

MEETING OF JUNE 2, 2010

MINUTES OF A MEETING OF THE COUNCIL OF THE CITY OF HOBOKEN, NEW JERSEY, HELD IN THE COUNCIL CHAMBERS, CITY HALL, HOBOKEN, NEW JERSEY, WEDNESDAY, JUNE 2, 2010 AT 7:00 PM

President Cunningham opened the meeting at 7:06 p.m. and stated, "I would like to advise all those present that notice of this meeting has been provided to the public in accordance with the provisions of the Open Public Meeting Act, and that notice was furnished to The Jersey Journal and The Hoboken Reporter, The Record, The Newark Star - