Mayor and Common Council
Borough of Flemington

August 11, 2014

Council Meeting Room

Work Session Agenda (7:00 PM)

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

1. UPDATE: BOROUGH-OWNED CAPNER STREET LOT (VELELLA)
2. DISCUSSION: TRAFFIC SPEED STUDY AND TRAFFIC CALMING (VELELLA AND 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	Councilwoman
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: Regular Council Meeting: July 28, 2014**

   Motion To: **Approve Minutes: Executive Session Minutes: July 14, 2014**

5. RESOLUTION 2014-136: AUTHORIZING AN APPLICATION FOR A CATERING PERMIT BY BENSI OF FLEMINGTON, LLC TO SERVE BEER AND WINE AT TEABERRY'S ON AUGUST 24, 2014 FOR THE CORN AND TOMATO FESTIVAL
6. RESOLUTION 2014-137: AUTHORIZING AN APPLICATION FOR A CATERING PERMIT BY BENSI OF FLEMINGTON, LLC FOR THE JAZZ FESTIVAL TO BE HELD ON SEPTEMBER 12, 2014
7. RESOLUTION 2014-138: AUTHORIZING THE REFUND OF A STREET OPENING BOND IN THE AMOUNT OF $250.00 HELD FOR 39 COPPERMINE VILLAGE
8. RESOLUTION 2014-139: AUTHORIZING THE REFUND OF A STREET OPENING BOND IN THE AMOUNT OF $250.00 HELD FOR 19 BLOOMFIELD AVENUE
9. RESOLUTION 2014-140: AUTHORIZING A TOWN WIDE YARD SALE TO BE HELD ON OCTOBER 4TH AND 5TH, 2014
10. RESOLUTION 2014-141: AUTHORIZING THE APPOINTMENT OF DAVID GIULIANI TO THE POSITION OF 9-1-1 COORDINATOR
11. RESOLUTION 2014-142: ESTABLISHING THE COMMITTEE TO WRITE THE REDEVELOPMENT PLAN FOR THE GLOBAL AG REDEVELOPMENT AREA
12. RESOLUTION 2014-143: APPROVING AN OFF PREMISE RAFFLE FOR HUNTERDON COUNTY SHERRIFF'S OFFICERS' ASSOCIATION TO BE HELD ON NOVEMBER 11, 2014
13. RESOLUTION 2014-144: APPROVING HIRING VAS AVRIMIDES TO THE PART-TIME POSITION OF COMMUNICATIONS ADMINISTRATIVE ASSISTANT
14. ORDINANCE 2014-14: SECOND 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
15. Public Comments -- Session II (up to approximately 3 minutes each, for a maximum of approximately 30 minutes, or until 10:00 PM whichever earlier occurs)
16. Attorney's Report
17. 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

Meeting: 08/11/14 07:30 PM
Department: Clerk of the Borough
Category: Appointment
Prepared By: Rebecca Newman

SCHEDULED

Initiator: Rebecca Newman
Sponsors:

AGENDA ITEM 2014-21

DOC ID: 1626

Update: Borough-Owned Capner Street Lot (Velella)

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 08/11/14 07:30 PM
Department: Clerk of the Borough
Category: Appointment
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1625

SCHEDULED

AGENDA ITEM 2014-22

Discussion: Traffic Speed Study and Traffic Calming (Velella and Edwards)

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 08/11/14 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1615

SCHEDULED

RESOLUTION 2014-136

Authorizing an Application for a Catering Permit by Bensi of Flemington, LLC to Serve Beer and Wine at Teaberry's on August 24, 2014 for the Corn and Tomato Festival

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, Bensi of Fleminton, LLC has requested permission to obtain a catering permit through the State of New Jersey Division of ABC; and

WHEREAS, the application must be approved and signed by the local municipality; and

WHEREAS, Bensi of Flemington has requested permission to serve beer and wine at Teaberry's, located at 2 Main Street, for an event to be held on August 24, 2014.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that the application requesting permission for Bensi of Flemington, LLC to serve beer and wine at Teaberry's on August 24, 2014 is approved.

