

## CHAPTER V

### GENERAL LICENSING

#### 5-1 AMUSEMENT GAMES.

##### 5-1.1 Compliance Required.

No person shall locate, maintain and/or make available to the public for operation amusement game(s) in any commercial building in the Township except in accordance with those standards provided by this section. This section shall not be applicable to any fraternal, religious and/or nonprofit organization. (Ord. 3-15-83, § 30-1)

##### 5-1.2 Definitions.

As used in this section:

*Amusement games* shall mean any machine or device of a type commonly known and designated as “pinball,” “console cathode ray tube game machines,” “electronic or video game machines,” “electronic crane,” “bagatelle,” “baseball,” and any other game, machine or device similar to the above, operated by the use of coins or tokens and for the purpose of amusement or entertainment of the user. (Ord. 3-15-83, § 30-1.1)

##### 5-1.3 License Required.

No person shall locate, maintain and/or make available to the public for operation any amusement game in any commercial building in the Township unless such person shall have first obtained a license from the Township Clerk as provided for in this section. This subsection, however, shall not be applicable to any fraternal, religious and/or nonprofit organization. Should this provision be ignored and the amusement game operator/owner fail to acquire a license, the Police Department is empowered to cease and desist such operation.

- a. A person seeking a license under this section shall complete and file an application with the Township Clerk, which shall be on a form supplied by the Township Clerk. The application shall set forth the following information:
  1. The name and address of the person applying for a license. In the case of a partnership, the application shall set forth the name and address of each of the partners. In the case of a corporation, the application shall set forth the names and addresses of any officer or directors of

such corporation holding ten (10%) percent or more of the outstanding stock of such corporation.

2. The tax lot and block and address, if any, of the premises or portion thereof where such amusement game(s) is to be located, maintained or operated.
  3. Whether the premises is owned by the applicant or, if not owned, the name and address of the lessor licensor of such premises.
  4. A statement of the number of amusement game(s) located, maintained or operated or to be located, maintained or operated by the applicant on the license premises.
  5. A statement as to whether the applicant, or in the case of a partnership or corporation, any partner, officer or director of such partnership, or corporation or anyone holding any interest of ten (10%) percent or more of the ownership in such applicant, has ever been convicted of any crime involving moral turpitude.
  6. Such application shall be executed by the applicant or, in the case of a partnership, corporation, organization or firm, the duly authorized representative of such applicant.
  7. The name, address, age and social security number of a person eighteen (18) years or older who shall be responsible for the supervision and monitoring of the use of any amusement game(s) to be licensed under this section during the hours of operation. The presence of such person on the premises where such amusement game(s) are to be located during normal operating hours shall further be a condition of any license issued under this section.
- b. The applicant shall pay a nonrefundable fee of seventy-five (\$75.00) dollars for each amusement game(s) to be located, maintained or operated by the applicant under a license issued under this section to the Township Clerk upon the filing of an application.
  - c. Prior to issuing a license under this section, the Township Clerk shall forward a copy of each application to the Zoning Officer,

who shall indicate in writing to the Township Clerk whether the location to be licensed is in compliance with the provisions of the Rockaway Township Land Use Ordinance. No license shall be issued by the Township Clerk in the absence of written approval by the Zoning Officer.

- d. Prior to issuing a license under this section, the Township Clerk shall further forward a copy of the application to the Chief of Police. No license shall be issued under this section where the Chief of Police has reported in writing that any application or any officer or director of any applicant or anyone holding an interest of ten (10%) present or more of the ownership if such applicant has been convicted of a crime involving moral turpitude.
- e. Any license issued under this section shall expire on December 31 of each calendar year following the date of the issuance of such license.

(Ord. 3-15-83, § 30-3; Ord. #92-4 § 1; Ord. #11-2 § 2)

**5-1.4 Additional Fees.**

- a. The recipient of a license shall pay an annual renewal fee in the amount of one hundred twenty (\$120.00) dollars per calendar year for each premises in which an amusement game is to be located.
- b. The person maintain each amusement game shall pay to the Township a fee of seventy-five (\$75.00) dollars per calendar year for each machine to cover the costs of, among other items, inspection and regulation of amusement games.

(Ord. 3-15-83 § 30-5; Ord. 11-10-87 § 1; Ord. #11-2 §3)

**5-1.5 Requirements Regarding Amusement Games.**

- a. All areas designed for amusement game(s) should have a minimum of thirty-six (36) inches clear passage between any obstruction and amusement machine(s). This area should be maintained at all times for proper egress.
- b. Each amusement game shall have an approved electrical inspection for each game through the Township Construction Department.
- c. Any building containing amusement game(s) shall have proper exit signs along with emergency light(s).

- d. All amusement game arcades will conform to the hours of operation of the surrounding retail businesses.

(Ord. 3-15-83, § 30-2)

**5-1.6 Revocation of License; Procedure.**

- a. The Township Council may terminate or suspend any license issued under this section where it appears that any of the following conditions exist:

- 1. That an application filed is materially false or purposely misleading.
- 2. That the licensee has violated or is in violation of any County or municipal ordinance, rule, regulation, approval or other appropriate governmental law.
- 3. That the licensee has maintained or continues to maintain any activity on the premises to be licensed which constitutes a public nuisance adversely affecting the public health, safety, and welfare.
- 4. That the licensee or owner of amusement games has failed to pay any fee required by this section.

- b. The following procedure shall be applicable toward the revocation or suspension of any license issued under this section:

- 1. The Township Council, through the Township Clerk, shall cause a written notice for the grounds for possible revocation or suspension to be served upon the licensee or any agent of the licensee, together with a notice of the date, time and place of a hearing to be held, not less than ten (10) days after such service, and directing the licensee to show cause before the Township Council why the license should not be suspended or revoked.
- 2. At the hearing before the Township Council, all evidence offered by the licensee, Township officials and the general public which is material to the issue shall be offered, and the Township Council shall make a prompt determination of its findings. If the findings are made in favor of the licensee, the license issued

shall continue under the terms and conditions under which it was issued. If the findings are against the licensee, the license issued may be revoked entirely, suspended or conditioned in such a manner as the Township Council may direct.

(Ord. 3-15-83, § 30-4)

### **5-1.7 Violations and Penalties.**

Any person who violates any provision of this section shall upon conviction be liable to the penalty stated in Chapter I, Section 1-5. A separate offense shall be deemed committed for each separate day involved or on each day involved during the continuation of any such event in violation of any of the provisions of this section.

(Ord. 3-15-83 § 30-6)

## **5-2 DONATION CLOTHING BINS**

### **5-2.1 Purpose**

The purpose of this section shall be to provide rules, regulations and standards for the placement and use of donation clothing bins in the Township of Rockaway in order to promote the public health, safety, convenience and welfare of the Township.

### **5-2.2 Definitions**

For the purposes of this chapter only, the term "solicitation" or "solicit" shall mean the request, directly or indirectly, for money, credit, property, financial assistance, or other thing of any kind or value. Solicitation shall include, but not be limited to, the use or employment of canisters, cards, receptacles or similar devices for the collection of money or other thing of value. A solicitation shall take place whether or not the person making the solicitation receives any contribution.

### **5-2.3 Requirement for permit; duration of permit; applicability**

Notwithstanding any other provision of law to the contrary, no person shall place, use, or employ a clothing bin within the Township of Rockaway for solicitation purposes, without obtaining a permit from the Township clerk. Permits shall be valid for one

year, except for initial permits issued after January 1, and may be annually renewed thereafter. All permits shall expire on December 31 of each year. The provisions of this chapter shall apply to all charitable clothing bins in place as of the effective date of this chapter, and to all clothing bins placed subsequent to the effective date of this chapter.

#### **5-2.4 Permit fee**

The annual permit fee shall be \$25 per bin. The fee will not be prorated for initial permits issued after January 1.

#### **5-2.5 Application requirements**

The application for obtaining a permit shall include:

- a. The location where the bin will be situated, as precisely as possible, drawn on a copy of the property survey, showing the bin's relationship to property features, including but not limited to roads, building, parking spaces, and grassy areas; and
- b. The manner in which the person anticipates any clothing or other donations collected via the bin will be used, sold, or disbursed, and the method by which the proceeds of collected donations will be allocated or spent; and
- c. The name, telephone number and address of the bona fide office where a representative of the person or entity, respectively, which may share or profit from any clothing or other donations collected via the bin, can be reached at a telephone information line during normal business hours (NOTE: An answering machine or service unrelated to the person or entity does not constitute a bona fide office.); and
- d. Written consent from the property owner, in the form prescribed by the Township, authorizing the placement of the bin on the property.
- e. Appropriate proof that the person or entity placing the bin is currently qualified as a charitable organization in accordance with all applicable laws.

### **5-2.6 Renewal application requirements**

In addition to the above application requirements, renewal applications must include:

- a. A statement on the manner in which the person or entity has used, sold, or disbursed any clothing or other donations collected via the bin, the method by which the proceeds of collected donations have been allocated or spent, and any changes the person or entity anticipates to make in these processes during the period covered by the renewal; and
- b. The name, address and telephone number of the bona fide office required in 5-2.5c of any entity which shared or profited from any clothing or other donations collected via the bin, and of any entities which may do so during the period covered by the renewal; and
- c. If the location of the bin is to be moved, the new location where the bin is to be situated, as precisely as possible, and written consent from the property owner of the new location, consenting to placement of the bin on his/her property.

### **5-2.7 Location and Placement of Clothing Bins; Bin Size; Collection of Contents/Overflow**

Location, placement, and size of clothing bins shall be subject to the following:

- a. The Township shall not grant an application for a permit to place, use, or employ a charitable clothing bin if it determines that the placement of the bin could constitute a safety hazard. Such hazards shall include, but not be limited to, the placement of a charitable clothing bin within 100 yards of any place which stores large amounts of, or sells, fuel or other flammable liquids or gases; or the placement of a bin where it interferes with vehicular or pedestrian circulation. The person placing, using or employing a charitable clothing bin shall maintain the bin and the area surrounding the bin such that there shall be no accumulation of clothing or other donations outside the bin.
- b. No clothing bin shall be placed/located on any public property.

- c. Placement/location of clothing bins shall be permitted only on properties located within the following zones: OR-3, B-1, B-2, R-B, O-1, O-2, 9-3, PED, AND OB-RL. No clothing bin shall be placed in or block any parking space or pedestrian access.
- d. No more than two (2) clothing bins shall be placed/located on any tax lot within the permitted zones set forth herein.
- e. No clothing bin shall exceed the maximum size of 6 feet by 6 feet by 6 feet.
- f. All clothing bins shall be emptied at least once every week. No individual or entity placing a clothing bin shall permit any overflow of the bin.

#### **5-2.8 Display of permit**

The following information shall be clearly and conspicuously displayed on the exterior of the charitable clothing bin:

- a. The permit number and its date of expiration; and
- b. The name and address of the registered person or entity who owns the bin, and of any other person or entity who may share or profit from any clothing or other donations collected via the bin; and
- c. The telephone number of the owner's bona fide office, and, if applicable, the telephone number of the bona fide office of any other entity which may share or profit from any clothing or other donations collected via the bin. For the purposes of this subsection, an answering machine or service unrelated to the person does not constitute a bona fide office; and
- d. In cases when any entity other than the person or entity who owns the bin may share or profit from any clothing or other donations collected via the bin, a notice, written in a clear and easily understandable manner, indicating that clothing or other donations collected via the bin, their proceeds, or both, may be shared, or given entirely to, an entity other than the person/entity who owns the bin, and identifying all such entities which may share or profit from such donations; and

- e. A statement, consistent with the information provided to the Township in the most recent permit or renewal application, indicating the manner in which the owner anticipates any clothing or other donations collected via the bin will be used, sold, or disbursed, and the method by which the proceeds of collected donations will be allocated or spent.

#### **5-2.9 Receipt and investigation of complaints; seizure or removal of bin**

- a. The Business Administrator or the Business Administrator's designee shall receive, investigate, and if necessary, enforce within 30 days, any complaints from the public about the bin. Whenever it appears to the Business Administrator or the Business Administrator's designee that a person has engaged in, or is engaging in any act or practice in violation of this chapter, the person/entity who placed the bin shall be issued a violation notice, stating that if the violation is not rectified or a hearing with the Township Council is not requested within 45 days, the bin will be seized or removed at the expense of the person/entity who placed the bin, and any clothing or other donations collected via the bin will be sold at public auction or otherwise disposed of. In addition to any other means used to notify the person/entity who placed the bin, such violation notice shall be affixed to the exterior of the bin itself.
  
