seq.* Licensing is also part of the general police power granted by R.S. 40:48-1, *et seq.* Taxicabs must also comply with the requirements of R.S. 48:16-1, *et seq.*

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"Licensed" shall mean licensed in accordance with this chapter unless otherwise stated herein.

9-2 License Required.

No person shall operate any taxicab within the borough unless both the taxicab and the driver are licensed pursuant to this chapter and conform to all the provisions herein.

9-3 Types of Licenses.

There are hereby established two classes of taxicab licenses to be known as "Taxicab Driver's License" and "Taxicab Owner's License."

9-3.1 *Driver's License.* A taxicab driver's license shall entitle the person named therein to operate within the borough any taxicab duly licensed hereunder until the license either expires or is surrendered, suspended or revoked and shall not be transferable.

9-3.2 *Owner's License.* A taxicab owner's license shall entitle a taxicab to be operated in the borough by a driver duly licensed hereunder until the license either expires or is surrendered, suspended or revoked and shall not be transferable.

9-4 Expiration.

Any license issued pursuant to the terms of this chapter shall expire at 12:00 midnight on December 31 of the year in which it is issued unless sooner surrendered, suspended or revoked.

9-5 Number of Licenses.

The number of licenses of either class issued and outstanding at any one time shall not exceed such number as the borough council deems sufficient to serve public necessity and convenience.

9-6 Application for License.

9-6.1 *Issuance or Renewal.* Application for the issuance or renewal of a license of either class shall be made to the borough council on forms adopted by the council and obtained from the borough clerk. Such form shall be designed to elicit information respecting the identification, responsibility and law-abiding habits of the applicant.

9-6.2 *Information Required.* Each applicant for a license of any class shall supply in full the information requested on the application and verify its correctness by his oath or affirmation and thereafter file the completed application with the borough clerk together with the full amount of the required fee.

9-6.3 *Photographs.* Each applicant for a taxicab driver's license shall file with the application two photographs, each 3 1/2 inches in size, clearly depicting the facial features of the applicant. The photographs shall become the property of the borough and be retained with the application form unless the license shall be issued, in which event one of the photographs shall be permanently affixed to the license card in the space provided.

9-6.4 *Fingerprinting.* Every applicant for a taxicab driver's license shall at the time of filing his application be fingerprinted at such place and by such agency as the borough council directs. An impression of the applicant's fingerprints shall be forwarded by the borough clerk to the Bureau of Identification of the New Jersey State Police for a report of any criminal record, which report when received shall be permanently affixed to the application before consideration by the borough council.

9-6.5 *Business Office.* Each applicant for a taxicab owner's license shall have a registered business office within a radius of five miles from the borough hall and shall have a telephone operating therein.

9-6.6 *Insurance.* Every applicant for a taxicab owner's license shall submit an insurance policy or bond as required by R.S. 48:16-3, 4 covering the taxicab to be licensed, and shall execute and deliver to the borough clerk concurrently with the filing of the policy or bond a power of attorney, wherein and whereby the owner shall appoint the borough treasurer 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 insured by virtue of the indemnity granted under the insurance policy or bond filed, in accordance with R.S. 48:16-5. Upon filing of the required insurance policy or bond, the borough clerk shall

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issue a certificate in duplicate showing that the owner of the taxicab has complied with the terms of the above laws, which certificate shall recite the name of the insurance company, the number and date of expiration of the policy or bond, a description of the taxicab insured and the registration number of the same. The duplicate certificate shall be filed with the Department of Motor Vehicles before any car is licensed as a taxicab. The original certificate shall be posted in a conspicuous place within the taxicab.

9-7 License Fee.

The fee for each taxicab driver's license or any renewal thereof shall be twenty (\$20.00) dollars for each year or portion of a year in which the license is issued or renewed. The fee for each taxicab owner's license issued or renewed shall be one hundred (\$100.00) dollars for each taxicab for each year or portion of a year for which the license is issued or renewed, and all licenses shall be under the charge and control of the person applying therefor and he shall be responsible for the operation of all cars licensed to him. The fees shall not be prorated nor any part thereof refunded for any reason except that upon denial of an application for issuance or renewal of a license by the borough council, 50 percent of the fee deposited shall be returned to the applicant and 50 percent shall be retained by the borough as compensation for investigation of the application.

9-8 Suspension and Revocation.

The borough council may, in its discretion, refuse to issue or renew or may, after notice and hearing, revoke or suspend a license of either class if the applicant or licensee has once been convicted of a crime in this or any other jurisdiction or convicted of being a disorderly person, or of a violation of Title 39 of the Revised Statutes of New Jersey, or who violates any provision of this chapter or has any judgment unsatisfied of record against him arising out of an automobile accident, or is an alien citizen of any nation at war with the United States, or who has made false answers in his application for such license or any renewal thereof, or who has failed to render reasonably prompt, safe and adequate taxicab service, or who has not complied fully with all requirements of this chapter for such class of license.

A taxicab driver's license may be suspended or revoked if the licensee or applicant has in any degree contributed to any injury to persons or

damage to property arising out of negligent operation of a motor vehicle, or has any communicable or contagious disease.

A taxicab owner's license may be suspended or revoked if the motor vehicle licensed or to be licensed is by reason of unsafe or unsanitary conditions dangerous to the safety or health of the occupants or others, or if the insurance policy, bond or power of attorney required by this chapter has not been furnished or kept in force, or if the owner fails to comply with any terms or conditions imposed by the borough council, or any law of this state.

