Mayor and Common Council
Borough of Flemington

June 9, 2014

Council Meeting Room

Work Session Agenda (7:00 PM)

This meeting is being held in conformance with the Open Public Meetings Act.

UPDATE ON APPLICATION FOR TRANSPORTATION ALTERNATIVES (STREETSCAPE) GRANT FUNDING (EDWARDS)

Regular Meeting Agenda (7:30 PM)

This meeting is being held in conformance with the Open Public Meetings Act.

Flag Salute

Roll Call:

Erica Edwards	Mayor
Dorothy Fine	Counciiwoman
John Gorman	Councilman
Phil Greiner	Councilman
Joey Novick	Councilman
Brian Swingle	Council President
Phil Velella	Council Vice President

1. Public Comments -- Session I (up to approximately 3 minutes each, for a maximum of approximately 30 minutes)
2. Mayor's Report (up to approximately 3 minutes)
3. Council Members' Reports (up to approximately 3 minutes each)

   Councilwoman Fine

   Councilman Gorman

   Councilman Greiner

   Councilman Novick

   Council President Swingle

   Council Vice President Velella
4. Approval of Minutes

   Motion To: **Approve Minutes: May 28, 2014 Regular Council Meeting**
5. RESOLUTION 2014-110: AUTHORIZING THE HIRING OF DAN CAMPBELL AS A COURT OFFICER AT A RATE OF $70.00 PER COURT SESSION

6. RESOLUTION 2014-111: APPROVING THE MAYOR'S APPOINTMENT OF EMILY HAMMER TO THE HISTORIC PRESERVATION COMMISSION
7. RESOLUTION 2014-112: APPROVING THE SCHOOL LEVY PAYMENT SCHEDULE FOR THE FLEMINGTON- RARITAN REGIONAL SCHOOL BOARD OF EDUCATION
8. RESOLUTION 2014-113: APPROVING THE SCHEDULE OF SCHOOL LEVY PAYMENT SCHEDULE FOR THE HUNTERDON CENTRAL REGIONAL HIGH SCHOOL BOARD OF EDUCATION
9. RESOLUTION 2014-114: A RESOLUTION CONCERNING THE COMMUNICATION POLICY OF THE FLEMINGTON-RARITAN REGIONAL SCHOOL DISTRICT BOARD OF EDUCATION
10. RESOLUTION 2014-115: APPROVING THE SALARY RESOLUTION FOR THE BOROUGH OF FLEMINGTON
11. ORDINANCE 2014-14: FIRST READING: ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FLEMINGTON, CHAPTER XX TAXICABS, SECTION 20-16 REVOCATION AND SUSPENSION OF LICENSES AND 20-19 VIOLATIONS AND PENALTIES
12. Public Comments -- Session II (up to approximately 3 minutes each, for a maximum of approximately 30 minutes, or until approximately 10:00 PM, whichever earlier occurs)
13. Attorney's Report
14. Payment of the Bills

    Motion To: **Pay The Bills**

Executive Session For Any Other Applicable Matter Identified During the Regular Meeting (Action May Be Taken)

Adjournment

Motion To: **Adjourn**

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

SCHEDULED

Meeting: 06/09/14 07:30 PM
Department: Clerk of the Borough
Category: Appointments
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1570

RESOLUTION 2014-110

Authorizing the Hiring of Dan Campbell as a Court Officer at a Rate of $70.00 Per Court Session

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, Doug Allen resigned his position as Court Officer at the end of 2013; and

WHEREAS, the position of Court Officer has been vacant since that time; and

WHEREAS, Dan Campbell has expressed an interest in performing the duties of Court Officer; and

WHEREAS, Dan Campbell possesses the skills to be Court Officer.

NOW THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that Dan Campbell is hired to the position of Court Officer effective immediately at a rate of $70.00 per court session.