- b. In the event that the person who placed the bin does not rectify the violation or request a hearing within 45 days of the posting of the violation notice, the Township may seize the bin, remove it, or have it removed, at the expense of the person/entity who placed the bin, and sell at public auction or otherwise dispose of any clothing or other donations collected via the bin. Any proceeds from the sale of the donations collected via the bin shall be transmitted to the chief financial officer of the Township.

#### **5-2.10 Violations and penalties**

In addition to any other penalties or remedies authorized by the Township Code or the laws of this state, any person/entity who violates any provision of this chapter or the provisions of P.L.2007,

c.209 (N.J.S.A. § 40:48-2.60, et seq.), which results in seizure of the charitable clothing bin, shall be:

- a. Subject to a penalty of up to \$20,000 for each violation. The Township may bring this action in the Municipal Court or the Superior Court of New Jersey as a summary proceeding under the Penalty Enforcement Law of 1999, P.L.1999, c.274 (N.J.S.A. § 2A:58-10 et seq.), and any penalty monies collected shall be paid to the chief financial officer of the Township; and
  - b. Deemed ineligible to place, use, or employ a charitable clothing bin for solicitation purposes pursuant to this chapter and P.L.2007, c.209 (N.J.S.A. § 40:48-2.60). A person/entity disqualified from placing, using, or employing a charitable clothing bin by violating the provisions of P.L.2007, c.209 (N.J.S.A. § 40:48-2.60 et seq.) may apply to the Township Council to have that person's eligibility restored. The Township Council may restore the eligibility of a person/entity who:
    - (1) Acts within the public interest; and
    - (2) Demonstrates that he/she/it made a good faith effort to comply with the provisions of this chapter and P.L.2007, c.209 (N.J.S.A. § 40:48-2.60 et seq.), and all other applicable laws and regulations, or had no fraudulent intentions.
  - c. Nothing contained herein shall be read or interpreted to prevent the immediate issuance of a summons or complaint in the Municipal Court for any violation of this Ordinance.
- (Ord. O-14-25)

## **5-3 DEALERS IN SECONDHAND GOLD, SILVER AND JEWELRY.**

### **5-3.1 Definitions.**

As used in this section:

*Dealer* shall mean any person, partnership or corporation, who, through any means, buys or sells secondhand gold, silver, precious metals or jewelry, and includes anyone advertising the purchase or sale of any of the aforementioned items.

*Minor* shall mean any person under the age of eighteen (18) years.

(Ord. 3-3-81, § 8-1)

**5-3.2 License Fee.**

Each dealer conducting business within the jurisdiction of the Township shall first register with the Chief of Police, who shall investigate the applicant, and shall obtain a license from the Township Clerk by paying a fee of one hundred fifty (\$150.00) dollars.

(Ord. 3-3-81 § 8-2; Ord. #11-2 § 4)

**5-3.3 Records.**

Each dealer shall maintain a complete record of each purchase including the amount paid, the name, residence, occupation, age, and description of the person from whom the items were purchased or received. Those records shall be subject to the inspection of any authorized police officer of the Township.

(Ord. 3-3-81 § 8-3; Ord. 12-1-87 § 1)

**5-3.4 Inspections.**

Each dealer doing business in the Township shall deliver to the Chief of Police the description of all items purchased or received within seventy-two (72) hours of the completion of the transaction, on forms prescribed by the Chief of Police.

(Ord. 3-3-81 § 8-4; Ord. 12-1-87 § 1)

**5-3.5 Prohibition.**

No dealer shall sell, melt, change the form of or dispose of any articles purchased or received within five (5) days from the date the notification is made to the Chief of Police and all such items shall remain on the premises where the purchase was made for at least five (5) days.

(Ord. 3-3-81 § 8-5)

**5-3.6 Restrictions.**

Each dealer must require identification of the person with whom it is transacting business and no transaction may be made with any minor.

(Ord. 3-3-81 § 8-6)

**5-4 EMERGENCY ALARM SYSTEMS**

**5-4.1 Purpose.**

The purpose of this section is to provide standards and regulations for various types of intrusion, burglar, fire, and other emergency alarm devices requiring response thereto by the Police Department, Fire Companies or other municipal agencies.

(Ord. #08-24 § 1)

**5-4.2 Scope.**

The provisions of this section shall apply to any person who operates, maintains or owns any local alarm designed to summon the Police, Fire Companies or other municipal agencies to any location in response to any type of alarm signal.

(Ord. #08-24 § 1)

**5-4.3 Definitions.**

As used in this section:

*Chief of Police* shall mean the Chief of Police of the Police Department of the Township of Rockaway.

*Designated representative* shall be limited to a member of the Police Department of the Township.

*Dial alarm* shall mean any device which, when activated, automatically or electronically transmits to the Police Department, via telephone lines a prerecorded message requesting emergency assistance from either the Police Department or the Fire Department.

*False alarm* shall mean the actuation of a local alarm to which the Police Department or Fire Department must respond, and for which an investigation fails to reveal a cause of the nature or type to which the alarm was designated or intended to react.

*Fire Department* or *Fire Companies* shall mean the Township of Rockaway Fire Department.

*Local alarm* shall mean any type of equipment, device or system which when activated, produces a signal not connected to the alarm console, including, but not limited to, store, burglar or other type of alarm devices connected to private monitoring systems which alarms may be related to the Township Police Headquarters.

*Person* shall be deemed to include any natural person, partnership, corporation or association.

*Police Department* shall mean the Rockaway Township Police Department.  
(Ord. #08-24 § 1)

**5-4.4 Dial Alarm.**

Dial alarm devices shall not be permitted. Existing dial alarm devices shall be discontinued within thirty (30) days of notification by the Chief of Police.  
(Ord. #08-24 §1)

**5-4.5 False Alarms; Penalties.**

- a. In the case of any false alarm, any person having knowledge thereof shall immediately notify the Police Department in a manner to be prescribed by the rules and regulations herein made and provided.
- b. In the case of false alarms, the Chief of Police shall cause an investigation to be made and shall keep a record of said false alarm on file.
- c. In the case of a false alarm for fires, the Fire Department involved shall be notified by the Police Department and the appropriate District Chief shall participate in the investigation. The record of the false fire alarm shall be filed with the Fire Official who shall issue the appropriate penalty in accordance with N.J.A.C. 5:18-2.12.
- d. The following penalties shall be imposed upon the owner of any local alarm for a false alarm:
  - 1. For the first six (6) false alarms within any one (1) calendar year beginning January 1 through December 31, no penalty shall be imposed.
  - 2. For additional false alarms within the same calendar year beginning January 1 through December 31, the following penalties shall be imposed upon the owner of the local alarm:

	<i>Residential False Alarms</i>	<i>Nonresidential False Alarms</i>
Seventh false alarm	\$100.00	\$200.00

Eight false alarm	\$150.00	\$250.00
Ninth false alarm	\$200.00	\$300.00
Any subsequent false Alarms within the Same calendar year	\$250.00	\$500.00

- e. The following owners of alarms shall be exempt from penalties.
  1. Government building.
  2. Educational buildings.
  3. House of worship.
  4. Nonprofit organizations.
- f. The penalty shall be issued by the Police Department and shall be paid by the violator to the Township of Rockaway within the time specified. If the penalty is not paid within the time specified, the Police Department shall issue a summons to the violator.

In the event of a seventh false alarm, the Chief of Police shall forward a notice via regular mail to the owner of the local alarm setting forth the number of false alarms that have occurred by the owner's alarm. In addition, the notice shall provide the schedule of penalties set forth in subsection 5-4.5d. The Chief of Police shall not be required to provide notice of further false alarms, however additional penalties shall accrue.

- g. In the case of any false alarm, the Chief of Police shall forward a notice via regular mail to the owner of the alarm setting forth the number of false alarms which have occurred by the owner's alarm. The letter shall also set forth the schedule of penalties in subsection 5-4.5.
- h. The owner of the alarm that is the subject of the false alarms shall take all necessary steps to immediately ascertain the cause of any false alarm and shall alleviate the problem within seventy-two (72) hours or show cause before the Chief of Police why the malfunction cannot be remedied with the time period. The Chief of Police shall have the discretion to grant an additional period of time within which to make the repair.

- i. The Police Department shall be notified, either verbally or in writing, in advance of the testing of any local alarm. Failure to properly advise the Police Department of such test will be treated as a false alarm and be subject to the same penalties.

(Ord. #08-24 § 1)

#### **5-4.6 Penalty.**

Any person, firm or corporation found guilty in the Municipal Court for violation of the term of this section shall be subject to a fine not to exceed one thousand (\$1,000.00) dollars or imprisonment for a period not to exceed ninety (90) days or both in addition to the false alarm fees and pursuant to Subsection 5-4.5d.

(Ord. #08-24 § 1; Ord. #09-2 § 1)

### **5-5 HAWKERS, PEDDLERS, CANVASSERS, SOLICITORS, AND MOBILE FOOD VENDORS**

#### 5-5.1 Definitions:

As used in this section:

*Canvasser or solicitor* shall mean any individual traveling either by foot or by vehicle from place to place, from house to house, or from street to street taking or attempting to take orders for the sale of goods, wares, merchandise, and personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future, whether or not such individual has, carries, or exposes a sample of the subject of such sale or whether he is collecting advance payment on such sales.

*Canvasser or solicitor* shall also be deemed to be one who is not in the business of selling goods, but one who distributes samples of good, wares, merchandise, and personal property of any nature whatsoever, or one who gathers or distributes material, facts or information, whether or not remuneration or compensation is received thereof.

*Peddler* shall mean any individual, firm, corporation or voluntary organization which exposes any item for sale, takes orders for future sale or delivers items resulting from sales within the township, whether or not such items are offered for sale by someone from a motorized vehicle (stationary or nonstationary).

The following is a list of items which if offered for sale is included in the definition of peddler, but this list is not deemed exclusive of all other

items: meats, fish, vegetables, fruits, food, ice cream, fruit ices, garden farm produces, flowers and plants.

Peddler includes the words huckster, hawker and vendor.

*Mobile food vendor* shall mean any individual, firm, corporation or voluntary organization who or which offers for sale prepared food from a motorized vehicle at a fixed location. An individual, firm or voluntary organization who or which offers for sale prepared food from a motorized vehicle at a location other than a fixed location is deemed to be a peddler and is subject to the requirements and regulations governing peddlers in this chapter.

(Ord. 8-2-83 § 49-1; Ord. #04-18 § 1; Ord. O-15-04))

### **5-5.2 License Required.**

It shall be unlawful for any person, firm, or corporation, except those exempted under N.J.S.A. 45:24-9 et seq., and unless otherwise exempt pursuant to this chapter, to engage in the business of hawking, peddling, canvassing, or soliciting as defined within the corporate limits of the Township without first registering with and/or obtaining a license from, whichever is appropriate, the Township clerk.

(Ord. 8-2-83 § 49-2; Ord. #04-18 § 2)

### **5-5.3 Application for License.**

At least two (2) weeks prior to the date or period for which an applicant seeks a license hereunder, all applicants shall file with the Township Clerk of the Township of Rockaway or his or her designate a sworn written application in duplicate, on a form to be furnished by said Clerk, which shall give the following information:

- a. Name, age, and physical description of the applicant, including date of birth and driver's license number.
- b. Permanent home address and full local address, if any, of the applicant.
- c. Name and address of employer, firm, or person represented.
- d. Description of the nature of the business and the goods, services, or wares to be sold.
- e. A statement as to whether or not the applicant has ever been convicted of any crime, misdemeanor, or

disorderly conduct offense, where and when convicted, the nature of the offense and the penalty, if any.