9-9 License Card.

Each applicant granted a taxicab driver's license shall be issued a license card in a form approved by the borough council and signed by the borough clerk. Such license card shall at all times be prominently displayed and adequately protected in the interior of any taxicab operated by the licensee so that the face of it is in full view and plainly legible to any passenger seated in the rear of the taxicab. The license card shall remain the property of the borough and on direction of the borough council shall be surrendered to the borough clerk. No taxicab driver's license card other than that of the licensee actually operating the taxicab at the time shall be displayed therein.

9-10 Payment of Fee to Borough Treasurer.

At the time the borough council acts on an application the borough clerk shall pay the fee received therefor to the borough treasurer.

9-11 Fares.

9-11.1 *Displaying Rates of Fares.* No taxicab shall be operated in the borough unless there is prominently displayed in the interior thereof within full view and access of any passengers therein, a complete list of fares, charges or tariff rates charged for transportation of passengers, which fares, charges or tariff rates so displayed, and no other, shall be charged any passenger so transported.

9-11.2 *Excess Fares.* No fares, charges or tariff rates shall be charged for transportation of passengers within the borough in excess of the following:

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- a. For two passengers or less, two (\$2.00) dollars.
- b. For each additional passenger in excess of two, fifty (\$.50) cents.

9-12 Parking Regulations.

No person shall park or place a taxicab on any of the streets of the borough at any time except at such place or places as the borough council may designate from time to time as municipal taxi stands.

9-13 Cruising Prohibited.

No person shall cruise on the streets of the borough in a taxicab at any time for the purpose of soliciting passengers.

9-14 Solicitation of Passengers.

No taxicab or other vehicle for hire shall be parked or stopped, nor shall the drivers thereof solicit, attempt to solicit or otherwise seek to engage a passenger, whether the driver is in or out of the taxicab or other vehicle, within 50 feet of a regularly operated taxicab office or terminus, except the owner or lessee of the taxicab office or terminus and his licensed drivers. This section is not intended to apply nor shall it be construed to apply where the solicitation or acts herein referred to occur at any railroad depot or railroad station property within the borough.

No person licensed hereunder shall refuse to carry local fares or passengers.

9-15 Illuminated Signs.

Every licensed taxicab shall have an illuminated sign permanently affixed to the roof at least 6" by 18" on both sides of which are the words "Taxi", "Taxicab" or "Cab" in letters at least 3 1/2 inches high.

9-16 Taxicabs Licensed Outside Borough.

Owners and drivers of taxicabs licensed outside the borough, or who have their principal office or place of business out of the jurisdiction of

the borough, may be allowed to drive their taxicabs into the borough, but on specific call only, whether transporting a passenger within the borough or from a point within the borough to a point outside the borough, or discharging a passenger transported from a point outside the borough to a point within the borough. The name of the passenger so calling shall be given by the owner or driver when requested by the borough police or other persons authorized by law. Such taxicabs shall not be parked in the borough nor shall the drivers cruise on the streets of the borough at any time for the purpose of soliciting passengers, nor shall they during the night or other periods of darkness, when in the borough, permit any advertising lights on the taxicab to remain lighted, provided that the same or similar substantial reciprocal rights are granted to owners and drivers of taxicabs licensed in the borough by the municipalities in which the aforesaid owners or drivers are licensed.

9-17 "OH" Cars.

Owners, operators or drivers of vehicles for hire other than taxicabs, commonly known as "OH" cars, shall not display the word "taxicab" or other signs which would tend to lead the public to believe the vehicle is a taxicab as herein defined. If a "for hire" sign is used on such vehicle, the sign or other device shall be displayed only when the vehicle is actually engaged in transporting a passenger for hire.

9-18 Inspection of Vehicles.

9-18.1 Initial Inspection. Before any vehicle is used as a taxicab within the borough, it shall be inspected by the chief of police or a police officer designated by him to ascertain that it is in a safe, clean and sanitary condition and contains all safety devices required by law.

9-18.2 Reinspections. All taxicabs shall be reinspected annually. In addition, a police officer may inspect a taxicab at any reasonable time to determine if it is clean, sanitary and in a safe and proper operating condition.

9-18.3 Failure to Pass Inspection. Any taxicab which fails to pass inspection shall be immediately taken out of service and shall not be operated again within the borough until the defects which led to its rejection are corrected. In the case of minor defects which do not constitute an immediate danger to the health or safety of the public, the taxicab may continue to operate for a period of one week, at the end of which time it shall be reinspected. If the defect has not by then been

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corrected, the vehicle shall immediately be taken out of service and shall remain out of service until the defect is corrected.

9-18.4 *Proof of State Inspection.* No vehicle covered by the terms of this chapter shall be licensed until proof has been presented that the vehicle has been inspected and approved as required under Title 39 of the Statutes of the State of New Jersey.

9-19 Records.

The owner of each taxicab shall keep or cause to be kept a written daily record of each trip made by the taxicab showing the date, time and place the cab was engaged, the place and time of the discharge of the passenger, the number of passengers carried, the fare received, distance traveled and the driver's license number of the person driving the cab on the trip. The records shall be kept in a place that is convenient for a proper authorized representative of the borough to inspect the same and the owner shall give his full cooperation in expediting any inspection.