

TOWN OF BOONTON
ORDINANCE 05-20

AN ORDINANCE OF THE TOWN OF BOONTON, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO AMEND CHAPTER 265, LIMOUSINES

WHEREAS, the Town finds that necessary updates are required to streamline the existing process to obtain a limousine license, and correctly reflect the process of obtaining a permit to operate a limousine in the Town, and to remove now redundant terms; and

WHEREAS, ensuring limousine companies and their drivers comply with all requirements set forth benefits the health, safety and welfare of the Town's residents.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the Town of Boonton, County of Morris, State of New Jersey, as follows:

SECTION 1, Article I, Chapter 265. "Limousines" is hereby amended in the following particulars only:

§ 265-2 "Display of window sticker for current year license." shall be removed in its entirety and in expectation of any further updates, the section shall be reflected as "§ 265-2. RESERVED."

SECTION 2, Article II, "Limousine Service Licenses" is hereby amended in the following particulars only:

§ 265-7 "Application for license." at paragraph "E." is hereby removed in its entirety and replaced with the following language:

All applicants and drivers must complete and sign a Limousine Permit Application and sign Form SBI-212B. The fully executed form and the applicant's check or money order must be submitted along with the application for a limousine license.

§ 265-7 "Application for license." at paragraphs "G" through "L" shall be removed in their entirety, and replaced with the following language:

- G. All drivers must be "limousine qualified" ("LQ") by the State of New Jersey, as indicated on their driver abstracts.
- H. Where a limousine license has previously been issued, the approval of the Mayor and Board of Aldermen shall not be required as a condition for issuance of additional vehicle licenses.
- I. An identification of each vehicle to be operated as a limousine and covered under the mandated insurance policy, including the make, model, year, color, vehicle identification number, number of doors, passenger capacity (including the driver) and proof of registration as a limousine.
- J. The limousine must be registered with the municipality, so as to be registered with the New Jersey Motor Vehicle Commission. No limousine shall be operated in the municipality without both registrations.
- K. Proof that each and every vehicle proposed to be utilized in a limousine operation has been inspected when due by a state-authorized inspection facility and that each and every vehicle has passed all required inspections.
- L. Equipment; condition.

- (1) A certification that each limousine identified in the application is equipped, in accordance with minimum standards established by NJMVC and as set forth in N.J.S.A. 48:16-22.1, with:
 - (a) 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;
 - (b) A removable first-aid kit and an operable fire extinguisher, which shall be placed in an accessible place within the vehicle; and
 - (c) 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.
- (2) Every vehicle operating under this section shall be kept in a clean and sanitary condition in accordance with the rules and regulations promulgated by the state and the Town of Boonton.

M. Changes in application or submission information shall be provided to the Town Clerk within 72 hours of said change.

§ 265-8 "Investigation of applicant." shall be removed in its entirety, and replaced with the following language:

§ 265-8 Investigation of applicant.

After the application identified in § 265-7 is properly filled out and signed by the applicant, the original and duplicate thereof shall be filed with the Town Clerk. The investigation shall include a criminal history name search identification check pursuant to N.J.S.A. 53:1-20.5 et seq. The criminal history check results shall be kept confidential. For the purposes of this check, the Boonton Police Department is hereby authorized to have access to the criminal history record information file through the State Bureau of Investigation.

- A. As a result of such investigation, the Chief of Police shall note on the application his/her recommendation and his/her reasons therefor and return the application to the Town Clerk. Such recommendation shall be returned to the Town Clerk within 20 days of the Police Department's receipt of the duplicate application.
 - (1) Any recommendation by the Chief of Police that a license should not be issued to the applicant shall be based on the driver abstract.

SECTION 3, Article III, "Limousine Driver's License" is hereby amended in the following particulars only:

§ 265-16 "Application for license." is hereby removed in its entirety and replaced with the following language:

§ 265-16 Minimum qualifications for driver's license.