- f. A statement as to whether or not the applicant has been convicted of any violation of any ordinance concerning hawkers, peddlers, canvassers, and solicitors, and when convicted, the nature of the offense and the penalty, if any.
- g. Two (2) photographs of the applicant taken within sixty (60) days immediately prior to the date of the application which are one and one-half by two and one-half (1 ½" x 2 ½") inches in size, showing the head and shoulders of the applicant in a clear and distinguishing manner.
- h. The make, model, year, color and license plate number of the vehicle(s) used by the applicant during the period of solicitation within the Township and the number of his driver's license and the date of issuance.
- i. A true copy of the applicant's certificate of authority to collect sales tax issued by the New Jersey Department of Taxation.
- j. A letter or other written statement from the individual, firm or corporation employing the applicant, certifying that the applicant is authorized to act as the employer's representative.
- k. Such other information as may be reasonably required by the Township Clerk or his or her designee in order to determine the truth or validity of the statements contained in the application.
- l. If while the application is pending or during the term of any license thereunder, there is any change in fact, policy, or method that would alter the information given in the application, the applicant shall notify the Township Clerk in writing within twenty-four (24) hours after such change.
- m. Two (2) business references located in the County of Morris, State of New Jersey, or in lieu thereof, such other available evidence of the character and business

responsibility of the applicant as will enable an investigator to properly evaluate such character and responsibility.

- n. The name of the last three (3) municipalities with respect to which the applicant canvasser, solicitor, hawker, or peddler applied for a license relating in any manner to peddling, hawking, canvassing, or soliciting.
- o. New Jersey State Bureau of Identification forms SBI-19 Fingerprint Card and SBI-212B Request for Criminal History Record Information, completed and/or signed by the applicant as required.

(Ord. 8-2-83 § 49-3; Ord. #94-15 § 1; Ord. #98-4 § 1)

#### **5-5.4 Separate License for Each Solicitor.**

A separate license must be issued for every solicitor or organization soliciting within the Township limits. Every employee or agent of a solicitor or organization must be issued a separate badge.

(Ord. 8-2-83 § 49-4; Ord. #04-18 § 3)

#### **5-5.5 Investigation: Denial or Approval of License.**

- a. Upon receipt of such application, a copy shall be referred to the Chief of Police who shall make or cause to be made such investigation of the application as he deems necessary, including a Request for Criminal History Information and fingerprint identification which shall be forwarded to the State Bureau of Identification, for the protection of the public welfare or to determine the truth of the information contained in the application.
- b. If, as a result of such investigation the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall note on the application his disapproval and write a brief account of his reasons for disapproval. The application shall be returned to the Township Clerk who shall notify the applicant that this application is disapproved. Any determination by the Chief of Police for the disapproval of an application shall be based upon one (1) or more of the following findings with respect to the applicant:

1. Prior violation of a hawking, peddling, canvassing, or soliciting ordinance.
  2. Previous fraudulent acts or conduct.
  3. Record of breaches of soliciting contracts.
  4. Misrepresentation or false statement contained in the application for the license.
  5. Convictions of a crime relating adversely to the occupation of hawking, peddling, canvassing, or soliciting ordinance. As herein relevant, provisions of N.J.S.A. 2A:168A-1 shall be complied with.
- c. If, as a result of such investigation the applicant's character and business responsibility are found to be satisfactory, the Chief of Police shall note on the application his approval, returning the application to the Township Clerk, who shall, upon payment of the prescribed license fee, execute and mail to the applicant his license. The Clerk shall keep a record of all licenses issued and all complaints received, if any, concerning each license.
- d. The Township Clerk shall issue to each licensee at the time of mailing of his license a badge which shall show the nature of the license in letters and figures easily discernible. Such badge must be worn constantly by the licensee in such a manner as to be readily visible when engaged in the activities herein.
- e. Upon issuance of the license, each applicant shall pay to the Township Clerk the sum of ten \$(10.00) dollars as a deposit for each badge, refundable to the applicant when returned to the Township Clerk.
- f. No license shall be issued where any person who would use the proposed license is under sixteen (16) years of age.

(Ord. 8-2-83 § 49-5; Ord. #98-4 § 2)

**5-5.6 Fees.**

- a. For a daily license, twenty-five (\$25.00) dollars per day.
- b. For a weekly license, fifty-five (\$55.00) dollars per week, and for the purposes of this section, a “week” shall constitute any six (6) consecutive days, excluding Sundays.
- c. For a yearly license, two hundred fifty (\$250.00) dollars per year, and for the purpose of this section, all yearly licenses shall expire at the end of the calendar year in which they are issued.
- d. In addition to the foregoing Township license fees, each applicant must pay the fees established by N.J.A.C. 13:59-1.3(a), (b) and (c) in effect at the time said application is filed. Payment of said fees shall be made by cashier’s check, certified check or money order made payable to “Division of State Police-SBI.”

(Ord. 8-2-83 § 49-6; Ord. #98-4 § 3; Ord. #11-2 §5)

**5-5.7           Exhibition of License; Hours of Selling; Notice to Police**

- a. Every holder of a peddler’s license or solicitor’s license issued by the Township Clerk under the authority of this section or by the Clerk of the County of Morris under the authority of N.J.S.A. 45:24-9, shall be required to carry such license with him while engaged in the business or activity licensed within the corporate limits of the Township. He shall produce such license at the request of any official of the Township or of any resident of the Township with whom he wishes to conduct his business or activity.
- b. Every individual hawking, peddling, canvassing or soliciting shall restrict his activity within the Township to the hours between 9:00 a.m. and 9:00 p.m. prevailing time, Mondays through Saturdays and shall notify the Police Department at least once in every week in which he plans to conduct activity, before commencing his selling, soliciting, or distribution activity.

(Ord. 8-2-83 § 49-9; Ord. 7-7-87 § 1; Ord. #04-18 § 4)

**5-5.8           Licenses Not Transferable.**

Licenses shall not be transferable and must be surrendered after expiration before a renewal license can be issued.  
(Ord. 8-2-83 § 49-8)

**5-5.9 Revocation of Licenses.**

- a. Licenses issued under this section may be revoked by the Chief of Police after reasonable notice and hearing, for any of the following causes:
  - 1. Misrepresentation or false statement contained in the application for the license.
  - 2. Misrepresentation or false statement made in the course of carrying on activities regulated herein.
  - 3. Conviction of any crime or misdemeanor relating adversely to the occupation of peddling or soliciting.
  - 4. Conducting the business of soliciting and canvassing in an unlawful manner, in violation of this section or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- b. Notice of hearing for revocation of a license shall be given in writing setting forth the grounds of complaint and the time and place of hearing. Such notice shall be served personally upon the licensee or mailed, postage prepaid, to the licensee at the address given by the licensee in making application herein, at least five (5) days prior to the date set for the hearing.

(Ord. 8-2-83 § 49-12)

**5-5.10 Appeals.**

Any person aggrieved by the action of the Chief of Police or the Township Clerk in the denial of an application for a permit or license or in the decision with reference to the revocation of a license shall have the right of appeal to the Township Council. The appeal shall be taken by filing within fourteen (14)

days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth the grounds for the appeal including, especially, any challenge to the completeness or accuracy of the Criminal History Record Information obtained from the State Bureau of Identification. The Township Council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant by personal service upon the applicant or licensee or mailing, postage prepaid, to the applicant or licensee at the address given by the applicant or licensee on the application. The decision and order of the Township Council on such appeal shall be final and conclusive.  
(Ord. 8-2-83 § 49-12; Ord. #98-4 § 4)

**5-5.11 Exceptions.**

- a. Any veteran or exempt fireman of a Volunteer Fire Department holding a special license issued pursuant to N.J.S.A. 45:24-9 and 45:24-10 shall be exempt from procuring a license or paying the fee as provided herein, but shall be required to comply with all other applicable subsections of this section, and shall be required to register with the Township Clerk and obtain a permit which will be issued by the Clerk upon proper identification and exhibition of such State license.
- b. The requirements of this chapter shall not apply to the following:
  1. Any public utility or its employees, where the public utility is subject to regulation by the State Board of Public Utility Commissioners; provided, however, that such employees shall display the identification badge or card issued by their employer.
  2. Any person engaged in the delivery of goods, wares or merchandise or other articles or things in the regular course of business to the premises of persons who had previously ordered the same or were entitled to receive the same by reason of a prior agreement.
  3. This section shall not be construed to include the selling of any article at wholesale to dealers in such articles or the delivery of milk, eggs, bread, newspaper or such other necessary and

perishable articles of food or merchandise of a type commonly delivered on a house-to-house basis at intervals of less than one (1) week or the selling of products actually grown by the seller, but the foregoing shall be subject to any and all regulations, statutes and ordinances concerning food handling and food handlers and all other applicable ordinances, regulations and statutes of the Township and State.

4. Federal census takers and polls or surveys taken pursuant to Federal, State or local law shall not be prohibited by this section.

(Ord. 8-2-83 § 49-14; Ord. #04-18 § 5)

### **5-5.12 Charitable Organizations.**

- a. Any charitable organization, including, but not limited to, religious, patriotic, philanthropic, or community organizations, desiring or soliciting in its name contributions or financial assistance of any kind, or desiring to sell or distribute any item of literature or merchandise within the Township for a charitable purpose shall be exempt from the following subsections, 5-5.3, 5-5.5; 5-5.6, and 5-5-7a provided that a sworn application is filed with the Township Clerk or Chief of Police, which shall give the following information:
  1. Name and purpose of the cause for which the permit is sought.
  2. Name and address of the organization.
  3. Period during which solicitation is to be carried on.
  4. Name and address of each agent or representative who will conduct solicitations and the length of time that the agent or representative has been employed or affiliated with such organization, society, association, or corporation.

5. A copy of a valid driver's license or other form of photo identification, a copy of which will be kept on file in the municipal clerk's office.

b. Each applicant or agent or representative of the applicant shall pay to the township clerk the sum of ten (\$10.00) dollars as a deposit for the badge, refundable to the applicant or his agent or representative upon the return of the badge to the Township Clerk. Local charitable organizations with principal headquarters in Rockaway shall be exempt from the requirements of this subsection to obtain and pay the deposit fee for a badge for each of its representatives conducting the solicitations who are sixteen (16) years of age or younger.

(Ord. 8-2-83 § 49-15; Ord. 04-18 § 6)

#### **5-5.13 Making Noise; Conduct of Business on Posted Premises**

a. No peddler or solicitor shall call attention to his business or to his merchandise by crying out, blowing a horn or making any other loud or unusual noise.

b. No peddler or solicitor shall conduct or attempt to conduct his business on any residence or on any property on which is posted a sign expressly prohibiting such activity.

(Ord. 8-2-82 § 49-9)

#### **5-5.14 Records.**

The Township Clerk shall maintain a record of all licenses issued under the provisions of this section and shall record all convictions for violations of this section and other pertinent circumstances and incidents reported by the Chief of Police.

(Ord. 8-2-83 § 49-11)

#### **5-5.15 Enforcement.**

It shall be the duty of any Township Police Officer to enforce the provisions of this section and to require any person seen peddling or soliciting who is not known by such officer to be duly licensed to produce his peddler's or solicitor's license.

(Ord. 8-2-83 § 49-10)

## **5-6 MOTOR VEHICLE JUNK DEALERS.**

### **5-6.1 Purpose.**

This section is passed for the purpose of regulating motor vehicle junk dealers.

(Code 1971, § 61-17)

### **5-6.2 Definition.**

As used in this section:

*Motor vehicle junk dealer* shall mean and describe any dealer engaged in the business of storing, displaying, buying or selling secondhand automobiles or parts thereof.

(Code 1971, § 61-3)

### **5-6.3 License Required to Store, Buy or Sell Secondhand Automobiles or Parts.**

No person or persons, firm or corporation shall engage in the business of storage of or buying and selling secondhand automobiles or parts thereof in the Township without first obtaining a license to do so.

(Code 1971, § 61-2)

### **5-6.4 Application.**

- a. Any persons engaged in the business of motor vehicle junk dealing shall make application to the Township Clerk, who is hereby designated as the licensing officer for the purpose of this section.
- b. The application shall be in writing and shall set forth the name of the person(s), their respective addresses or principal place of business, and shall describe the premises upon which the business is to be conducted, giving the street frontage and approximate depth of the premises, and the application shall be accompanied by the license fee established in subsection 5-6.5.
- c. The Township Clerk is hereby directed to present the application to the Council at its next meeting and is hereby authorized to issue a license to such person on approval of the same by the Council.
- d. The license shall be effective from the date of issue to December 31 of the year in which the license is issued.

- e. All persons, firms or corporations, upon the expiration of any license granted shall make application to the Township Clerk for a license to conduct the business for the ensuing year or part thereof, and shall pay for the license the same fee as hereinabove set forth.