Adopted:

ATTEST:

Rebecca Newman, RMC
Borough Clerk

Erica Edwards, Mayor

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 06/09/14 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman

SCHEDULED

Initiator: Rebecca Newman
Sponsors:

RESOLUTION 2014-111

DOC ID: 1569

Approving the Mayor's Appointment of Emily Hammer to the Historic Preservation Commission

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, the Historic Preservation Commission (HPC) has had a vacancy since January; and

WHEREAS, Emily Hammer has expressed an interest in serving on the HPC Board; and

WHEREAS, Emily Hammer possesses the skills to serve as a valuable member of the HPC.

NOW THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that Emily Hammer is appointed to the Historic Preservation Commission effective immediately.

Adopted:

ATTEST:

Rebecca Newman, RMC
Borough Clerk

Erica Edwards, Mayor

Approving the School Levy Payment Schedule for the Flemington- Raritan Regional School Board of Education

RESOLUTION

WHEREAS, the total levy for the 2014-2015 school year for the Flemington-Raritan Regional School Board of Education has been certified at $5,681,184.00 and,

WHEREAS, the 2014 calendar year school tax levy is $5,723,610.00 and,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Flemington that the 2014-2015 school tax be paid as follows:

July 15, 2014	$946,864.00
September 15, 2014	$946,864.00
November 17, 2014	$946,864.00
January 15, 2015	$946,864.00
March 15, 2015	$946,864.00
May 15, 2015	$946,864.00

Adopted:

_____

Mayor

Attest:

_____

Borough Clerk

Approving the Schedule of School Levy Payment Schedule for the Hunterdon Central Regional High School Board of Education

RESOLUTION

WHEREAS, the total levy for the 2014 - 2015 school year for the Hunterdon Central Regional High School Board of Education has been certified at $1,985,298.00 and,

WHEREAS, the 2014 calendar year school tax levy is $1,882,669.00

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Flemington that the 2014 - 2015 school tax levy be paid as follows:

July 10, 2014	$330,883.00
September 10, 2014	$330,883.00
November 10, 2014	$330,883.00
January 10, 2015	$330,883.00
March 10, 2015	$330,883.00
May 10, 2015	$330,883.00

Adopted:

_____

Mayor

Attest:

_____

Borough Clerk

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 06/09/14 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1574

SCHEDULED

RESOLUTION 2014-114

A Resolution Concerning the Communication Policy of the Flemington-Raritan Regional School District Board of Education

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

SCHEDULED

Meeting: 06/09/14 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1572

RESOLUTION 2014-115

Approving the Salary Resolution for the Borough of Flemington

2014 Salary Ordinance

An ordinance to fix the rate of compensation of the Mayor, Council and non-union employees of the Borough of Flemington, County of Hunterdon, State of New Jersey.

BE IT ORDAINED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey as follows:

Section 1: The rate of compensation of the following employees shall be on a yearly basis, payable quarterly

Mayor	$6,120.00
Council Member	$4,935.00
*Public Defender	$5,500.00
*Assistant Prosecutor	$1,612.00
*Emergency Management Coordinator	$3,225.00

Section 2: The rate of compensation of the following non-union employees shall be on a yearly basis, payable bi-weekly:

Borough Clerk (To include Registrar of Vital Statistics)	$33,709.00
Deputy Clerk	$27,050.00
Apartment Registration Secretary Stipend	$2,000.00
Chief Financial Officer (To include Deputy Collector)	$40,836.00
Tax Collector	$18,727.00
Tax Assessor	$27,359.00
Municipal Court Judge	$22,189.00
**$905.72 per 4th Monday Court Session	
Prosecutor	$17,270.00
**$705.60 per 4th Monday Court Session	
Court Administrator	$51,656.00
Court Officer (per night)	$86.55
Court Night Violations Clerk (per night)	$78.76
Construction Official / Building Sub-Code Inspector / Zoning	$29,845.00
*Property Maintenance Officer	$10,812.00
*Fire Sub-Code Inspector	$9,902.00
*Plumbing Sub-Code Inspector	$9,902.00
*Electric Sub-Code Inspector	$11,064.00
Fire Marshall	$31,212.00
Planning Board Secretary	$21,420.00
*Recycling Coordinator	$4,000.00
Department of Public Works Director	$65,431.00
Library Director	$59,547.00
Librarian	$34,723.00
Library Aide	$8.00 - $12.90
Adult Crossing Guards (per hour rate)	$16.47
Parking Enforcement Officer (per hour rate)	$16.47
Special Police Officer: Class I (per hour rate)	$11.63 - $17.66
*Casual Employees (per hour rate)	$10.00 - $40.80