BE IT FURTHER RESOLVED that the Municipal Clerk is authorized to sign the application granting permission and forward the signed application to the State of New Jersey Division of ABC.

Adopted: August 11, 2014

ATTEST:

Rebecca Newman, RMC
Borough Clerk

Erica Edwards, Mayor

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 08/11/14 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1616

SCHEDULED

RESOLUTION 2014-137

Authorizing an Application for a Catering Permit by Bensi of Flemington, LLC for the Jazz Festival to be Held on September 12, 2014

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, Bensi of Flemington, LLC has requested permission to obtain a catering permit through the State of New Jersey Division of ABC; and

WHEREAS, the application must be approved and signed by the local municipality; and

WHEREAS, Bensi of Flemington has requested permission to serve beer and wine on Main Street for an event to be held on September 12, 2014.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that the application requesting permission for Bensi of Flemington, LLC to serve beer and wine on Main Street on September 12, 2014 is approved.

BE IT FURTHER RESOLVED that the Municipal Clerk is authorized to sign the application granting permission and forward the signed application to the State of New Jersey Division of ABC.

Adopted: August 11, 2014

ATTEST:

Rebecca Newman, RMC
Borough Clerk

Erica Edwards, Mayor

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 08/11/14 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1614

SCHEDULED

RESOLUTION 2014-138

Authorizing the Refund of a Street Opening Bond in the Amount of $250.00 Held for 39 Coppermine Village

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, Rob Brown received a street opening permit No: 378 from the Borough Clerk for work to be done at 39 Coppermine Village; and

WHEREAS, the Borough requires that a bond be held by the Borough to ensure the repairs are completed in a satisfactory manner; and

WHEREAS, Rob Brown gave the Borough $250.00 to be held in the form of a bond; and

WHEREAS, Rob Brown completed the repairs; and

WHEREAS, Michael Campion has determined the repairs were completed in satisfactory manner and approved the release of the $250.00 bond held by the Borough of Flemington.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington in the County of Hunterdon, State of New Jersey, hereby releases the street opening bond in the amount of $250.00 to Rob Brown for the repairs made at 39 Coppermine Village in Flemington Borough.

ATTEST: BOROUGH OF FLEMINGTON

BY:

Rebecca P. Newman
Borough Clerk

Erica Edwards, Mayor

Dated: August 11, 2014

CERTIFICATION

I, Rebecca P. Newman, Borough Clerk of the Borough of Flemington, County of Hunterdon, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the governing body on August 11, 2014.

Rebecca P. Newman
Borough Clerk

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 08/11/14 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1613

SCHEDULED

RESOLUTION 2014-139

Authorizing the Refund of a Street Opening Bond in the Amount of $250.00 Held for 19 Bloomfield Avenue

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, Fred Cronce received a street opening permit No: 374 from the Borough Clerk for work to be done at 19 Bloomfield Avenue; and

WHEREAS, the Borough requires that a bond be held by the Borough to ensure the repairs are completed in a satisfactory manner; and

WHEREAS, Fred Cronce gave the Borough $250.00 to be held in the form of a bond; and

WHEREAS, Fred Cronce completed the repairs; and

WHEREAS, Michael Campion has determined the repairs were completed in satisfactory manner and approved the release of the $250.00 bond held by the Borough of Flemington.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington in the County of Hunterdon, State of New Jersey, hereby releases the street opening bond in the amount of $250.00 to Fred Cronce for the repairs made at 19 Bloomfield Avenue in Flemington Borough.

ATTEST: BOROUGH OF FLEMINGTON

BY:

Rebecca P. Newman
Borough Clerk

Erica Edwards, Mayor

Dated: August 11, 2014

CERTIFICATION

I, Rebecca P. Newman, Borough Clerk of the Borough of Flemington, County of Hunterdon, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the governing body on August 11, 2014.

