

ORDINANCE 02 - 2022

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF MOUNT ARLINGTON, COUNTY OF MORRIS, NEW JERSEY,
AUTHORIZING ADOPTION OF A NEW CHAPTER 148, LIMOUSINES,
OF THE CODE OF THE BOROUGH OF MOUNT ARLINGTON**

WHEREAS, the Borough of Mount Arlington ("Borough") wishes to adopt a new Chapter 148, Limousines, within the Borough Code, in order to address Limousine Licensing requirements, a copy of which is attached hereto as **Exhibit A**.

NOW THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Mount Arlington, in the County of Morris, New Jersey, as follows:

SECTION 1. The aforementioned Recitals hereof are incorporated herein as though set forth at length herein.

SECTION 2. New Chapter 148, Limousines, within the Borough Code, as filed in the Office of the Borough Clerk and attached hereto as **Exhibit A**, is hereby approved and adopted.

SECTION 3. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

SECTION 4. A copy of this Ordinance and new Borough Code Chapter 148, Limousines, shall be available for public inspection at the office of the Borough Clerk during regular business hours.

SECTION 5. This Ordinance shall take effect as provided by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, adopted on February 1, 2022 and will be further considered after a Public Hearing held on March 1, 2022 at the Municipal Building at 7:00p.m.

INTRODUCED: February 1, 2022

ADOPTED: March 1, 2022

ATTEST:

BOROUGH OF MOUNT ARLINGTON
COUNTY OF MORRIS
STATE OF NEW JERSEY



Matthew N. Bansch
Borough Clerk



Michael Stanzilis, Mayor
Borough of Mount Arlington

Exhibit A

Chapter 148

LIMOUSINES

Borough of Mount Arlington, NJ / Part II: General Legislation
Chapter 148 Limousines

§ 148-1 License.

§ 148-2 Requirements for licensing.

§ 148-3 Contents of license.

§ 148-4 Suspension and revocation of license.

§ 148-5 Payment of fare in advance.

§ 148-6 Compliance with insurance laws.

§ 148-7 Licensing of additional limousines.

§ 148-8 Driving in an emergency.

§ 148-9 Violations and penalties.

§ 148-10 Additional Requirements

§ 148-1 License.

A. Required. No person shall operate a limousine service on any street in the State, without first obtaining a license from the municipality where the owner has his principal place of business.

B. Fee. An applicant for a license hereunder shall pay to the borough a fee for such license as follows:

(1) For each limousine or other applicable vehicle: \$50 per year.

(2) For each driver of the limousine or other applicable vehicle other than the owner: \$50 per year.

§ 148-2 Requirements for licensing.

Every applicant as owner shall be at least 21 years of age and holder of an auto driver's license of the State of New Jersey.

All applicants shall be of good moral character, and the owner of a limousine shall submit the limousine or its description to the Borough Council for its approval before such license shall be granted.

Every limousine must be equipped with a two-way communication system, a removable first aid kit, an operable fire extinguisher located within the passenger compartment and sideboards for those limousines that are 10 inches or more above ground level.

Proof of liability insurance coverage in an amount of at least \$1,500,000. Evidence of a current policy must be filed with the municipal clerk in the municipality where the owner has his principal place of business. A copy of the insurance proofs will also be forwarded by the insurance carrier to the Motor Vehicle Commission. A failure to maintain proper liability insurance coverage will result in a suspension of the limousine's registration and ultimately the owner's corporate code registration privilege.

Proof of a power of attorney that names the Chief Administrator of the Motor Vehicle Commission as the proper party to be served in the event of a civil action arising from the use or ownership of the limousine. The power of attorney should be filed with the Motor Vehicle commission at the same time that the proof of liability coverage is filed.

An applicant will be subject to a criminal background check by the State Police. A conviction anywhere in the world for certain enumerated serious crimes will disqualify the applicant from employment as a limousine driver (These enumerated crimes include aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, aggravated sexual assault, sexual assault or endangering the welfare of a child pursuant to N.J.S.A. 2C:24-4, whether or not armed with or having in his possession any weapon enumerated in subsection r. of N.J.S.A. 2C:39-1, a crime pursuant to the provisions of N.J.S.A. 2C:39-3, -4, or -9, or other than a disorderly persons or petty disorderly persons offense for the unlawful use, possession or sale of a controlled dangerous substance as defined in N.J.S.A. 2C:35-2.)

Finally, an applicant for employment as a limousine driver must undergo drug testing, at the applicant's cost and expense, for the presence of controlled dangerous substances as defined by N.J.S.A. 2C:35-2. Applicant shall provide a screening report from a licensed medical provider pre-approved by the Borough.

§ 14 8-3 Contents of license.

- A.** The license granted under this Chapter for the operation of a limousine shall state the name of the person to whom the license is granted, the number of his license and the date of its expiration, which shall be midnight of the thirty-first (31st) day of December of the year in which it was issued.
- B.** The Borough Clerk shall keep a register of licenses granted showing the number and date of each license and the name of each person licensed.

§ 14 8 -4 Suspension and revocation of license.

- A.** The Borough Council may suspend the license of any limousine deemed to be unsafe or unsanitary until such time as it is made safe and sanitary to the satisfaction of the Council. It may also suspend the license of any limousine which does not give adequate all-year-round service.
- B.** Any license granted under this Chapter may be suspended or revoked by the Borough Council for any other good cause after a hearing on due notice. During such suspension or after such revocation, the license shall be inoperative and of no effect.

§ 14 8-5 Payment of fare in advance.

Every driver of a limousine shall have the right to demand payment of the legal fare in advance and may refuse employment unless it is prepaid, but no driver shall otherwise refuse or neglect to convey any orderly person.

§ 14 8-6 Compliance with insurance laws.

Every applicant hereunder shall comply with the insurance laws of the State of New Jersey affecting or regulating the insurance of limousines before the license is issued.

§ 14 8-7 Licensing of additional limousines.

Any owner having had one or more limousines licensed during the previous year may license additional limousines at any time during the year upon payment of the fee herein provided. Every applicant as owner, having no limousine licensed during the previous year, shall make application not later than October 1 of the licensed year.

§ 14 8 -8 Driving in an emergency.

Nothing in this Chapter shall prevent a person of legal age who is licensed by the State of New Jersey to drive motor vehicles from driving a limousine in an emergency.

§ 14 8 -9 Violations and penalties.

Any person violating any part of this Chapter shall, upon conviction thereof, be liable to the penalty provided by Chapter 1, Article III.

§ 148 -10 Additional Requirements

Nothing in this Chapter shall replace or otherwise be read or construed to waive any requirements required under any State law that governs limousines. Applicants and owners are directed to ensure that beyond the requirements herein, they also comply with any additional requirements provided for under the applicable laws of the State of New Jersey.