

**AN ORDINANCE AMENDING CHAPTER 5, SECTIONS 30.1 and 30.2, and
REPEALING CHAPTER 5, SECTIONS 30.3, 30.4, 30.5, 30.6, 30.7, 30.8, 30.9, 30.10, 30.11,
30.12, 30.13, 30.14, and 30.15 OF THE REVISED GENERAL ORDINANCES OF THE
TOWNSHIP OF WEST ORANGE (LICENSING OF TAXICABS)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapters 5-30.1, 5-30.2, 5-30.3, 5-30.4, 5-30.5, 5-30.6, 5-30.7, 5-30.8, 5-30.9, 5-30.10, 5-30.11, 5-30.12, 5-30.13, 5-30.14, and 5-30.15 of the Revised General Ordinances of the Township of West Orange be and it is hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to repeal the majority of the sections of the West Orange Township Ordinance governing licenses for taxicabs and limousines operating within the Township of West Orange and leaving only the licensing provisions required under State Law.

II. CHAPTER 5-30, SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCOPRORATE THE FOLLOWING:

5-30 LICENSING OF TAXICABS AND LIMOUSINES.

III. CHAPTER 5-30.1 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCOPRORATE THE FOLLOWING:

5-30.1 Definitions.

As used in this section:

Operation of a taxicab shall mean transporting in a taxicab one (1) or more persons for hire. Accepting a passenger to be transported for hire from a point of departure within the Township to a destination within or without the Township shall be considered operation of a taxicab within the Township. The operation of a taxicab by one other than the owner shall be deemed operation by the owner as well as by the person actually driving the taxi. The transportation of any person other than the owner or driver in any motor vehicle bearing a sign using the words "taxi", "taxicab", "cab", or "hack" shall be prima facie evidence of operation.

"Limousine" means and includes any automobile or motor car used in the business of carrying passengers for hire to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route and with a seating capacity of no more than 14 passengers, not including the driver consistent with the definition of "Limousine" as set forth in N.J.S.A. 48:16-3.

Owner shall mean and include a person, corporation or other legal entity, partnership or unincorporated association owning any vehicle or holding or controlling any vehicle under a conditional sales contract, lease, mortgage or other security agreement, formal or informal rental agreement or otherwise.

Person shall mean and include any individual, partnership, association, corporation or joint stock company, their lessees, trustees or receivers appointed by any court whatsoever.

Rate card shall mean a card to be displayed in each taxicab, which contains the rates of fare in force.

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

Taxicab or *taxi* shall mean a motor vehicle used to transport passengers for hire, which does not operate over a fixed route and is not hired by the day or hour, and which generally accepts passengers from points within the Township to points within or without the Township, as more particularly described in N.J.S.A. 48:16-1 as an "autocab." The definition of taxicab shall not include the hiring of a limousine service. any automobile or motor car 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 and particularly accepts and discharges such person as may offer themselves for transportation from points or places to other points or places consistent with the definition of "Autocab" as set forth in N.J.S.A. 48:16-1.

IV. CHAPTER 5-30.2 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

5-30.2 License Required Consent to Operate on Public Streets.

No person shall operate a taxicab by originating a fare within the Township unless the owner of the taxicab is licensed under this section. As required by N.J.S.A. 48:16-2, all owners of Taxicabs and/or Limousines are granted consent to operate along the public streets of the Township of West Orange. This consent, however, shall not alleviate the Limousine Owners with a principal place of business within the Township of West Orange to obtain a license to operate service as required under N.J.S.A. 48:16-7 and N.J.S.A. 48:16-22.

V. CHAPTER 5-30.3 SHALL BE AND HEREBY IS REPEALED IN ITS ENTIRETY.

VI. CHAPTER 5-30.4 SHALL BE AND HEREBY IS REPEALED IN ITS ENTIRETY.

VII. CHAPTER 5-30.5 SHALL BE AND HEREBY IS REPEALED IN ITS ENTIRETY.

VIII. CHAPTER 5-30.6 SHALL BE AND HEREBY IS REPEALED IN ITS ENTIRETY.

IX. CHAPTER 5-30.7 SHALL BE AND HEREBY IS REPEALED IN ITS ENTIRETY.

X. CHAPTER 5-30.8 SHALL BE AND HEREBY IS REPEALED IN ITS ENTIRETY.

XI. CHAPTER 5-30.9 SHALL BE AND HEREBY IS REPEALED IN ITS ENTIRETY.

XII. CHAPTER 5-30.10 SHALL BE AND HEREBY IS REPEALED IN ITS ENTIRETY.

XIII. CHAPTER 5-30.11 SHALL BE AND HEREBY IS REPEALED IN ITS ENTIRETY.

XIV. CHAPTER 5-30.12 SHALL BE AND HEREBY IS REPEALED IN ITS ENTIRETY.

XV. CHAPTER 5-30.13 SHALL BE AND HEREBY IS REPEALED IN ITS ENTIRETY.

XVI. CHAPTER 5-30.14 SHALL BE AND HEREBY IS REPEALED IN ITS ENTIRETY.

XVII. CHAPTER 5-30.15 SHALL BE AND HEREBY IS REPEALED IN ITS ENTIRETY.

XVIII. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which conflict with this Ordinance are hereby repealed to the extent of such conflict.

XIX. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not effect the remaining parts of this Ordinance.

XX. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

KAREN J. CARNEVALE, R.M.C., MUNICIPAL CLERK

ROBERT D. PARISI, MAYOR

JOSEPH KRAKOVIAK, COUNCIL PRESIDENT

INTRODUCED: July 11, 2017

ADOPTED: August 15, 2017

2517-17

Legislative History

This ordinance is drafted to substantially reduce the Township's governance of licenses for taxis and limousines operating within the Township. Pursuant to N.J.S.A. 48:16-2, taxi owners were required to obtain consent from the governing body of each municipality where they sought to operate. This ordinance would eliminate the current requirement of taxi owners having to obtain formal licenses from the Township to even operate within the Township and grant overall consent to all taxis and limousines to freely operate within the Township. However, under state law, N.J.S.A. 48:16-7 and N.J.S.A. 48:16-22, taxi and limousine owners are required to obtain licenses from the municipality wherein the owners have their principal place of business. As a result, this ordinance would not and could not alleviate taxi and limousine owners with principal places of business within the Township of West Orange from obtaining licenses as required under state law.