

ORDINANCE NO. 2017-21

ORDINANCE OF THE BOROUGH OF BELMAR AMENDING THE REVISED GENERAL ORDINANCE CHAPTER 21: "TAXICABS" TO ESTABLISH NEW PROCEDURES FOR AUCTIONING LICENSES AND TO ESTABLISH NEW PROCEDURES FOR ISSUING AVAILABLE LICENSES BETWEEN AUCTIONS

BE IT ORDAINED by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey, that Chapter 21: "Taxicabs" of the Borough's Revised General Ordinances is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

21-5 EXPIRATION DATE.

21-5.1 Driver's License.

Any Driver's License issued pursuant to the terms of this Chapter shall expire at midnight on December 31 of the year in which it was issued, and shall not be transferable.

21-5.2 Owner's License.

- a. Any Autocab/Pedicab Owner's License issued pursuant to the terms of this Chapter shall expire at midnight on December 31 of the year in which it was issued, and may be transferable to a related business entity, such as in the case of a change in the form of a business entity or the purchaser or sale of all or part of a business entity, provided that the new owner complies with Section 21-6 Applications for Licenses and Section 21-7 Fees.
- b. Any Taxicab Owner's License issued pursuant to the terms of this Chapter shall expire at midnight on December 31 of the year in which it was issued and may be transferable pursuant to subsection 21-6.1de. Issuance of Licenses.

21-5.3 Taxicab Summer Owner's and Driver's Licenses.

Any Taxicab Summer Owner's and Driver's Licenses issued pursuant to the terms of this Chapter shall expire at midnight on Monday night of Labor Day of the year in which it was issued, and shall not be transferable.

21-6 APPLICATIONS FOR LICENSES.

21-6.1 Issuance of Licenses; Number of Licenses.

- a. The Municipal Clerk is authorized to advertise for sale ~~ten (10) yearly licenses and ten (10) summer licenses~~ Taxicab/Autocab/Pedicab Owner's Licenses and Summer Taxicab Owner's Licenses in accordance with N.J.S.A. 48:16-2.1, *et seq.* Such licenses shall be annually offered for sale at public auction, after advertising thereof in the official newspaper.

- b. The Municipal Clerk shall publish a notice, in the official newspaper, stating the respective application periods to be eligible for participation in the annual public auction of Taxicab/Autocab/Pedicab Owner's Licenses and Summer Taxicab Owner's Licenses, and the number of Licenses to be auctioned per the limits set forth in section 21-4 of the Borough of Belmar Revised General Ordinances. The notice shall specify a time and date after which no further applications will be accepted. Pursuant to N.J.S.A. 48:16-3, the notice shall be published at least twice and at least one week apart, with the second notice published at least 30 days prior to the time and date specified in the notice as the time and date after which no further applications will be accepted by the Borough, and at least 30 days prior to the time and date that the public auction is to be held.
- c. If the number of applications for Taxicab/Autocab/Pedicab Owner's Licenses and Summer Taxicab Owner's Licenses is equal to or lesser than the number of Licenses authorized by section 21-4 of the Borough of Belmar Revised General Ordinances, then all qualified applicants shall receive an applicable Owner's License.
- d. If the number of applications for Taxicab/Autocab/Pedicab Owner's Licenses and Summer Taxicab Owner's Licenses is greater than the number of Licenses authorized by section 21-4 of the Borough of Belmar Revised General Ordinances, then the Owner's License(s) sought shall be awarded to the highest-qualified bidder(s) at a public auction, wherein:
 - b. 1. _____ The minimum bid price shall be set by resolution of the Governing Body annually.
 - c. 2. _____ Ten (10%) percent of the minimum bid price shall be paid to the Municipal Clerk _____ by certified check or cash prior to the public auction beginning. The balance shall _____ be paid within ten (10) days of the adoption of the Governing Body's resolution _____ accepting bids. The Governing Body reserves the right to reject all bids where the _____ highest bid is not accepted.
- d.e. Any new license Taxicab Owner's License issued pursuant to this section may not be transferred within two (2) years after issuance unless such transfer is approved on the basis of death, disability, serious illness, or severe financial hardship by resolution of the Governing Body.

21-6.2 Applications for Taxicab/Autocab/Pedicab Owner's Licenses.

21-6.2.1 Applications.

- a. ~~Applications for new Autocab/Pedicab Owner's Licenses~~ Taxicab/Autocab/Pedicab Owner's Licenses and Summer Taxicab Owner's Licenses shall be annually filed with the Municipal Clerk in accordance with the terms set forth in the public notices described in subsection 21-6.1 hereof, no later than thirty (30) days prior to the date action is requested on the license application from the Borough Council. If the maximum number of Autocab/Pedicab Owner's Licenses have been issued, no new licenses shall be approved before an existing license is surrendered to the Municipal Clerk.
- b. ~~Applications for new Taxicab Owner's Licenses per subsection 21-6.1 of the Borough of Belmar Revised General Ordinances shall be filed with the Municipal Clerk within ten (10) days of the adoption of the Governing Body's resolution accepting bids.~~

21-6.2.2 Excess Licenses, Surrendered Licenses, and Renewals.