*Part-time Salaries (no set hours)

Section 3: The rate of compensation of the following police non-union employees shall be on a yearly basis, payable bi-weekly:

Chief of Police	$96,047.00

Introduced:

Adopted:

Erica Edwards, Mayor

Attest:

Attachment: DOC060614-06062014120820 (2014-115 : Salary Resolution)

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 06/09/14 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1560

SCHEDULED

ORDINANCE 2014-14

First Reading: Ordinance Amending the Revised General Ordinances of the Borough of Flemington, Chapter XX Taxicabs, Section 20-16 Revocation and Suspension of Licenses and 20-19 Violations and Penalties

CHAPTER XX TAXICABS

20-1 DEFINITIONS.

The following words and phrases and their derivatives, when used in this chapter, shall have the meanings hereinafter indicated:

Borough shall mean the Borough of Flemington.

Bailee shall mean a person to whom a taxicab is transferred or delivered under a bailment.

Cruising shall mean the practice of driving about the streets of the Borough with a taxicab for the purpose of soliciting passengers or presenting the purpose 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 or 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 said terminus to the driver's home by the most direct route, shall be prima facie evidence of "cruising."

Driver shall mean any person who drives a taxicab within the limits of the Borough.

Licensed shall mean licensed in accordance with the appropriate section of this chapter.

Operation of a taxicab shall mean transporting in such taxicab one or more persons for hire along any of the streets or public highways of the Borough.

Owner shall mean any person, corporation or association in whose name title to any taxicab is registered with the Motor Vehicle Commission of the State of New Jersey, or who appears in such records to be the conditional vendee or lessee thereof.

Person shall mean and include any individual, partnership, association, corporation or joint-stock company, their lessees, trustees or receivers, and includes the plural as well as the singular.

Street shall mean and include any street, avenue, park, parkway, highway or other public place.

Taxicab shall mean and include any automobile or motorcar,

commonly called "taxi," "limousine," "shuttle," etc., except busses, engaged in the business of carrying passengers for hire, which is held out, announced or advertised to operate or run, or which is operated or run, over any of the streets or public highways within the limits of the Borough of Flemington aforesaid, and which accepts passengers for the transportation from points or places to points or places within or without the Borough.

(Ord. No. 6-1982 § 1; Ord. No. 14-1998 § 1; Ord. No. 2012-12)

20-2 LICENSES REQUIRED.

From and after the effective date of this chapter, no person shall operate any taxicab within the limits of the Borough unless both the taxicab and the driver thereof are licensed pursuant to this chapter and conform to all the provisions of all applicable statutes. (Ord. No. 6-1982 § 2; Ord. No. 2012-12)

20-3 CLASSES OF LICENSES.

There are hereby established two (2) classes of taxicab licenses, to be known as "taxicab driver's license" and "taxicab owner's license," respectively. (Ord. No. 6-1982 § 3; Ord. No. 2012-12)

20-4 ISSUED/OUTSTANDING LICENSES.

There shall be no limit on the number of taxicab driver's licenses and taxicab owner's licenses that shall be issued and/or outstanding simultaneously. (Ord. No. 6-1982 § 4; Ord. No. 2012-12)

20-5 TAXICAB DRIVER'S LICENSE.

A taxicab driver's license shall entitle the person named therein to operate within the limits of the Borough any taxicab duly licensed hereunder and under the laws of the State of New Jersey until the license granted pursuant to the terms of this chapter either expires or is surrendered, suspended or revoked, and shall not be transferable. (Ord. No. 6-1982 § 5; Ord. No. 2012-12)

20-6 TAXICAB OWNER'S LICENSE.