No limousine operator's license shall be issued or renewed unless the applicant complies with the following:

- A. Furnish satisfactory evidence that he/she is the holder for at least one year prior to the date of application a valid automobile driver's license issued by the State of New Jersey, Motor Vehicle Commission;
- B. Is at least 21 years of age;

- C. Has been a resident of the State of New Jersey for one year or more;
- D. Is able to read, write and speak the English language;
- E. Is a citizen or legal alien of the United States; and
- F. Certification to the Town that he/she has adequately provided for the safety of children under the age of five years, who may be passengers in a limousine owned or operated by him/her. The operator shall comply with federal child safety law regarding car seats.
- G. Each driver must be validated "Limousine Qualified ("LQ") by the State of New Jersey MVC. Initial application is required and re-certification is required by the Town of Boonton every year.

§ 265-17 "Application for driver's license; background check; items accompanying application." Is hereby removed in its entirety and replaced with the following language:

§ 265-17 Application for driver's license; background check; items accompanying application.

- A. An application for a limousine driver's license shall be filed with the Town Clerk upon forms provided by the Town. The application shall include the following information:
 - (1) Name and address of the applicant.
 - (2) Places of residence for the preceding five years.
 - (3) Age, height, color of eyes and color of hair.
 - (4) Business, home and cell phone numbers.
 - (5) Social security number.
 - (6) Employer's name and business address.
 - (7) Whether the applicant has ever been convicted of a crime, disorderly persons offense or petty disorderly offense or of a felony, a high misdemeanor, or misdemeanor, or of a prior violation of a limousine ordinance, including but not limited to crimes, disorderly person, petty disorderly person, felonies, high misdemeanors, misdemeanors, or violations which occurred either in or outside of New Jersey.
 - (8) Whether a driver's license, issued by any state or a limousine vehicle operator's license issued to him/her, has been suspended or revoked, and for what cause.
 - (9) The application shall be accompanied by two passport-type photographs of the applicant taken within 30 days of the application, front view, size two inches by two inches.
 - (10) Changes in any application or submission information shall be provided to the Town Clerk within 72 hours of said change.

§ 265-18 "Investigation of application; consideration." is hereby removed in its entirety and replaced with the following language:

§ 265-18 Investigation of application; consideration.

- A. If an applicant's motor vehicle abstract reveals a history of multiple violations, the Town may refuse to issue such an applicant a limousine driver's license.

§ 265-21 "Driver's license duration; revocation and reinstatement." is hereby removed in its entirety and replaced with the following language:

§ 265-21 Driver's license duration; revocation and reinstatement.

- A. Duration. Limousine driver's licenses shall expire annually on June 30 of every year.
- B. Revocation. A limousine driver's license shall be revoked by the Town Clerk under any of the following circumstances:
 - (1) Upon the limousine driver's conviction of operating a motor vehicle while under the influence of drugs or alcohol or reckless driving;
 - (2) Upon revocation of said limousine driver's New Jersey driving privileges by the New Jersey Motor Vehicle Commission;
 - (3) Upon revocation of said operator's driving privilege in any state having motor vehicle law reciprocity with New Jersey vis-a-vis the Interstate Compact codified in N.J.S.A. 39:5D-1 et seq.
- C. Notice of a revocation of a limousine driver's license shall be provided in writing via regular and certified mail, or via facsimile, or e-mail of record of the limousine driver or of the limousine driver's employer. However, direct oral communication by the Town Clerk or the Clerk's designee to the limousine driver or to the limousine driver's employer shall be sufficient notice to terminate the limousine driver's operation of a limousine within the Town before the written notice aforesaid is transmitted by the Town.
- D. Reinstatement. A limousine driver's license may be reinstated by the Town Clerk upon the driver's compliance with all of the requirements in this section.

SECTION 4. All ordinances of the Town of Boonton that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This Ordinance may be renumbered for codification purposes.

SECTION 6. If any section, subsection, section, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 7. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

The foregoing ordinance having been introduced and passed on first reading by the Mayor and Board of Aldermen of the Town of Boonton, County of Morris, State of New Jersey, on April 20, 2020 and then ordered to be published according to the law, will be further considered for final passage and adoption at a public hearing to be held at a meeting beginning at 7:30 p.m. on May 4, 2020 at the Town Hall, 100 Washington Street, Boonton, NJ 07005, when and where, or at such time and place to which said meeting may be adjourned. All persons interested will be given an opportunity to be heard concerning said ordinance.