

ORDINANCE NO. 17-07

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

**AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT
THE CODE OF THE BOROUGH OF NORTH PLAINFIELD,
CHAPTER IV ENTITLED, “GENERAL LICENSING”,
ARTICLE 4-1 ENTITLED “TAXICABS”**

WHEREAS, the Borough of North Plainfield, County of Somerset, State of New Jersey is authorized by State law to pass an Ordinance regarding the licensing of taxicabs with a principal place of business within the Borough; and,

WHEREAS, the Borough of North Plainfield, County of Somerset, State of New Jersey has determined that the Chapter IV of the Borough Code must be amended to increase consistency throughout the said Chapter; and,

WHEREAS, the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey believes that it is in the best interest of the Borough to amend, revise and supplement Chapter IV, Article 4-1 entitled, “Taxicabs”; and,

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that Chapter IV, Article 4-1 of the Borough Code of the Borough of North Plainfield, entitled “Taxicabs”, is hereby amended, revised, and supplemented as follows:”

CHAPTER IV - GENERAL LICENSING

4-1 TAXICABS.

4-1.2 Taxicab Owners Company Licenses; Content and Manner of Application; Fee and Term of Issuance.

b. Company Application. Any entity seeking to obtain a taxicab license shall make such application to the Borough Clerk in writing. The applicant shall file with the Borough Clerk a written sworn application containing the following information:

4. A written description of the proposed insignia and color scheme **shall be required to be the same** for **all of** the applicant's taxicabs and description of the distinctive item of apparel, if any, to be worn by **all of** the applicant's taxicab drivers;

f. Denial of Taxicab License. An applicant shall be denied a taxicab license upon a finding of any of the following:

1. The applicant, or any member of the applicant as described in this section, has been convicted **within the past five (5) years** of aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, aggravated sexual assault, sexual assault or endangering the welfare of a child, a crime pursuant to *N.J.S.A. 2C:39-3, 2C:39-4 or 2C:39-9*, driving while intoxicated or driving under the influence, reckless driving, unless the conviction is for a disorderly persons or petty disorderly persons offense, the unlawful use, possession or sale of a controlled dangerous substance, as well as any crime of violence, and/or a crime in another state, territory, commonwealth or other jurisdiction of the United States or other country that is comparable to one of the foregoing crimes.

4-1.3 Taxicab Drivers Licenses; Content and Manner of Application; Fee and Term of Issuance.

g. Denial of Taxicab License. An applicant shall be denied a taxicab license upon a finding of any of the following:

3. No conviction for reckless driving, leaving the scene of an accident, operation of a motor vehicle under the influence of alcohol or of a controlled dangerous substance or death by automobile during the prior ~~three (3)~~ **five (5)** years; and/or,

4-1.14 Administrative Fees **and Penalties.**

d. In addition to any fines and/or penalties imposed pursuant Title 39 of the New Jersey State Statutes, any violation of any part of this Chapter of the Code of the Borough of North Plainfield, every owner and/or driver of a Taxicab licensed in the Borough of North Plainfield faces additional fines and penalties with a minimum fine/penalty at Two Hundred Fifty Dollars (\$250.00) for the first (1st) offense, Five Hundred Dollars (\$500.00) for a

second (2nd) offense, Seven Hundred Fifty Dollars (\$750.00) for a third (3rd) offense, and One Thousand Dollars (\$1,000) and possible loss of owner or operator taxicab license (or the ability to obtain a taxicab license, owner or operator), for a period of up to twelve (12) months for every offense thereafter. However, the Court may, based upon the severity of the offense, implement any of the penalties set forth herein irrespective of the number of offenses at issue. Each day a violation occurs is considered a separate offense.

Underlines and bolds mean additions; striking through a word/phrase/sentence means a deletion.

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

1. All ordinances or portions of ordinances that are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.

2. If any provision or paragraph of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions or paragraphs of this Ordinance, except so far as the provision or paragraph so declared invalid shall be separable from the remainder or any portion thereof.

3. This Ordinance shall take effect, after final passage, twenty (20) calendar days following action or inaction by the Mayor as provided by law or an override of a mayoral veto by the council, whichever is applicable, and publication in accordance with law, unless a resolution is adopted, pursuant to *N.J.S.A. 40:69A-181(b)*, declaring an emergency and providing that this Ordinance shall take effect at an earlier date.

INTRODUCED: March 27, 2017

PASSED: March 27, 2017

PUBLISHED:

ADOPTED:

ROLL CALL: AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED BY THE MAYOR: Yes _____ No _____

The above is a true copy of the Ordinance adopted by the Borough of North Plainfield on _____, 2017

ATTEST:

BOROUGH OF NORTH PLAINFIELD

Richard K. Phoenix, RMC
Borough Clerk
Borough of North Plainfield
Date signed: _____, 2017

Lawrence La Ronde, Council President
Date signed: _____, 2017

Michael Giordano, Mayor
Date signed: _____, 2017