A taxicab owner's license shall entitle the taxicab therein described to be operated in the Borough by a driver duly licensed hereunder and duly licensed under the laws of this State until the license granted pursuant to the terms of this chapter either expires or is surrendered, suspended or revoked, and shall not be transferable. (Ord. No. 6-1982 § 6; Ord. No. 2012-12)

20-7 QUALIFICATIONS OF TAXICAB OWNER'S LICENSEES.

~~a. No license to operate a taxicab shall be granted to any person unless he is a lawful resident of the United States. In the case of a partnership, no license shall be granted to operate a taxicab unless all the members thereof are citizens of the United States.~~

a. In the case of a corporation, no license shall be granted to operate a taxicab unless the corporation is either incorporated or is duly authorized to do business under the laws of the State of New Jersey. No license shall be granted to operate a taxicab to any person or to any partnership or corporation who is not, or the member or officers of which are not, persons of good moral character or have been convicted of any crime involving moral turpitude.

b. In order to ensure the safety of the public, no owner, lessee or bailee of any taxicab shall operate, cause or permit such taxicab to be operated, nor shall any license be issued hereunder, until and unless the applicant shall have complied with the provisions of N.J.S.A. 48:16-1, et seq. of the statutes of the State of New Jersey, and the Acts amendatory thereof, or supplemental thereto, relating to the filing of an insurance policy covering the owner or operator of such vehicle for damages to persons for which he may become liable by reason of the ownership, maintenance or use of the vehicle. All taxicab owner's and driver's licenses shall be effective and operative only if such insurance policy or policies are in full force and effect. The lapse of such insurance and the failure to submit proof that such insurance is in full force and effect, including but not limited to upon the expiration of any such insurance, shall cause the applicable licenses to automatically be revoked until such time as proof of such insurance is submitted. If the insurance policy expires during the licensing period of January 1 and December 31, license holder must submit an updated insurance certificate to the Borough

Clerk within 30 days from the expiration date of the policy. Failure to submit proof of insurance will cause the license to be temporarily revoked until such time that proof of insurance can be supplied.

(Ord. No. 6-1982 § 7; Ord. No. 14-1998 § 2; Ord. No. 2012-12)

20-8 QUALIFICATIONS OF TAXICAB DRIVER'S LICENSEES.

Each applicant for a taxicab driver's license must conform to the following requirements:

a. Be of the age of eighteen (18) years or older, a lawful resident of the United States, shall not have been convicted of any crime involving moral turpitude within ten (10) years next preceding prior to the date of the application for license and shall not have been convicted of any two (2) or more violations of Title 39 of the Revised Statutes or the equivalent thereof within three (3) years next preceding prior to the date of application for license.

b. Be able to read and write the English language.

c. State the name of the licensed owner by whom he will be employed.

d. Fill out, in his own handwriting, upon a blank form to be provided by the Borough Clerk, a statement giving his full name, residence, places of residence for the preceding five (5) years; age, color, height, color of eyes and hair, place of birth, whether a lawful resident of the United States, places of previous employment; whether he has ever been charged with or arrested or convicted of a crime or other violation or of a violation of this chapter and, if so, what; whether previously licensed as a taxicab driver or chauffeur and, if so, whether his license has ever been revoked and for what cause which statement, shall be signed and sworn to by the applicant and filed in the office of the Borough Clerk.

f. Each applicant for a taxicab driver's license must file with his application two (2) unmounted, unretouched photographs of himself in such position as the Borough Clerk may direct, taken within thirty (30) days preceding the filing of the application. Photographs are to be of a size which may easily be attached to the license, one of which may be attached when issued, and another to be filed with the application in the office of the Borough Clerk. The photograph shall be so attached to the license that it cannot be removed and another photograph substituted without detection. Each licensed taxicab driver shall, upon demand of any member of the Police Department

or any citizen, exhibit his license or photograph for inspection.