- a. Applications for Taxicab/Autocab/Pedicab owner's license renewals Owner's Licenses and Summer Taxicab Owner's Licenses shall be maintained in the order of their filing by filed with the Municipal Clerk no sooner than November 1 and no later than December 31 of the year preceding the year for which application is being made. All applications for renewals shall be acted upon prior to any consideration being given to new applications, which shall be considered in the order of their filing with the Municipal Clerk on a first come/first served basis. Any application for renewal received after December 31 of any year shall be treated as an application for a new license.
 1. When the number of applications for Licenses is lesser than the number of Licenses authorized by section 21-4 of the Borough of Belmar Revised General Ordinances, then the un-issued, remaining Licenses shall be issued by the Municipal Clerk on a first come/first served basis for the remainder of that license year.
 2. When the number of applications for Licenses is greater than the number of Licenses authorized by section 21-4 of the Borough of Belmar Revised General Ordinances, then the Municipal Clerk shall create a wait-list of all unsuccessful bidders and any applications received after the deadline for eligibility to participate in the public auction prioritized by the order in which the applications were received. No new Licenses shall be issued before an existing License is surrendered to the Municipal Clerk. Any Licenses becoming available shall be issued by the Municipal Clerk to all applicants on the wait-list, and thereafter, on a first come/first served basis for the remainder of that calendar year.
- b. Taxicab/Autocab/Pedicab Owner's Licenses are not subject to renewal and shall be placed for public auction by the Governing Body annually when excess applications are received. In the event that the Governing Body shall increase the number of Licenses authorized by section 21-4 of the Borough of Belmar Revised General Ordinances at any time between annual public auctions, then the issuance of newly authorized licenses shall be conducted in the same manner prescribed by section 21-6.1 for the annual issuances.

21-6.2.3 Taxicab/Autocab Insurance Requirements.

Each applicant for a Taxicab/Autocab owner's license shall, together with his/her application, submit the insurance policy or certificate in lieu thereof, as required Title 48 Public Utilities, Chapter 16 Taxicabs, Autocabs, Limousines and Jitneys of the Statutes of New Jersey covering the Taxicab/Autocab sought to be licensed; and shall have provided the Power of Attorney required by Title 48 Public Utilities, Chapter 16 Taxicabs, Autocabs, Limousines and Jitneys of the Statutes of New Jersey to the Borough Clerk for a Taxicab Owner's License and to the Motor Vehicle Commission; and shall provide any other documentation and/or information required by Title 48 Public Utilities, Chapter 16 Taxicabs, Autocabs, Limousines and Jitneys of the Statutes of New Jersey or similar law, rule or regulation. Additionally, the owner shall indemnify and hold harmless the Borough, its officers, agents or employees, from any and all loss, costs, damages and/or expenses suffered by any person or to any property arising from the owner's negligence.

21-6.2.4 Pedicab Insurance Requirements.

Each applicant for a Pedicab Owner's License shall, together with his/her application, submit the insurance policy or certificate in lieu thereof, in the amount of one million (\$1,000,000.00) dollars and the owner shall indemnify and hold harmless the Borough, its officers, agents or employees, from any and all loss, costs, damages and/or expenses suffered by any person or to any property arising from the owner's negligence.

21-6.3 Applications for Taxicab/Autocab/Pedicab Driver's Licenses.

Applications for Taxicab/Autocab/Pedicab Driver's Licenses may be made at any time but no one shall drive or operate a Taxicab/Autocab/Pedicab in the Borough until a proper license for each particular year has been issued.

Each applicant for a Taxicab/Autocab/Pedicab driver's license shall:

- a. File with his/her application two (2) photographs, each three and one-half (3 1/2") inches by three and one-half (3 1/2") inches in size, clearly depicting the facial features of the applicant. Both of these photographs shall thereupon become the property of the Borough for retention with the application form, pending action thereon by the Borough Council and allocated for use as hereinafter provided.
- b. At the time of filing his/her application, applicant shall be fingerprinted at the Borough of Belmar Police Department and said fingerprints shall be submitted to the Bureau of Identification, New Jersey State Police for a report of applicant's criminal record, if any. Any and all costs of this process shall be borne by the applicant.
- c. Provide any other documentation and/or information required by Title 48 Public Utilities, Chapter 16 Taxicabs, Autocabs, Limousines and Jitneys of the Statutes of New Jersey or similar law, rule or regulation.

21-6.4 Reserved.

21-6.5 Reserved.

21-6.6 Issuance of Licenses.

Each applicant granted a license under this Chapter shall be issued a license card in evidence thereof in a form approved by the Borough Council and signed by the Municipal Clerk in behalf of the Council. License recipients shall display the License number on the body of their vehicle(s) in accordance with N.J.S.A. 48:16-2.4.

BE IT FURTHER ORDAINED that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

BE IT FURTHER ORDAINED that this ordinance shall be in full force and take effect twenty (20) days after final passage and publication, as required by law.