_____
Rebecca P. Newman
Borough Clerk

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

SCHEDULED

RESOLUTION 2014-140

Meeting: 08/11/14 07:30 PM
Department: Clerk of the Borough
Category: Appointments
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1617

Authorizing a Town Wide Yard Sale to be Held on October 4Th and 5Th, 2014

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, the Borough holds an annual town wide yard sale in the fall; and

WHEREAS, the date that is preferable to hold this sale is October 4th and 5th, 2014.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that the annual town wide yard sale be held on October 4th and 5th of 2014

BE IT FURTHER RESOLVED, that the Clerk be authorized to place an ad in the Hunterdon County Democrat to advertise this event.

Adopted: August 11, 2014

ATTEST:

Rebecca P. Newman, RMC
Borough Clerk

Erica Edwards, Mayor

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 08/11/14 07:30 PM
Department: Clerk of the Borough
Category: Appointments
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1621

SCHEDULED

RESOLUTION 2014-141

Authorizing the Appointment of David Giuliani to the Position of 9-1-1 Coordinator

Borough of Flemington
County of Hunterdon

WHEREAS, Hunterdon County Communications relies on a local 9-1-1 Coordinator to confirm addresses so when a 9-1-1 call is placed first responders are dispatched to the proper address; and

WHEREAS, Dave Giuliani has a knowledge of the town and is familiar with emergency dispatch and responses.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that David Giuliani is appointed to the position of 9-1-1 Coordinator for the Borough of Flemington.

Adopted: 8/11/14

ATTEST:

Rebecca P. Newman, RMC
Borough Clerk

Erica Edwards, Mayor

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 08/11/14 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman

SCHEDULED

Initiator: Rebecca Newman
Sponsors:

RESOLUTION 2014-142

DOC ID: 1624

Establishing the Committee to Write the Redevelopment Plan for the Global Ag Redevelopment Area

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 08/11/14 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1622

SCHEDULED

RESOLUTION 2014-143

Approving an Off Premise Raffle for Hunterdon County Sherriff's Officers' Association to be Held on November 22, 2014

BOROUGH OF FLEMINGTON

COUNTY OF HUNTERDON

WHEREAS application has been received by the Borough of Flemington to grant an Off-Premise Raffle License; and

WHEREAS no objection has been received by the Borough Clerk; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that an Off-Premise Raffle License be granted:

TO: Hunterdon County Sherriff's Officers' Association

BENEFIT: Education

DATE: November 22, 2014

LOCATION: 65 Park Avenue, Flemington, N.J.

TIME: 6:00 PM-10:00 PM

Adopted: August 11, 2014

Erica Edwards, Mayor

Attest:

Rebecca P. Newman
Municipal Clerk

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 08/11/14 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1623

SCHEDULED

RESOLUTION 2014-144

Approving Hiring Vasilios Avramidis to the Part-Time Position of Communications Administrative Assistant

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 08/11/14 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1560

TABLED

ORDINANCE 2014-14

Second 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

HISTORY:

06/09/14	**Governing Body**	**TABLED**	**Next: 06/25/14**
06/25/14	**Governing Body**	**INTRODUCED**	**Next: 07/14/14**
07/14/14	**Governing Body**	**TABLED**	**Next: 08/11/14**

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.

Attachment: DOC080814-08082014125409 (2014-14 : Taxi Ordinance)

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.

Attachment: DOC080814-08082014125409 (2014-14 : Taxi Ordinance)

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. <u>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</u>

Attachment: DOC080814-08082014125409 (2014-14 : Taxi Ordinance)

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, ~~be 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 in another state 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

Attachment: DOC080814-08082014125409 (2014-14 : Taxi Ordinance)

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 Unites 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.

Attachment: DOC080814-08082014125409 (2014-14 : Taxi Ordinance)

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)

Attachment: DOC080814-08082014125409 (2014-14 : Taxi Ordinance)

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

Attachment: DOC080814-08082014125409 (2014-14 : Taxi Ordinance)

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)

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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 ~~discretion~~ 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,

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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

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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.

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

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