g. Each applicant shall execute and file with the application the authorization by subject of request and privacy act notification area of Form SBI-212A or SBI-212B (request for criminal history record information for a noncriminal justice purpose) for a criminal name search identification check pursuant to N.J.S.A. 53:1-20.5, et seq. In addition, the applicant must submit a cashier's check, certified check or money order drawn on a United States bank in the amount of $15, payable to the "New Jersey Division of State Police, SBI," for the criminal history name search.

h. Each applicant shall furnish a certified drivers abstract history obtained from the New Jersey Division of Motor Vehicles within thirty (30) days prior to the filing of the application.

(Ord. No. 6-1982 § 8; Ord. No. 14-1998 § 3; Ord. No. 2012-12)

20-9 APPLICATIONS.

a. Applications for a taxicab owner's license shall be made by the owner, lessee or bailee thereof upon forms to be furnished by the Borough Clerk and the application shall contain the following information:

1. If an individual, full name of applicant, street and post office address, place of residence, place of birth; whether a lawful resident of the United States; places of previous employment; whether ever charged with, arrested or convicted of a crime or other violation of law, and if so, what crime or offense; whether previously licensed to operate a taxicab has ever been revoked and, if so, for what cause.

2. If a partnership, the firm name, main office, branch offices, names and addresses and post office addresses of partners; whether partners are native born or naturalized citizens; place of birth of each partner; places of previous employment, whether ever charged with or arrested or convicted of any crime or other violation of law, and, if so, what crime or offense; whether any partner has been licensed to operate a taxicab or as a driver or chauffeur of a taxicab and, if so, for what cause.

3. If a corporation, name of corporation, main office, branch offices, in what state incorporated and directors of corporation; place of birth of each officer and director, whether lawful resident of the United States; place of previous employment of each; whether any officer or director was ever charged with, arrested or convicted of a crime or other violation of law, and if so, what crime or offense; whether previously licensed to operate or drive such taxicab has ever been revoked and, if so, for what cause.

4. In addition to the foregoing, every application shall contain a statement as to whether the applicant is the owner, lessee or bailee of the taxicab sought to be licensed, the State license number of the taxicab; the make, model and manufacturer's number; the length of time the vehicle has been in use; and the number of persons it is capable of carrying; the motor power thereof and its present value.

5. All applications shall be duly verified by the affidavit of the individual, a partner of the partnership or an officer of the corporation seeking a license, as the case may be, and shall be accompanied on forms to be provided by the Borough Clerk.

6. All applications shall contain the service prices for transportation of passengers. Prices shall be of the owners choosing and provided to passengers upon request, as well as posted in a conspicuous place in the taxicab. The prices charged to passengers should be the same as those stated on the application which can be amended during the year to change the prices charged by filing the new prices with the Borough Clerk before they go into effect.

(Ord. No. 6-1982 § 9; Ord. No. 14-1998 § 4; Ord. No. 2012-12)

20-10 APPLICATION FOR TAXI DRIVER'S LICENSE.

No person shall drive a taxicab until he shall have made application upon a form provided by the Borough Clerk for a taxicab driver's license and shall have procured the license as herein provided. Each person applying for a license to drive a taxicab must furnish all of the information required in Section 20-8, as well as satisfactory evidence that he has received a driver's license under the State Motor Vehicle Act. (Ord. No. 6-1982 § 10; Ord. No. 2012-12)

20-11 EXPIRATION DATE OF LICENSES.