(Code 1971, § 61-12)

**5-6.5 License Fee.**

Every person, firm or corporation engaged in the business of selling used motor vehicles, other than gas stations, or motor vehicle junk dealer shall pay a license fee of five hundred (\$500.00) dollars.

(Code 1971, § 61-12; Ord. 3-15-83)

**5-6.6 Certain Junk Shops or Yards Prohibited.**

No person shall engage in the business of keeping a junk shop or junkyard in the Township for the purpose of buying or selling, exchanging or storing old rags, metals, bottles, glassware, tinware, papers or any other material commonly called junk, provided, however, that this section shall not prohibit the storage of, buying or selling of secondhand automobiles or parts thereof.

(Code 1971, § 61-1)

**5-6.7 Certain Automobile Information Must Be Reported.**

The make, model, engine number and serial number of all motor vehicles received by any person(s), firm or corporation engaged in the business of motor vehicle junk dealer shall be reported within twenty-four (24) hours after the receipt thereof and before the same are dismantled or other disposed of, to the Township Clerk.

(Code 1971, § 61-4)

**5-6.8 Storage Requirements.**

- a. *Restriction on Storing Vehicle in Open.* It shall be unlawful for any motor vehicle junk dealer to permit any vehicle received on any premises in the Township to be or remain in the open in such a manner that rainwater shall collect and remain in any of the parts thereof for a longer period than twenty-four (24) hours.
- b. *Storage Distance from Street Lines.* It shall be unlawful to stack, pile or place any part(s) of motor vehicles closer than twenty (20') feet to the street line of the street adjacent to or in front of

the premises and all parts or motor vehicles shall be so piled, stacked, or placed on the premises as to prevent injury to persons lawfully passing along the street in front of the premises in the event that the piles, stacks or parts otherwise placed should fall or become dislodged.

- c. *Storage Distance from Side Line.* All parts of motor vehicles shall be so piled, stacked or otherwise placed a sufficient distance from the side line of the premises as to prevent the same from falling upon or doing injury to the adjoining premises or persons lawfully using the same, or other effective means provided to prevent such injury.
- d. *Certain Automobile to be Housed in Certain Structures.* All parts of any motor vehicles so designed as to collect and hold rainwater if left exposed in the open shall be housed in a watertight building with a foundation and floor so constructed of concrete, brick or other suitable material as to prevent the harboring therein of any rats, mice or vermin.

(Ord. 1971, §§ 61-6, 61-7, 61-10, 61-11)

#### **5-6.9 Disposition of Gasoline and Other Explosive Matter.**

Any gasoline, fuel, and other explosive material shall be drained and removed from any motor vehicle in accordance with Department of Environmental Protection (D.E.P.) regulations.

#### **5-6.10 Storage of Materials to Prevent Fire Hazards.**

Materials stored within a vehicle wrecking yard, junk yard or waste material handling plant shall not be located as to seriously expose adjoining of adjacent properties to any hazard of fire or explosion as per N.J.A.C. 5:18-3.19(a)2.

#### **5-6.11 Fire Hazards; Rats and Vermin.**

It shall be unlawful to stack, pile or place parts of motor vehicles upon the premises in such a manner as to create a fire hazard or to create a place for the harboring or breeding of rats, mice or vermin.

(Code 1971, § 61-9)

#### **5-6.12 Inspections by Health Officers.**

The Township Health Officer or his representative, and the Township Police Officers, are hereby authorized and directed, during reasonable business hours, to make reasonably periodic and effective inspection of all of the

premises and buildings for the purpose of ascertaining that that the business is being conducted on the licensed premises in accordance with the provisions hereof.

(Code 1971, § 61-14)

## **5-7 TOURIST ACCOMMODATIONS.**

### **5-7.1 Definitions.**

As used in this section:

*Business of conducting tourist accommodations* shall mean the renting, leasing, maintaining, keeping, operating, conducting or providing of overnight or temporary sleeping accommodations for a consideration to tourists, transients or travelers in tourist accommodations, whether meals are served on the premises or not.

*Lodging unit* shall mean any separate room, suite, cabin or quarters, whether or not physically attached or connected to any building or structure used for tourist accommodations.

*Tourist accommodations* shall mean a group of buildings more commonly known as motels, hotels, tourist courts, tourist lodges, tourist cabins, motor lodges, motor courts, auto courts.  
(Ord. 11-6-86 § 48-1)

### **5-7.2 License Required.**

a. No person shall engage in the business of conducting tourist accommodations without first having applied for and obtained a license from the Township Council.  
(Ord. 11-6-86 § 48-2)

### **5-7.3 Application.**

In addition to licensing information generally required by Township ordinances, the following information is required:

- a. A description of the buildings, structures and accommodations upon the lands or those proposed to be erected thereon, including a statement of the number of housing or lodging units either erected or proposed, together with the maximum number of persons who can be accommodated at any given time, a description of the type of construction and whether or not the same are or will be fireproof, a description of the size of the automobile off-street parking areas.

- b. In the case of corporation applicants the name and addresses of all stockholders holding ten (10%) percent or more of any stock and the names and addresses of all members of the board of directors and all officers of the corporation.
- c. On all newly proposed buildings or structures a sketch of the premises showing all buildings and structures, their size and location, proposed off-street parking areas and proposed signs should accompany the application.

(Ord. 11-6-86 § 48-3)

#### **5-7.4 Investigation of Application.**

The Township Clerk shall forward the application to the Health Officer of the Department of Health and the Building Inspector who shall inspect the premises to determine whether or not they comply with respective Township ordinances and regulations. If the premises do not comply, the officers shall attach to the application a written list of recommendations and return the same to the Township Clerk who shall in turn return the application along with the recommendations to the applicant.

When new construction for tourist accommodations are planned, the Health Officer, Building Inspector, and Construction Official shall review the plans to be sure the applicant complies with all Township ordinances or regulations and if they do not comply, their recommendations shall be attached to the application and returned to the Township Clerk who shall in turn return the application along with the recommendations to the applicant.  
(Ord. 11-6-86 § 48-4; Ord. #11-10)

#### **5-7.5 Fee.**

The annual fee for a license shall be ten (\$10.00) dollars per lodging unit (Ord. 11-6-86 § 48-5)

#### **5-7.6 Transfer of License.**

Applications made for transfer of an existing license to another person shall set forth the same matters and things as are required by this subsection to be set forth in connection with an original application for a license. The Township Council with the consent of the licensee and upon payment of a fee of twenty (20%) percent of the annual license fee for the license sought to be transferred, may transfer to such applicant any license issued under the terms of this section. The twenty (20%) percent shall be retained by the Township whether transfer is granted or not.  
(Ord. 11-6-86 § 48-6)

### **5-7.7 Registration.**

- a. Each licensee shall at all times maintain and preserve on the licensed premises a card register which shall be available at any hour of the day or night to any law enforcement officer. All card registers shall be maintained on the licensed premises for a period of not less than six (6) years.
- b. No person shall occupy and no licensee shall permit any person to occupy a lodging unit on the licensed premises unless the person renting such lodging unit writes in the card register in ink in his own handwriting his full and true name and address and relationship, if any, to the registrant of every other person who is to occupy such lodging unit; the make, year and state license or registration number of the motor vehicle then being used by the registrant.
- c. The licenses shall cause to be written on the register card in ink the number of the lodging unit assigned to each registrant, the date and hour of registration, the signature of the person taking or accepting the registration and the date when the occupancy of each lodging unit quits and surrenders the same.

(Ord. 11-6-86 § 48-7)

### **5-7.8 Parking.**

Off-street parking areas shall be provided on the premises for all vehicles belonging to the occupants of the tourist accommodations.

(Ord. 11-6-86 § 48-8)

### **5-7.9 Enforcement.**

The Police Department may inspect the licensed premises at any hour of the day or night to determine that the provisions of this section are being complied with.

(Ord. 11-6-86 § 48-9)

### **5-7.10 Hotel and Motel Room Occupancy Tax.**

- a. *Purpose.* It is the purpose of this subsection to implement the provisions of P.L. 2003, c. 114, which authorizes the governing body of a municipality to adopt an ordinance imposing a tax at a uniform percentage rate not to exceed one (1%) percent on charges of rent for every occupancy on or after July 1, 2003, but before July 1, 2004, and not to exceed three (3%) percent on charges of rent for every occupancy

on or after July 1, 2004, of a room or rooms in a hotel subject to taxation pursuant to Subsection (d) of Section 3 of P.L. 1966, c. 40 (N.J.S.A. 54:32B-3) which shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the occupancy of a hotel room.

- b. There is hereby established a Hotel and Motel Room Occupancy Tax in the Township of Rockaway which shall be fixed at a uniform percentage rate of one (1%) percent on charges of rent for every occupancy of a hotel or motel room in the Township of Rockaway on or after July 1, 2003, but before July 1, 2004, and three (3%) percent on charges of rent for every occupancy of a hotel or motel room in the Township of Rockaway on or after July 1, 2004, of a room or rooms in a hotel subject to taxation pursuant to subsection (d) of section 3 of P.L. 1966, c. 40, N.J.S.A. 54:32B-3 (sales tax).
- c. The Hotel and Motel Room Occupancy Tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the occupancy of a hotel room.
- d. The Hotel and Motel Room Occupancy Tax authorized herein shall not be imposed on the rent for any occupancy if the purchaser, user or consumer is an entity exempt from the tax imposed on an occupancy under the "Sales and Use Tax Act" pursuant to subsection (a) of section 9 of P.L. 1966, c.30 (C. 54:32B-9).
- e. In accordance with the requirements of P.L. 2003, c. 114:
  - 1. All taxes imposed by this chapter shall be paid by the purchaser.
  - 2. A vendor shall not assume or absorb any tax imposed by this subsection.
  - 3. A vendor shall not in any manner advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the tax will be assumed or absorbed by the vendor, that the tax will not be separately charged and stated to the customer, or that the tax will be refunded to the customer.
  - 4. Each assumption or absorption by a vendor of the tax shall be deemed a separate offense and each representation or advertisement by a vendor for each day that the representation or advertisement continues shall be deemed a separate offense.

5. The penalty for violation of the foregoing provisions shall be one hundred (\$100.00) dollars for each offense.
- f. The tax imposed by this chapter shall be collected on behalf of the Township by the person collecting the rent from the hotel or motel customer. Each person required to collect the tax herein imposed shall be personally liable for the tax imposed, collected or required to be collected hereunder. Any such person shall have the same right in respect to collecting the tax from a customer as if the tax were a part of the rent and payable at the same time; provided that the Chief Financial Officer of the Township shall be joined as a party in any action or proceeding brought to collect the tax.
- (Ord. #03-22 § 1)

## **5:8 TAXICAB AND LIMOUSINE LICENSES**

### **5:8-1 Definitions.**

**Holder** shall mean a person to whom a taxicab license has been issued.

**Owner** shall mean any person who holds legal title to any taxicab, any conditional vendee or lessee, or any other person having an interest in a taxicab which shall entitle him to the immediate possession thereof.

**Owner-operator** shall mean, in the case of an individual, the person to whom the taxicab license is issued and who drives the taxicab exclusively or in the case of a corporation, the person who holds a minimum of seventy-five (75%) percent of the voting shares or interest in the corporation and to whom a minimum of seventy-five (75%) percent of the net profit or loss is attributable.

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

**Principal place of business** shall mean the place or places of business of a taxicab service or the location or locations where taxicabs are parked when not in operation or from which taxicab dispatching operations are conducted or to which taxicab drivers report for duty.

**Street** shall mean and include any street, avenue, park, parkway, highway or other public place which is used for vehicular travel.

**Taxicab** shall mean a motor vehicle commonly called "taxi" which is:

1. Constructed so as to comfortably seat not less than four (4) passengers exclusive of the driver; and
2. Engaged in the business of carrying passengers for hire; and
3. Held out, announced or advertised to operate on and over the public streets of the Township of Rockaway; and
4. Accepts persons who may offer themselves for transportation from a place within the Township of Rockaway; and
5. Not operated over a fixed route; and
6. Not more than forty-two (42) months of age according to the model year within the Vehicle Identification Number at the time it first becomes engaged in the taxicab business within the Township of Rockaway. Taxicabs shall be removed from service prior to the final inspection of each calendar year.

**Taxicab Driver's License** shall mean the permission granted in accordance with the provisions of this Section which authorizes a person to drive upon the streets of the Township of Rockaway a licensed taxicab owned and/or operated by the holder of a taxicab license. The term "driver's license" shall not be construed to mean a driver's license issued by the State of New Jersey Motor Vehicle Commission.

