

**NOTICE OF PENDING ORDINANCE**

NOTICE IS HEREBY GIVEN

that at a meeting of the Council of the Borough of North Plainfield held on May 8, 2017 there was introduced and read for the first time, and passed on such first reading, an ordinance, a true copy whereof is printed below and that said Council did then and there fix the regular meeting of said Council to be held on May 22, 2017 at 7:30 p.m. or as soon thereafter as the matter may be heard, and the Borough Council Chambers, 263 Somerset Street, North Plainfield, New Jersey as the place when and where said ordinance will be further considered for final passage, at which time and place, or at any time and place to which such meeting shall from time to time be adjourned, all persons interested will be given an opportunity to be heard concerning such ordinance.

The said ordinance as introduced and passed on first reading as aforesaid is in the following words and figures:

**ORDINANCE NO. 17-09**

**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 4-1A BY CREATING A NEW ARTICLE ENTITLED, "LIMOUSINES"**

**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 limousines 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 add the licensing of limousines; 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, by creating a new article, entitled Article 4-1A, “Limousines”; 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 is hereby amended, revised and supplemented by creating a new Article 4-1A Code provision to be entitled “Limousines” is hereby added as follows:”

Article 4-1A Limousines.

4-1A.1 License required by owner – form.

- (a) License required. No person shall hire, keep or use for hire or pay, or cause to be kept or used for hire or pay, any limousine utilizing the Borough of North Plainfield as a principal place of business as expressed in *N.J.S.A. 48:16-18* without having first obtained a license for that purpose from the Borough Clerk for such limousine. Such license shall be known as a “limousine license” and shall be for a term of one (1) year from the date of issuance and shall be renewable annually and shall not be transferable.
- (b) Fee. The fee for the issuance of such license shall be Fifty Dollars (\$50.00) for first limousine licensed, and Ten Dollars (\$10.00) for each additional limousine in the fleet. Each such vehicle used as a limousine shall be licensed separately.
- (c) Qualifications. The Borough Clerk shall issue such license after satisfactory compliance by the applicant with the provisions of *N.J.S.A. 48:16-13 to 22* and the payment of the aforesaid fee.
- (d) Form and content of license. There shall be a separate license issued for each limousine to be licensed. The license shall be in writing, numbered, in triplicate, signed by the Borough Clerk on a form provided by the Borough and shall contain the following information: Name, business address, business telephone number of the owner, number of the license; make, model, year, serial number and license plate number of the vehicle.

- (e) By whom issued. Limousine licenses or any renewal thereof shall be issued by the Borough Clerk with approval of the Borough Council.
- (f) Where displayed. One (1) copy of the limousine license, when issued, shall be retained by the Borough Clerk. The applicant shall receive the original and one (1) copy. The original shall be kept in the limousine at all times.

4-1A.2. Limousines permitted to transport passengers out of the Borough of North Plainfield under certain conditions.

Notwithstanding any provision of this Chapter to the contrary, duly licensed limousines shall be entitled to transport passengers at a fee or rate to be established between the passenger and operator by mutual agreement prior to the ride commencing; provided, the limousine or operator in question meets the following criteria:

- (a) If a fixed rate of this service has been established by the limousine service it shall be posted in the vehicle.
- (b) No limousine operator shall operate out of the Borough of North Plainfield unless or until such operator shall have filed with the Borough Clerk a public liability and property damage insurance policy in standard form that shall comply with the following requirements:
  - (1) An insurance policy issued by an accredited insurance company authorized to transact the business of casualty insurance in the state and acceptable to the Borough, covering each vehicle so operated, which policy shall cover the period included in the limousine license to be issued by the Borough. Each such policy shall run concurrently with the fiscal year for which a license has been issued.
  - (2) Such insurance policy shall insure the owner and driver of such vehicle with a minimum limit for each accident for bodily injury of One Hundred Thousand Dollars (\$100,000.00) to any one (1) individual or total of Three Hundred Thousand Dollars (\$300,000.00) for all persons injured with a property damage loss in the minimum amount of Fifty Thousand Dollars (\$50,000.00). If said policy is a single-limit policy, this single limit shall not be less than Three Hundred Thousand Dollars (\$300,000.00).
  - (3) Each such insurance policy shall contain a provision to the effect that the same cannot be cancelled, except on at least thirty (30) calendar days' notice in writing by the insurance company to the

Borough Clerk of the intention of such insurance company to cancel the same.

- (4) No insurance policy shall be acceptable if the insurance coverage is for private livery only, unless such policy expressly contains a waiver by the insurance company that if the vehicle insured is operated in violation of the coverage intended, the company will not claim such violation to avoid liability thereunder.
- (5) In the event that any insurance policy covering any such vehicle used for the transportation of passengers for hire shall lapse or shall be cancelled by the issuing company, then the limousine license issued by the Borough shall thereupon become void and the owner of such vehicle shall be required to immediately turn such license into the Borough Clerk. A limousine operated solely within the borders of the Borough of North Plainfield shall not be deemed to be a taxicab and shall not be subject to the taxicab regulations.

#### 4-1A.3. Violations and penalties.

Any person or persons, firms, corporations or other organizations found to be in violation of any of the provisions of this Article shall upon conviction thereof in municipal court and in addition to the penalties provided by *N.J.S.A. 48:16-22* pay a fine of not less than One Hundred Fifty Dollars (\$150.00) or more than Two Hundred Fifty Dollars (\$250.00) for the first (1<sup>st</sup>) offense and, for each subsequent offense, shall upon conviction pay a fine not to exceed Five Hundred Dollars (\$500.00). Upon failure to pay any of the fines imposed, such person shall be liable to imprisonment for a term not to exceed thirty (30) calendar days. In addition to such penalties as aforesaid, every license granted pursuant to this Article may be revoked by the Borough Clerk upon evidence of failure to comply with any provision of *N.J.S.A. 48:16-13 et seq.* Each offense shall be considered a separate offense.

**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.

Copies of the full Ordinance are on file with the Borough Clerk of the Borough of North Plainfield in the Municipal Building, 263 Somerset Street, North Plainfield, New Jersey. Copies may be obtained upon request and a copy is posted on the Bulletin Board in the Municipal Building reserved for such purpose.

Richard K. Phoenix, RMC  
Borough Clerk