All licenses pursuant to this chapter shall expire at the end of the year of issuance or renewal, unless sooner surrendered, suspended or revoked. No license fee payable under this chapter shall be prorated, nor shall any part thereof be refunded for any reason unless a license shall be refused. (Ord. No. 6-1982 § 11; Ord. No. 2012-12)

20-12 FEES.

a. The annual license and license renewal fee for issuance, or for renewal thereof, shall be two hundred ($250.00) dollars for each taxicab owner's license and one hundred ($100.00) dollars for each taxicab driver's license for each year for which the license is issued or renewed, except that where any such license shall be issued on and after the first day of October the license fee shall be one-half (1/2) of the sum, as aforesaid. No part of such fee shall be refunded for any reason, except upon the denial of an application for the issuance or renewal of a license by the Mayor and Council of the Borough, in which event sixty (60%) percent of the fee deposited shall be returned to the applicant and forty (40%) percent thereof shall be retained by the Borough as compensation for the investigation of such application. (Ord. No. 6-1982 § 12; Ord. No. 2012-12)

b. <u>An annual inspection fee of seventy five ($75.00) dollars for each taxicab owner's license made payable to the Flemington Borough Police Department at the time of the inspection.</u>

20-13 LICENSE ISSUANCE REGULATIONS.

a. Any or all applications for licenses hereunder may be granted or refused by the majority vote of the Mayor and Common Council of the Borough.

b. No taxicab owner's license shall be issued until the motor vehicle to be licensed has been thoroughly and carefully inspected and examined by the Police Department of the Borough and found to be in safe condition for the transportation of passengers. All licensed **taxicabs** shall be clean, fit, of good appearance and well painted. The Mayor and Common Council of the Borough shall refuse a license to any applicant or, if already issued, revoke or suspend the license of any vehicle found to be unsafe for the transportation of passengers. All reports of inspections and examinations shall be filed with the Borough Clerk and become a part of the application

filed for the licensing of the vehicle.

If, upon inspection, a taxicab is found to be in a safe condition for the transportation of passengers and in accordance with the provisions of this chapter, upon the payment of the license fees required by this chapter, the same may be licensed by delivering to the applicant a card of such size and form as may be prescribed by the Borough Clerk. The card shall contain the name of the applicant, the official license number of the taxicab, the name of the owner, the State license number thereof, the make, model, manufacturer's number ~~and motor power of the taxicab~~, together with the date of the inspection of the same, and a notice that in case of any complaint, the Borough Clerk shall be notified, the license number of the taxicab being given. The card shall have attached thereto the signature of the Borough Clerk and shall contain blank spaces upon which an entry shall be made of the date of each inspection of the vehicle by the person making the inspection.

c. Upon satisfactory fulfillment of all licensing requirements, there shall be issued to the applicant a license to drive a taxicab for the licensed owner named in his application. No licensed driver shall operate a taxicab owned by a person other than the person named in the application and license, unless the driver shall have first obtained a license therefor from the Borough Clerk.

d. A license sticker shall be placed in the bottom left corner of the rear driver side window. The sticker will contain the words "Flemington Borough," "Registered Taxi" and the year.

(Ord. No. 6-1982 § 13; Ord. No. 2012-12)

20-14 NAMES OF VEHICLES.

Every taxicab so licensed shall have displayed on both sides thereof the word "taxi" in letters at least four (4) inches high or the name of the operating owner containing the words "taxi" or "taxicab." (Ord. No. 6-1982 § 14; Ord. No. 2012-12)

20-15 NONTRANSFERABILITY.

No license issued hereunder shall be sold, assigned, mortgaged or otherwise transferred or hypothecated. (Ord. No. 6-1982 § 15; Ord. No. 2012-12)

20-16 REVOCATION AND SUSPENSION OF LICENSES.

a. A taxicab owner's license issued hereunder may be revoked or suspended at any time after notice and hearing by the Chief of Police, or a representative of the Police Department, the Borough Clerk and the Borough Attorney. Pending the outcome of the hearing, if a licensee is found to be not in compliance of any of the provisions of this chapter the license will be revoked by resolution ratifying the decision made at the hearing. If the vehicle shall not be in a safe condition for the transportation of passengers, not kept in conformity with the terms of this chapter, if used or its use permitted for any improper, immoral or illegal business or purpose, or for the violation of any statute or law of the State of New Jersey or of the United States, or for a violation of any provision of this chapter, or whenever in their promotion of the public health, safety and/or welfare will be enhanced