**Taxicab License** shall mean the permission granted in accordance with the provisions of this Section to conduct a taxicab operation upon the streets of the Township of Rockaway by the use of vehicles which have been issued taxicab vehicle licenses and which are driven by persons who have been issued taxicab driver's licenses by the Township .

**Taxicab Vehicle License** shall mean the permission granted in accordance with this Section to the holder of a taxicab license to conduct a taxicab operation on the streets of the Township of Rockaway by use of the vehicle so licensed as long as such vehicle is being driven by a person who is authorized to operate such vehicle by the Township.

**Taxicab Operation** shall mean conducting a taxi service in the Township of Rockaway which shall include receiving passengers in the Township of Rockaway and regularly discharging passengers, whose ride(s) may originate in other jurisdictions, in the Township of Rockaway.

**Taxicab Operator** shall mean any person who owns, directs, conducts or is in charge of any taxicab business or of any taxicab either as an owner, manager, driver or otherwise.

**Township** shall mean the Township of Rockaway.

**Transfer** shall mean to sell, transfer or in any other manner dispose of a taxicab license. Where the license is in the name of a corporation or other legal entity, any change in the majority ownership of the corporation or other legal entity shall constitute a transfer of the taxicab license held in the name of the corporation or other legal entity.

## **5:8-2 TAXICAB LICENSES**

### **5:8-2.1 Taxicab License Required.**

No person shall conduct or cause to be conducted any taxicab operation upon the streets of the Township of Rockaway without first having obtained the taxicab licenses required by this Section.

In the case where a taxicab and its operator(s) are licensed to operate taxicabs by other municipalities or other governmental entities within the state of New Jersey or elsewhere, it shall be unlawful and/or a violation of this Section for taxicabs to receive passengers in the Township of Rockaway or to regularly discharge passengers in the Township of Rockaway irrespective of the passenger's point of origin without first having obtained a taxicab operator's license from the Township Clerk.

### **5:8-2.1(A) Types of Taxicab Licenses**

There are hereby established three (3) classes of taxicab licenses, a "taxicab license", a "taxicab vehicle license", and a "taxicab driver's license".(See 5:8-1)

### **5:8-2.2 Application for Taxicab License; Content; Renewal**

a. No taxicab license shall be issued for any taxicab service or operation until the owner files an application for a taxicab license setting forth the character of the vehicles proposed to be used in the taxicab operation (including VIN numbers) and for which licenses are being sought, the correct name of the owner and all majority shareholders thereof, identification of all other business interests of the owner and all majority shareholders thereof, the residence and address of the principal place of business of such owner, a statement confirming the applicant's United States citizenship, a statement as to whether the applicant has been convicted of a crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty

assessed and a complete schedule of the rates proposed to be charged and such other facts as the Township Council may require. The application for license shall be made in duplicate to the Township Clerk on forms provided by the municipality.

b. All applicants must complete and sign Form SBI-212B, Request for Criminal History Record Information for a Noncriminal Justice Purpose, for a criminal history 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 required by the State of New Jersey approved fingerprinting agency, for the criminal history name search. If the applicant is a corporation, then this requirement shall apply to the officers of the corporation. The fully executed form and the applicant's check or money order must be submitted along with the application for a taxicab license.

c. All applicants must submit a letter of clearance issued by the MVC or other applicable authority as proof of having satisfactorily complied with the fingerprint requirement as established by N.J.S.A. 48:16-3b before a license will be issued.

d. Where a taxicab license has previously been issued, the approval of the Township shall not be required as a condition for issuance of additional vehicle licenses.

e. Proof that each and every vehicle has been inspected when due by a state-authorized inspection facility and that each and every vehicle has passed all required inspections.

f. Submission of a copy of an insurance policy pursuant to N.J.S.A. 48:16-3 or if the operator operates more than one (1) taxicab submission of a bond or insurance policy pursuant to N.J.S.A. 48:16-4 or an order pursuant to N.J.S.A. 48:16-8.

g. Submission of a copy of a power of attorney pursuant to N.J.S.A. 48:16-5.

h. For taxicab license applicants whose principal place of business is within Rockaway Township, Zoning Officer approval confirming compliance with zoning ordinances is required.

i. The annual application for renewal of taxicab licenses shall be filed not later than thirty (30) days prior to the expiration date.

j. Changes in Application or Submission information shall be provided to the Township Clerk within seventy-two (72) hours of said change.

k. Proof of compliance with all other statutes, rules, regulations, and ordinances, as same may apply.

### **5:8-2.2(A) Investigation of Application; Consideration**

After the application identified in 5:8-2.2 is properly filled out and signed by the applicant, the original and duplicate thereof shall be filed with the Township Clerk. The Clerk shall refer the duplicate and the criminal history name search fee to the Chief of Police, who shall make, or cause to be made, such investigation of the applicant's business responsibility and moral character as he deems necessary for the protection of the public good. The duplicate shall be kept on file in the Police Department upon completion of the investigation. The investigation shall include a criminal history name search identification check pursuant to N.J.S.A. 53:1-20.5 et seq. The criminal history check results shall be kept confidential. For the purposes of this check, the Rockaway Township Police Department is hereby authorized to have access to the criminal history record information file through the State Bureau of Investigation.

a. As a result of such investigation, the Chief of Police shall note on the application his/her recommendation and his reasons therefor and return the application to the Township Clerk. Such recommendation shall be returned to the Township Clerk within 20 days of the Police Department's receipt of the duplicate application.

1. Any recommendation by the Chief of Police that a license should not be issued to the applicant shall be based on one or more of the following findings with respect to the applicant:

A. Any criminal history disqualifications as outlined in the Statutes of New Jersey.

B. Unethical business practices adverse to the operation of a taxicab or limousine.

C. Conclusive evidence that the applicant has within four months of the application been addicted to the habitual use of drugs or intoxicating liquors. Pursuant to N.J.S.A. 48:16-22.3b, the owner is responsible for testing their drivers for any controlled dangerous substance and for keeping the records of such.

### **5:8-2.3 Insurance Requirements**

- a. The owner of the taxicab vehicle shall file with the Township Clerk an insurance policy which shall be issued by an admitted insurance company duly licensed to transact business under the insurance laws of this State or a company registered to do business in this State, the policy providing for not less than \$35,000 of motor vehicle liability insurance coverage or the amount of motor vehicle liability insurance coverage required pursuant to section 1 of P.L. 1972, c. 197 whichever is greater to satisfy all claims for damages by reason of bodily injury to, or the death of, any person or persons resulting from, or on account of an accident by reason of the ownership, operation, maintenance, or use of such taxicab upon any public street and to satisfy any claim for damages to property of any person or persons resulting from or on account of an accident by reason of the ownership, operation maintenance or use of such taxi upon any public street. The applicant shall have complied with the provisions of N.J.S. 48:16-1 to 48:16-12, and the acts amendatory thereof or supplemental thereto.
- b. The statutory insurance policy issued for the term of the license shall be delivered to the Township Clerk with every application for or renewal of a taxicab license. Before issuance of a taxicab license or renewal thereof, the insurance policy submitted with any application shall first be approved as to form by the Township Attorney. No ACCORD certificates will be accepted. The full policy, including the declaration page setting forth each and every vehicle and every driver which is insured by such policy, and all subsequent endorsements, issued by the insurance company are required to be submitted with each application for a license and/or renewal thereof. The Township of Rockaway shall be included as an additional insured on the insurance policy and the policy shall contain an endorsement requiring the insurance carrier to provide written notice to the Township of any changes made to the policy at any time and with 30 days advance notice of any proposed cancellation/termination of the policy.
- c. The license shall be effective only so long as the statutory insurance policy shall remain in full force to the full and collectible policy limits as required by Statute.
- d. In the event of the expiration, cancellation, or other termination of the statutorily required insurance, any and all taxicab licenses or taxicab drivers' licenses having been issued by the Township of Rockaway shall terminate immediately and automatically upon the effective date of the expiration, cancellation or other termination of such insurance or upon the Township's notice thereof, whichever comes first.

- e. If within two business days of the termination of any such licenses the holder of a taxicab license issued by the Township provides the Township Clerk with notice in writing from the insurance company of record with the Township that the insurance coverage has been reinstated or with notice consistent with subsections a, b, c & d of this section that a new policy of insurance has been purchased, the Township Clerk may, with the approval of the Township Attorney, reinstate the terminated licenses for the remainder of the licensing period.
- f. This section shall not abrogate or relieve a license holder from any duty or requirement of the insurance laws or the motor vehicle financial responsibility laws of this State.

#### **5:8-2.4 Taxicab License Application Fee**

No taxicab license application shall be considered unless the applicant has paid the annual fee of fifty (\$50.00) dollars per vehicle which shall be submitted to the Township Clerk with the application. The fee for a duplicate license is twenty-five (\$25.00) dollars. If, after review of the application, the Township Clerk deems the application not in compliance, the application fee is nonrefundable. If the applicant desires to submit a revised application, a \$50.00 fee must be submitted with the revised application.

#### **5:8-2.5 Taxicab License; Issuance; Denial**

- a. If after review of an application and after receipt of a recommendation from the Chief of Police, the Township Clerk finds that an application is in compliance with the licensing provisions of this Section and with all other applicable statutes, rules, and regulations, then the Township Clerk shall issue a taxicab license stating the name(s) and address(es) of the holder, taxicab operator, and/or owner, the date of the issuance of the taxicab license and the record owner, year, type and model of each and every vehicle which the holder is licensed to operate as a taxicab in the Township of Rockaway;
- b. If after review of an application and after the receipt of a recommendation from of the Chief of Police, the Township Clerk finds that an application is not in compliance with the licensing provisions of this Section or with all other applicable rules and regulations, the application shall be denied and no license shall issue.

#### **5:8-2.6 Taxicab License Contents and Requirements**

- a. Taxicab licenses shall be numbered consecutively and shall contain the following information:
  1. The number and effective dates of the license.
  2. The name and address of the taxicab owner.
  3. The make, model, year, New Jersey Motor Vehicle registration number, and vehicle identification number of the vehicle.
  4. The insurance company name, policy number, the effective date, and the date of expiration.
  5. The maximum number of passengers permitted in the vehicle.
  6. The CorpCode issued by the State of New Jersey
- b. The Township clerk shall keep a register of all taxicab licenses granted which register shall contain the details required by this subsection.
- c. The taxicab license shall be clearly displayed within the vehicle at all times.
- d. The Township Council may, by resolution, make such rules and regulations in relation to the operation of limousines and the conduct of operators thereof as it may determine to be necessary and proper in the best interests of the Township. A certified copy of any such resolution shall be forwarded to all licensees within 10 days following the final passage of such resolution

**5:8-2.7 Taxicab License Duration, Revocation and Reinstatement**

- a. Duration. Taxicab vehicle licenses shall expire annually on March 31 of every year.
- b. Revocation. A taxicab license shall be revoked by the Township Clerk under any of the following circumstances:
  1. Upon lapse of the insurance required above in subsection 5:8-2.3(d)
  2. Upon failure of the State inspection of any vehicle operating under such license.

3. Upon violation of or nonconformance with any of the requirements of this section.

4. In addition, a taxicab license may be revoked by the Township Clerk upon violation of or nonconformance with the requirements of this Ordinance or with other applicable law.

c. Notice of a revocation of a taxicab license shall be provided in writing via regular mail, or via facsimile, or email of record, to the licensee's principal place of business. However, direct oral communication by the Township Clerk or the Clerk's designee to the holder or owner of such license or to a driver employed thereby shall be sufficient notice to terminate the taxicab licensee's operation within the Township before the written notice aforesaid is transmitted by the Township.

d. Reinstatement. Subject to the time provisions set forth in 5:8-2.3(d) a taxicab license may be reinstated by the Township Clerk upon submission of proof of insurance pursuant to 5:8-2.3; upon submission of proof of passing the State inspection requirements; and upon submission of proof of compliance with all the requirements of this section. The fee for reinstatement of a taxicab license shall be the same as the fee for the initial application for a taxicab license.

### **5:8-2.8      Transfer of Taxicab License**

No taxicab license may be transferred.

### **5:8-2.9      Taxicab Holder's Responsibility for Operation**

Every holder of a taxicab license shall be responsible for the operation of each vehicle for which the holder's taxicab license has been granted regardless of the legal relationship between such holder and the driver of one of the holder's vehicles.