b. A taxicab drivers' license issued hereunder may be revoked or suspended at any time after notice and hearing by the Chief of Police, or a representative of the Police Department, the Borough Clerk and the Borough Attorney. Pending the outcome of the hearing, if a licensee is found to be not in compliance of any of the provisions of this chapter the license will be revoked by resolution ratifying the decision made at the hearing. The Mayor and Common Council of the Borough of Flemington, after notice and out come of hearing, may suspend or revoke the license of any taxicab driver who shall violate any State or Federal statute, including but not limited to a violation of Title 39 of the statutes of New Jersey or the equivalent in other states, or Municipal ordinance, including but not limited to any of the provisions of this chapter, or, whenever in their judgment, promotion of the public ~~life~~, health, ~~morals or~~ safety and/or welfare will be enhanced by such suspension or revocation. The Borough Clerk shall notify the Chief of Police whenever such license is suspended or revoked.

c. The Flemington Police Department at any time during the licensing year may run a drivers abstract history and advise the Borough Clerk if a driver who is licensed has been convicted of a Title 39 or other violation.

(Ord. No. 6-1982 § 16; Ord. No. 2012-12)

20-17 POWER OF ATTORNEY.

No taxicab owner's license shall be issued until the applicant therefor shall have delivered to the Borough Clerk, concurrently with the filing of the insurance policy hereinbefore referred to, a power of attorney executed by said applicant wherein and whereby said applicant shall appoint the Clerk of the Borough, his, her or its true and lawful attorney for the purpose of acknowledging service of any process out of any court of competent jurisdiction to be served against the insured by virtue of the indemnity granted under the insurance policy filed; and any license for a taxicab issued upon such application shall continue effective, and the operation of any taxicab thereunder shall be permitted, only so long as said power of attorney shall remain in effect and unrevoked. (Ord. No. 6-1982 § 17; Ord. No. 2012-12)

20-18 RESERVED.

Editor's Note: Former section 20-18, Cruising, previously codified herein and containing portions of Ordinance No. 6-1982, was repealed in its entirety by Ordinance No. 14-1998.

20-19 VIOLATIONS AND PENALTIES.

Any person or persons, firm or corporation who shall violate this chapter or any of its provisions shall, upon conviction, be punished either by imprisonment in the County jail for a term not exceeding ninety (90) days or by a fine ~~not exceeding five hundred ($500.00) dollars~~ *of one hundred dollars ($100.00) for a first offense, two hundred - fifty dollars ($250.00) for a second offense, and five hundred dollars ($500.00) for a third offense and every offense thereafter,* or both, in the discretion of the Court. (Ord. No. 6-1982 § 19; Ord. No. 2012-12)

20-20 LIMOUSINE LICENSE.

All of the requirements of this Chapter XX shall apply to limousines, except as follows:

a. *License Required.* No person shall hire, keep, or use for hire or pay, any limousine utilizing the Borough of Flemington as a principal place of business as expressed in N.J.S.A. 40:16-18 without first having obtained a license for that purpose from the Borough Clerk

for such limousine, which license shall be known as a "limousine license." Such license shall be for a term of one (1) year from the date of issuance and shall be renewable annually and shall be nontransferable.

b. *Fee.* The fee for the issuance of such license shall be in accordance with Section 20-12 entitled "Fees." 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 48:16-22 and approval by the Chief of Police 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, signed by the Chief of Police on a form provided by the Borough and shall contain the following information: the name, business address, and business telephone number of the owner; the number of the license, the make, model, year, serial number, and license plate number of the vehicle; the name of the company supplying insurance coverage, the policy number and the name, address and telephone number of the insurance agent.

e. *By whom Issued.* Limousine license shall be initially issued by the Borough of Flemington Council. Any renewals thereof shall be issued by the Borough Clerk upon approval of the Chief of Police.

(Ord. No. 21-1998; Ord. No. 2012-12)