## **5:8-3      TAXICAB VEHICLE LICENSE**

### **5:8-3.1      Issuance**

There shall not be a separate taxicab license issued for each taxicab utilized in a taxicab operation. Permission to operate a vehicle as a taxicab in accordance with the provisions of this Section shall be authorized by the Township Clerk's inclusion of a vehicle on the taxicab license in accordance with 5:8-2.6 (a) (3)(4) and (5).

### **5:8-3.2 Vehicle Inspection**

Every taxicab must be inspected and proof must be displayed that the vehicle was inspected when due by a state-authorized inspection facility and that the vehicle has passed all required inspections.

### **5:8-3.3 Vehicle Kept in Clean and Sanitary Condition**

Every vehicle operating under this Section shall be kept in a clean and sanitary condition in accordance with the rules and regulations promulgated by the State and the Township of Rockaway.

### **5:8-3.4 Taxicab Identification; Unlicensed Vehicles**

a. Each taxicab shall bear on the outside of each rear door in painted letters not less than three (3) inches nor more than four (4) inches in height, in contrasting colors, the name of the owner, association of which the owner is a member, or registered trade name by which the owner conducts his/her business, and, in addition, may bear an identifying design. The assigned number of each taxicab shall appear above the name on each side and in the rear in numerals not less than two (2) inches in height and in clear view.

b. It shall be unlawful and a violation of this Section for any person to operate any vehicle not licensed under this Section in such a manner as to be misleading or tend to deceive or defraud the public into believing the vehicle is a taxicab or is being operated as a taxicab.

c. No taxicab covered by the terms of this Section shall be licensed if the color scheme or the name, monogram, or insignia to be used thereon shall conflict with, or imitate any color scheme, monogram, name, or insignia used by any other person, firm, or corporation operating a taxicab or taxicabs in the municipality in such a manner as to be misleading or tend to deceive or defraud the public.

d. If after a license has been issued for a taxicab hereunder, the color scheme, name, monogram, or insignia used by any other person, firm, or corporation operating a taxicab or taxicabs in the municipality in such manner as to be misleading or tend to deceive and defraud the public, the license for such taxicab or taxicabs may be revoked the Township.

## **5:8-4 TAXICAB DRIVER'S LICENSE**

### **5:8-4.1 Taxicab Driver's License Required**

No person shall drive a taxicab for hire upon the streets of the Township of Rockaway, and no person who owns or controls a taxicab shall permit it to be so driven, and no taxicab licensed by the Township shall be so driven at any time for hire, unless the driver of the taxicab shall have first obtained and shall have then in force a taxicab driver's license issued in accordance with the provisions of this Section.

No taxicab driver's license shall be issued to any person unless such person shall be a holder of a taxicab license or be the servant, employee, or agent of such holder.

#### **5:8-4.2 Taxicab Driver's License Application Fee**

No taxicab driver's license application shall be considered unless the applicant has paid the annual driver's license fee of fifty (\$50.00) dollars which shall be submitted to the Township Clerk with the application. The fee for a duplicate driver's license is twenty-five (\$25.00) dollars. If, after review of the application, the Township Clerk deems the application not in compliance, the application fee is nonrefundable. If the applicant desires to submit a revised application, a \$50.00 fee must be submitted with the revised application.

#### **5:8-4.3 Minimum Qualifications**

No taxicab driver's license shall be issued or renewed unless the applicant complies with the following:

- a. Furnish satisfactory evidence that he/she is the holder for at least one (1) year prior to the date of application, a valid automobile driver's license issued by the State of New Jersey, Motor Vehicle Commission
- b. Is at least twenty-one (21) years of age;
- c. Has been a resident of the State of New Jersey for one (1) year or more;
- d. Is able to read, write and speak the English language
- e. Is a citizen or legal alien of the United States;
- f. Furnishes proof to the Township that he/she has adequately provided for the safety of children under the age of five (5) years, who may be passengers in a taxicab owned or operated by him/her.

#### **5:8-4.4 Application for Taxicab Driver's License; Contents Accompanying Items**

Prior to submitting an application, applicants shall fully complete "Form D" (available at the New Jersey State Police Internet website, [www.njsp.org](http://www.njsp.org), or the Police Department) and follow the instructions for obtaining a criminal history background check, which includes making an appointment to be fingerprinted by the state contract vendor. Applicants who fail to obtain a criminal history background check or otherwise refuse to consent to or cooperate in securing a criminal history check shall not be considered for a license. If the applicant is a corporation, then this requirement shall apply to the officers of the corporation.

- a. An application for a taxicab driver's license shall be filed with the Township Clerk upon forms provided by the Township. The application shall contain the following information:
  1. Name and address of the applicant.
  2. Places of residence for the preceding five (5) years.
  3. Age, height, color of eyes and color of hair.
  4. Business and home telephone numbers.
  5. Social Security number
  6. Employer's name and business address
  7. Whether the applicant has ever been convicted of a crime, disorderly persons offense or petty disorderly offense or of a felony, a high misdemeanor, or misdemeanor, or of a prior violation of a taxicab ordinance, including but not limited to crimes, disorderly person, petty disorderly person, felonies, high misdemeanors, misdemeanors, or violations which occurred either in or outside of New Jersey.
  8. Whether a driver's license, issued by any State or a taxicab vehicle operator's license issued to him/her, has been suspended or revoked, and for what cause.
- b. The application shall be accompanied by two (2) passport-type photographs of the applicant taken within thirty (30) days of the application, front view, size two inches by two (2x2) inches.

- c. Each application must be accompanied by a certification or certificate from a licensed and practicing physician of the State of New Jersey, certifying that the applicant has been examined on a certain date, within sixty (60) days prior to the filing of the application; and that, in his/her opinion, the applicant is of sound physical condition, with good eyesight, not subject to epilepsy, vertigo, heart trouble, or any other infirmity of body or mind which might make him unfit for the safe operation of a taxicab.
- d. A copy of the operator's "Qualification Certification" issued by the State of New Jersey approved fingerprinting agency
- e. A copy of a State of New Jersey Driver's abstract issued by New Jersey Motor Vehicle Commission having an issuance date of no longer than 7 days prior to the submission of the proposed vehicle operator's application to the Township.
- f. Each application shall also be accompanied by the license fee prescribed in 5:8-4.2.
- g. Changes in any Application or Submission information shall be provided to the Township Clerk within seventy-two (72) hours of said change.

**5:8-4.5 Investigation of Application; Consideration**

Upon the filing of an application for a taxicab driver's license, the Township Clerk shall refer the same to the Chief of Police who shall conduct or cause to be conducted an investigation of each applicant for a taxicab driver's license. Said investigation shall be conducted in accordance with the considerations set forth in 5:8-2,2(A) hereof and shall include but not be limited to Police review of the applicant's criminal record, business record, and driving record.

Any applicant who has been convicted of operating a motor vehicle while under the influence of drugs or alcohol or reckless driving within ten (10) years preceding the date of the application or has more than six (6) motor vehicle points or whose license is suspended or revoked on or after the date of the application shall not be issued a taxicab driver's license.

Further, if an applicant's motor vehicle abstract reveals a history of multiple violations the Township may refuse to issue such an applicant a taxicab driver's license.

#### **5:8-4.6 Issuance of Taxicab Driver's License; Contents**

- a. Taxicab Driver's Licenses shall be numbered consecutively and shall contain the following information:
  1. The number and effective dates of the license.
  2. The name and address of the vehicle operator. A current and clear picture of the vehicle operator with a description of the operator including age, height, hair color and eye color.
  3. The name, address and telephone number of the driver's employer.
- b. The Township Clerk shall keep a register of all taxicab drivers' licenses issued, which register shall contain the details required by this subsection.
- c. The taxicab driver's license shall be clearly displayed within the vehicle at all times.

#### **5:8-4.7 Taxicab Driver's License Duration, Revocation and Reinstatement**

- a. Duration. Taxicab drivers' licenses shall expire annually on March 31 of every year.
- b. Revocation. A taxicab driver's license shall be revoked by the Township Clerk under any of the following circumstances:
  1. Upon the taxicab driver's conviction of operating a motor vehicle while under the influence of drugs or alcohol or reckless driving.
  2. Upon the taxicab driver's obtaining more than six (6) motor vehicle points on his/her driving record.
  3. Upon revocation of said the taxicab driver's New Jersey driving privileges by the New Jersey Department of Motor Vehicles.
  4. Upon revocation of said operator's driving privilege in any state having motor vehicle law reciprocity with New Jersey vis-a-vis the Interstate Compact codified in NJSA 39:5D-1 et seq.

5. Upon violation of or noncompliance with any of the requirements of this section.

c. Notice of a revocation of a taxicab driver's license shall be provided in writing via regular mail, or via facsimile, or email of record of the taxicab driver or of the taxicab driver's employer. However, direct oral communication by the Township Clerk or the Clerk's designee to the to the taxicab driver or to the taxicab driver's employer shall be sufficient notice to terminate the taxicab driver's operation of a taxicab within the Township before the written notice aforesaid is transmitted by the Township.

d. Reinstatement: A taxicab driver's license may be reinstated by the Township Clerk upon the driver's compliance with all of the requirements of this section.

e. Reinstatement Fee: The fee for reinstatement of a taxicab driver's license shall be the same as the application fee for the initial taxicab driver's license.

#### **5:8-4.8 Record Keeping; Inspection of Records**

a. The holder of a taxicab license and/or a taxicab driver's license shall keep a daily record upon which all trips shall be recorded. The daily record shall show the taxicab license number of the driver, specific hours of duty, time and place of origin and destination of each trip and the amount of fare received for each trip. All such records shall be retained for one (1) year.

b. All records provided for in this section shall be open to inspection by the Township of Rockaway Police Department.

### **5:8-5 LIMOUSINE VEHICLE AND OPERATOR LICENSES**

#### **5:8-5.1 Definitions**

As used in this Section:

**Cruising** shall mean the driving of a limousine on the streets or public places of the Township in search of or soliciting prospective passengers for hire.

**Driver** shall mean any person who drives a limousine on the streets of Rockaway Township

**Holder** shall mean a person to whom a limousine owner's license has been issued.

**Limousine** shall mean any motor vehicle, which is not a taxi or a bus, used in the business of carrying passengers for hire to provide prearranged passenger transportation at a premium fare on a dedicated charter basis that is not conducted or scheduled on a regular route and with a seating capacity of no more than fourteen (14) passengers, not including the driver, beyond the maximum passenger seating capacity of the vehicle, not including the driver, at the time of manufacture (other than a motor vehicle used in the conduct of a funeral).

**Limousine Driver's License** shall mean the permission granted any person in accordance with the provisions of this Section to drive a limousine upon the streets of the Township of Rockaway as long as the limousine's owner/operator is the holder of a valid limousine license. The term "driver's license" shall not be construed to mean a driver's license issued by the State of New Jersey Motor Vehicle Commission.

**Limousine License** shall mean the permission granted any person in accordance with the provisions of this Section to conduct limousine operations upon the streets of the Township of Rockaway.

**Limousine/Livery Service** shall mean and includes the business of carrying pre-arranged fares from point A to point B for hire by limousine.

**Limousine Operations** shall mean conducting a limousine service on the streets of the Township of Rockaway when the limousine service has its principal place of business located in the Township of Rockaway, has a business address in the Township of Rockaway, conducts intra-municipality pick up and drop off limousine service within the Township of Rockaway, or picks up or delivers passengers in the Township of Rockaway.

**Operator** shall mean any person who owns, directs, conducts, or is in charge of any limousine business or of any limousine, either as an owner, manager, dispatcher, driver or otherwise.

**Owner** shall mean any person who holds legal title to any limousine, any conditional vendee or lessee, or any other person having an interest in a limousine which shall entitle him to the immediate possession thereof.

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

**Principal place of business** shall mean the location of the main place of business of the limousine service from which limousines services are conducted, dispatched and where operators report for duty.

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

**Township** shall mean the Township of Rockaway

**Transfer** shall mean to sell, transfer or in any other manner dispose of a taxicab license. Where the license is in the name of a corporation or other legal entity, any change in the majority ownership of the corporation or other legal entity shall constitute a transfer of the taxicab license held in the name of the corporation or other legal entity.

### **5:8-5.2 Limousines to be Operated in Compliance With Law**

No person shall conduct a limousine operation on the streets of the Township of Rockaway unless all aspects of such operation are in compliance with the provisions of this Section and with the provisions of state law governing the operation of limousines. (N. J.S.A. 48:16-13 to N.J.S.A. 48:16-22)

No person shall conduct limousine operations on the streets of the Township of Rockaway without first obtaining a license in accordance with the provisions of this Section. All limousine licenses shall expire March 31 of the year after the license was issued, unless sooner suspended or revoked by the Township Clerk.

No person shall drive a limousine on the streets of the Township of Rockaway unless such person shall have first obtained a limousine driver's license issued for such purpose in accordance with the provisions of this Section.

### **5:8-5.3 Types of Limousine Licenses**

There are hereby established two classes of limousine licenses, to be known as a "limousine license" and a "limousine driver's license".

## **5:8-6 LIMOUSINE LICENSES**

### **5:8-6.1 Limousine License Classification**

a. Principal place of business in Rockaway Township.

Whenever the owner of a limousine has its principal place of business located within the Township of Rockaway, said owner shall annually file for a license for each such owned limousine to be issued by the Township in accordance with N.J.S.A. 48:16-17. The Township of Rockaway shall

issue such license upon the owner's satisfaction of all of the requirements set forth in this Section.

b. Foreign limousine registration with a business address in Rockaway Township.

Whenever the owner of a limousine maintains a business address in the Township of Rockaway, owns a limousine that is registered in another state or in the District of Columbia, and has satisfied all of the requirements set forth in this Section and desires to obtain a license for each such limousine from the Township of Rockaway, said owner shall annually file for a license for each such owned limousine to be issued in duplicate by the Township in accordance with N.J.S.A. 48:16-22.4.a. The Township of Rockaway shall issue such license upon the owner's satisfaction of all of the requirements set forth in this Section.

c. Intra-municipal service.

Whenever a limousine service provides intra-municipal service on a point-to-point basis within the Township of Rockaway, the owner of the limousine or limousine service shall annually file for a license for each limousine providing said service, to be issued by this Township as permitted by N.J.S.A. 48:16-18.1. The Township of Rockaway shall issue such license upon the owner's satisfaction of all of the requirements set forth in this Section.

## **5:8-6.2 Fees**

a. Licensing fee. A separate license application shall be filed and a separate license fee shall be paid for each vehicle. The annual owner's license fee per vehicle shall be \$50.

b. Verification fee. The applicant shall annually pay to the Township of Rockaway a nonrefundable, nontransferable fee for verification of the accuracy of its license application information as follows:

1. Whenever the applicant represents that its principal place of business is located within the Township of Rockaway, the Township shall conduct its own investigation to confirm whether such a principal place of business exists within the Township of Rockaway. The verification fee for this investigation shall be \$10.00 for each such limousine and each such business address each license year.

2. Whenever the applicant represents that it maintains a business address in the Township of Rockaway and owns a limousine that is registered in another state or the District of Columbia, the Township shall conduct its own investigation to confirm both the Rockaway business address and the validity of the foreign registration of each limousine. The verification fee shall be \$10.00 for each such limousine and each such business address each license year.

3. Whenever the applicant seeks an intra-municipal license for the Township Rockaway, and represents that its principal place of business is located in another New Jersey municipality, there shall be no verification fee required, provided that the applicant presents a valid license for each such limousine from the New Jersey municipality in which the applicant's principal place of business is located.

### **5:8-6.3 Application for Limousine License**

a. No limousine license shall be issued for the use of any vehicle in a limousine operation until the owner of the limousine operation files an application for a limousine license setting forth the character of the vehicles proposed (including VIN numbers) to be utilized in the limousine operation, the correct name of the owner and all majority shareholders thereof, identification of all other business interests of the owner and all majority shareholders thereof, the residence and address of the principal place of business of such owner, a statement confirming the applicant's United States citizenship, a statement as to whether the applicant has been convicted of a crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed and a complete schedule of the rates proposed to be charged and such other facts as the Township Council may require. The application for license shall be made in duplicate to the Township Clerk on forms provided by the municipality.

b. All applicants must complete and sign Form SBI-212B, Request for Criminal History Record Information for a Noncriminal Justice Purpose, for a criminal history 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 required by the State of New Jersey approved fingerprinting agency, for the criminal history name search. If the applicant is a corporation, then this requirement shall apply to the officers of the corporation. The fully executed form and the applicant's check or money order must be submitted along with the application for a limousine license.

- c. All applicants must submit a letter of clearance issued by the MVC or other applicable authority as proof of having satisfactorily complied with the fingerprint requirement as established by N.J.S.A. 48:16-22.3a before a license will be issued.
- d. Where a limousine license has previously been issued, the approval of the Township Council shall not be required as a condition for issuance of additional vehicle licenses.
- e. Proof that each and every vehicle proposed to be utilized in a limousine operation has been inspected when due by a state-authorized inspection facility and that each and every vehicle has passed all required inspections.
- f. Submission of a copy of an insurance policy pursuant to the provisions of N.J.S.A. 48:16-4.
- g. Submission of a copy of a power of attorney pursuant to N.J.S.A. 48:16-5.
- h. For limousine license applicants whose principal place of business is within Rockaway Township, Zoning Officer approval confirming compliance with zoning ordinances is required.
- i. The annual application for renewal of limousine licenses shall be filed not later than thirty (30) days prior to the expiration date.
- j. Changes in Application or Submission information shall be provided to the Township Clerk within seventy-two (72) hours of said change.
- k. Proof of compliance with all other statutes, rules, regulations, and ordinances, as same may apply.

#### **5:8-6.4 Investigation of Applicant**

After the application identified in 5:8-6.2 is properly filled out and signed by the applicant, the original and duplicate thereof shall be filed with the Township Clerk. The Clerk shall refer the duplicate and the criminal history name search fee to the Chief of Police, who shall make, or cause to be made, such investigation of the applicant's business responsibility and moral character as he deems necessary for the protection of the public good. The duplicate shall be kept on file in the Police Department upon completion of the investigation. The investigation shall include a criminal history name search identification check pursuant to N.J.S.A. 53:1-20.5 et seq. The criminal history check results shall be kept confidential. For the purposes of this check, the Rockaway Township Police Department is hereby authorized to have access to

the criminal history record information file through the State Bureau of Investigation.

a. As a result of such investigation, the Chief of Police shall note on the application his/her recommendation and his reasons therefor and return the application to the Township Clerk. Such recommendation shall be returned to the Township Clerk within 20 days of the Police Department's receipt of the duplicate application.

1. Any recommendation by the Chief of Police that a license should not be issued to the applicant shall be based on one or more of the following findings with respect to the applicant:

A. Any criminal history disqualifications as outlined in the Statutes of New Jersey.

2. Unethical business practices adverse to the operation of a taxicab or limousine.

3. Conclusive evidence that the applicant has within four months of the application been addicted to the habitual use of drugs or intoxicating liquors. Pursuant to N.J.S.A. 48:16-22.3b, the owner is responsible for testing their drivers for any controlled dangerous substance and for keeping the records of such.

#### **5:8-6.5 Insurance Requirements**

a. No limousine operation shall be conducted on any street in the Township of Rockaway unless such limousine operation is being undertaken in compliance with the insurance provisions of N.J.S.A. 48:16-14.

b. The owner of the limousine operation shall file with the Township Clerk an insurance policy which shall be issued by an admitted insurance company duly licensed to transact business under the insurance laws of this State or a company registered to do business in this State, the policy providing for not less than \$1,500,000 of motor vehicle liability insurance coverage to satisfy all claims for damages by reason of bodily injury to, or the death of, any person or persons resulting from, or on account of an accident by reason of the ownership, operation, maintenance, or use of such limousine upon any public street.

c. The statutory insurance policy issued for the term of the license shall be delivered to the Township Clerk with every application for or renewal of a limousine license. Before issuance of a limousine license

or renewal thereof, the insurance policy submitted with any application shall first be approved as to form by the Township Attorney. The Township of Rockaway shall be named as additional insured on the insurance policy and the policy shall contain an endorsement requiring the insurance carrier to provide written notice to the Township of any changes made to the policy at any time and with 30 days advance notice of any proposed cancellation/termination of the policy.

d. No ACCORD certificates will be accepted. The full policy, including the declaration page setting forth each and every vehicle and every driver which is insured by such policy, and all subsequent endorsements issued by the insurance company are required to be submitted with each application for a license and/or renewal thereof.

e. The license shall be effective only so long as the statutory insurance policy shall remain in full force to the full and collectible policy limits as required by Statute.

f. In the event of the expiration, cancellation, or other termination of the statutorily required insurance, any and all limousine licenses or limousine drivers' licenses having been issued by the Township of Rockaway shall terminate immediately and automatically upon the effective date of the expiration, cancellation or other termination of such insurance or upon the Township's notice thereof, whichever comes first.

g. If within two business days of the termination of any such licenses the holder provides the Township Clerk with notice in writing from the insurance company of record with the Township that the insurance coverage has been reinstated or with notice consistent with the provisions of 5:8-6.5 a, b, c & d that a new policy of insurance has been purchased, the Township Clerk may, with the approval of the Township Attorney, reinstate the terminated licenses for the remainder of the licensing period.

h. This section shall not abrogate or relieve a license holder from any duty or requirement of the insurance laws or the motor vehicle financial responsibility laws of this State.

#### **5:8-6.6 Limousine License Approval**

a. If after review of an application and after receipt of a recommendation from the Chief of Police, the Township Clerk finds that

an application is in compliance with the licensing provisions of this Section and with all other applicable statutes, rules, and regulations, then the Township Clerk shall issue a limousine license stating the name(s) and address(es) of the holder, operator, and/or owner, the date of the issuance of the license and the record owner, year, type and model of each and every vehicle which the holder is licensed to operate as part of a limousine operation in the Township of Rockaway;

b. If after review of an application and after the receipt of a recommendation from of the Chief of Police, the Township Clerk finds that an application is not in compliance with the licensing provisions of this Section or with all other applicable rules and regulations, the application shall be denied and no license shall issue.

### **5:8-6.7 Limousine License Contents and Requirements**

a. Limousine licenses shall be numbered consecutively and shall contain the following information:

b. The number and effective dates of the license.

c. The name and address of the limousine owner.

d. The make, model, year, New Jersey Motor Vehicle registration number, and vehicle identification number of the vehicle.

e. The insurance company name, policy number, the effective date, and the date of expiration.

f. The maximum number of passengers permitted in the vehicle.

g. The Township clerk shall keep a register of all limousine licenses granted which register shall contain the details required by this subsection.

h. The limousine license shall be clearly displayed within the vehicle at all times.

i. The Township Council may, by resolution, make such rules and regulations in relation to the operation of limousines and the conduct of operators thereof as it may determine to be necessary and proper in the best interests of the Township. A certified copy of any such resolution shall be forwarded to all licensees within 10 days following the final passage of such resolution

**5:8-6.8            Limousine License Duration, Revocation and Reinstatement**

- a.     Duration. Limousine licenses shall expire annually on March 31 of every year.
  
- b.     Revocation. A limousine license shall be revoked by the Township Clerk under any of the following circumstances:
  - 1. Upon lapse of the insurance required above in subsection 5:8-6.5
  
  - 2. Upon failure of the State inspection of any vehicle operating under such license.
  
  - 3. Upon violation of or nonconformance with any of the requirements of this section.
  
  - 4. In addition, a limousine license may be revoked by the Township Clerk upon violation of or nonconformance with the requirements of this Ordinance or with other applicable law.
  
- c.     Notice of a revocation of a limousine license shall be provided in writing via regular mail, or via facsimile, or email of record, to the licensee’s principal place of business. However, direct oral communication by the Township Clerk or the Clerk’s designee to the holder or owner of such license or to a driver employed thereby shall be sufficient notice to terminate the limousine licensee’s operation within the Township before the written notice aforesaid is transmitted by the Township.
  
- d.     Reinstatement. Subject to the time provisions set forth in 5:8-6.5(g) a limousine license may be reinstated by the Township Clerk upon the holder’s submission of proof of insurance pursuant to 5:8-6.5; upon submission of proof of passing the State inspection requirements; and upon submission of proof of compliance with all the requirements of this section.
  
- e.     Reinstatement fee: The fee for reinstatement of a limousine license shall be the same as the fee for the initial application for a limousine license.

**5:8-6.9            Transfer of Limousine License**

No limousine license may be transferred.

#### **5:8-6.10 Vehicle Kept in Clean and Sanitary Condition**

Every vehicle operating under this Section shall be kept in a clean and sanitary condition in accordance with the rules and regulations promulgated by the State and the Township of Rockaway.

#### **5:8-6.11 Limousine Holder's Responsibility for Operation**

Every holder of a limousine license shall be responsible for the operation of each vehicle for which the holder's limousine license has been granted regardless of the legal relationship between such holder and the driver of one of the holder's limousines.

### **5:8-7 LICENSING OF LIMOUSINE DRIVERS**

#### **5:8-7.1 Limousine Driver's License Application Fee**

No limousine driver's license application shall be considered unless the applicant has paid the annual fee of fifty (\$50.00) dollars to the Township Clerk with the application. The fee for a duplicate driver's license is twenty-five (\$25.00) dollars. If, after review of the application, the Township Clerk deems the application not in compliance, the fee is nonrefundable. If the applicant desires to submit a revised application, a \$50.00 fee must accompany said revised application.

#### **5:8-7.2 Minimum Qualifications**

No limousine operator's license shall be issued or renewed unless the applicant complies with the following:

- a. Furnish satisfactory evidence that he/she is the holder for at least one (1) year prior to the date of application, a valid automobile driver's license issued by the State of New Jersey, Motor Vehicle Commission;
- b. Is at least twenty-one (21) years of age;
- c. Has been a resident of the State of New Jersey for one (1) year or more;
- d. Is able to read, write and speak the English language;

- e. Is a citizen or legal alien of the United States
- f. Furnishes proof to the Township that he/she has adequately provided for the safety of children under the age of five (5) years, who may be passengers in a limousine owned or operated by him/her.

**5:8-7.3 Application for Limousine Driver's License; Contents; Accompanying Items**

Prior to submitting their applications applicants shall fully complete "Form D" (available at the New Jersey State Police Internet website, [www.njsp.org](http://www.njsp.org), or the Police Department) and follow the instructions for obtaining a criminal history background check, which includes making an appointment to be fingerprinted by the state contract vendor. Applicants who fail to obtain a criminal history background check or otherwise refuse to consent to or cooperate in securing a criminal history check shall not be considered for a license. If the applicant is a corporation, then this requirement shall apply to the officers of the corporation.

An application for a limousine driver's license shall be filed with the Township Clerk upon forms provided by the Township. The application shall include the following information:

- a. Name and address of the applicant.
- b. Places of residence for the preceding five (5) years.
- c. Age, height, color of eyes and color of hair.
- d. Business and home telephone numbers.
- e. Social Security number
- f. Employer's name and business address
- g. Whether the applicant has ever been convicted of a crime, disorderly persons offense or petty disorderly offense or of a felony, a high misdemeanor, or misdemeanor, or of a prior violation of a limousine ordinance, including but not limited to crimes, disorderly person, petty disorderly person, felonies, high misdemeanors, misdemeanors, or violations which occurred either in or outside of New Jersey.

- h. Whether a driver's license, issued by any State or a limousine vehicle operator's license issued to him/her, has been suspended or revoked, and for what cause.
- i. The application shall be accompanied by two (2) passport-type photographs of the applicant taken within thirty (30) days of the application, front view, size two inches by two (2x2) inches.
- j. Each application must be accompanied by a certification or certificate from a licensed and practicing physician of the State of New Jersey, certifying that the applicant has been examined on a certain date, within sixty (60) days prior to the filing of the application; and that, in his/her opinion, the applicant is of sound physical condition, with good eyesight, not subject to epilepsy, vertigo, heart trouble, or any other infirmity of body or mind which might make him unfit for the safe operation of a limousine.
- k. A copy of the operator's "Qualification Certification" issued by the State of New Jersey approved fingerprinting agency.
- l. A copy of a State of New Jersey Driver's abstract issued by New Jersey Motor Vehicle Commission having an issuance date of no longer than 7 days prior submission of the proposed vehicle operator's application to the Township.
- m. Each application shall also be accompanied by the limousine driver's license fee set forth in 5:8-7.1.
- n. Changes in any Application or Submission information shall be provided to the Township Clerk within seventy-two (72) hours of said change.

#### **5:8.7.4 Investigation of Application; Consideration**

Upon the filing of an application for a limousine driver's license, the Township Clerk shall refer the same to the Chief of Police who shall conduct or cause to be conducted an investigation of each applicant for a limousine driver's license. Said investigation shall be conducted in accordance with the considerations set forth in 5:8-6.4 hereof and shall include but not be limited to Police review of the applicant's criminal record, business record, and driving record.

Any applicant who has been convicted of operating a motor vehicle while under the influence of drugs or alcohol or reckless driving within ten (10) years preceding the date of the application or has more than six (6) motor vehicle

points or whose license is suspended or revoked on or after the date of the application shall not be issued a taxicab driver's license.

Further, if an applicant's motor vehicle abstract reveals a history of multiple violations the Township may refuse to issue such an applicant a limousine driver's license.

#### **5:8-7.5 Limousine Driver's License Approval**

a. If after review of an application and after receipt of a recommendation from the Chief of Police, the Township Clerk finds that an application is in compliance with the licensing provisions of this Section and with all other applicable statutes, rules, and regulations, then the Township Clerk shall issue a limousine driver's license to the applicant.

b. If after review of an application and after the receipt of a recommendation from of the Chief of Police, the Township Clerk finds that an application is not in compliance with the licensing provisions of this Section or with all other applicable rules and regulations, the application shall be denied and no license shall issue.

#### **5:8-7.6 Issuance of Limousine Driver's License Contents**

a. Limousine Driver's Licenses shall be numbered consecutively and shall contain the following information:

1. The number and effective dates of the driver's license;
2. The name and address of the driver;
3. A current and clear picture of the driver with a description of the driver including age, height, hair color and eye color;
4. The name, address and telephone number of driver's employer.

b. The Township Clerk shall keep a register of all limousine drivers' licenses issued, which register shall contain the details required by this subsection.

c. The limousine driver's license shall be clearly displayed within the vehicle at all times.

**5:8-7.7 Limousine Driver’s License Duration, Revocation and Reinstatement**

- a. Duration. Limousine drivers’ licenses shall expire annually on March 31 of every year.
- b. Revocation. A limousine driver’s license shall be revoked by the Township Clerk under any of the following circumstances:
  - 1. Upon the limousine driver’s conviction of operating a motor vehicle while under the influence of drugs or alcohol or reckless driving;
  - 2. Upon the limousine driver’s obtaining more than six (6) motor vehicle points on his/her driving record;
  - 3. Upon revocation of said limousine driver’s New Jersey driving privileges by the New Jersey Motor Vehicle Commission.
  - 4. Upon revocation of said operator’s driving privilege in any state having motor vehicle law reciprocity with New Jersey vis-a-vis the Interstate Compact codified in NJSA 39:5D-1 et seq.
  - 5. Upon violation of or noncompliance with any of the requirements of this ordinance.
- c. Notice of a revocation of a limousine driver’s license shall be provided in writing via regular mail, or via facsimile, or email of record of the limousine driver or of the limousine driver’s employer. However, direct oral communication by the Township Clerk or the Clerk’s designee to the limousine driver or to the limousine driver’s employer shall be sufficient notice to terminate the limousine driver’s operation of a limousine within the Township before the written notice aforesaid is transmitted by the Township.
- d. Reinstatement: A limousine driver’s license may be reinstated by the Township Clerk upon the driver’s compliance with all of the requirements of this section.
- e. Reinstatement Fee: The fee for reinstatement of a limousine driver’s license shall be the same as the application fee for the initial limousine driver’s license.

**5:8-7.8 Record Keeping; Inspection of Records**

a. The holder of a limousine driver's license and the holder of a limousine license shall keep or cause to be kept a daily record upon which all trips shall be recorded. The daily record shall show the limousine license number of the driver, specific hours of duty, time and place of origin and destination of each trip and the amount of fare received for each trip. All such records shall be retained for one (1) year.

**5:8-7.9 Display; Receipts; Cruising**

a. Display of license. Every holder of a limousine driver's license shall have such license, with the photograph attached, openly, clearly and conspicuously exhibited in the vehicle he is driving, which is to be placed next to the limousine license.

b. Receipt for fares. Every limousine driver shall, when requested, give a passenger a receipt for the fare paid.

c. Cruising – see 5:8-7.12.

**5:8-7.10 Record Keeping; Inspection of Records**

The Township of Rockaway Police Department is authorized and instructed to observe the operations of the holders of a limousine operator for the purpose of enforcing compliance with the provisions of this Section.

**5:8-7.11 No Transfer of Limousine Driver's License**

No limousine driver's license shall be transferred.

**5:8-7.12 Cruising Prohibited**

No person shall drive or cause or allow a limousine to be driven on the streets or public places of the Township in search of or soliciting prospective passengers for hire. For the purposes of this section "in search of or soliciting of prospective passengers" shall mean picking up a passenger or attempting to pick up a passenger who has not previously made arrangements by telephone or other communication for a limousine pickup at a specific time and location.

**5:8-7.13 No Advertising on Vehicle**

Limousines licensed by the Township of Rockaway shall not contain printed or painted letters, numbers, symbols, artwork, crests, and the like on the outside of such limousines.

## **5:8-8 GENERAL PROVISIONS**

### **5:8-8.1 Reference to “This Section”**

The phrase “this Section” as used in this ordinance refers the provisions of the taxicab and limousine ordinance in its entirety.

### **5:8-8.2 Refusal to Issue License; Suspension or Revocation of License**

The Township may, in its discretion, refuse to issue or renew or may, revoke or suspend any license issued under the provisions of this Section if the applicant has been convicted of any crime, disorderly persons offense or petty disorderly person offense in this state or in any other state or territory, or has been convicted of a violation under Title 39, Motor Vehicles and Traffic Regulations, of the Revised Statutes of New Jersey or who violates any provision of this Section or has any judgment unsatisfied of record arising out of an automobile accident or who has made false answers in the application for such license or any renewal thereof or who has failed or fails to render reasonably prompt, safe and adequate limousine services or who has not complied fully with all requirements of this Section for such class of licensure, or if the licensee or applicant has in any degree contributed to any injury to a person or damage to property arising out of negligent operation of a motor vehicle or as to any limousine owner's license if the motor vehicle licensed or to be licensed by reason of unsafe or unsanitary conditions is dangerous to the safety or health of the occupants and others, or if the policy of insurance required herein has once lapsed or such coverage is not maintained at all times, or a taxicab or limousine, at any time, carries more passengers than the same is authorized to carry by the terms of this Section.

### **5:8-8.3 Enforcement**

a. The Township of Rockaway Police Department is authorized and instructed to observe the operations of taxicabs and limousines for the purpose of enforcing compliance with the provisions of this Section. Upon discovering any violation of this Section, the Police Department shall immediately take all appropriate Police action, including the issuance of summons, to this end.

b. In addition, the Police Department shall forward all summonses issued and/or reports of violations or suspected violations of this

Section by any person to the Township Clerk who shall provide same to the Township Council.

#### **5:8-8.4 Criminal Violations and Penalties**

In addition to the taxicab and limousine licensing revocation provisions previously set forth in this Section, any person who is found to be in violation of any of the provisions of this Section shall be subject to fines and penalties as follows:

a. For a first offense – a fine not exceeding one thousand (\$1,000.00) dollars shall be imposed; and, in addition, a sentence to either a term of imprisonment not to exceed thirty (30) days or a period of community service not to exceed thirty (30) days or a combination of imprisonment and community service not to exceed a total of thirty (30) days may be imposed.

b. For a second or subsequent offense - a fine not exceeding two thousand (\$2,000.00) dollars shall be imposed; and, in addition, a sentence to either a term of imprisonment not to exceed ninety (90) days or a period of community service not to exceed ninety (90) days or a combination of imprisonment and community service not to exceed a total of ninety (90) days may be imposed.

#### **5:8-8.5 False Statements**

a. Any person who makes a false or misleading statement in furtherance of an application for any license, or for renewal or re-instatement thereof shall be subject to the penalties set forth in 5:8-8.4.

b. Any person who submits any document containing false information in furtherance of an application for any license, or for renewal or re-instatement thereof shall be subject to the penalties set forth in 5:8-8.4.

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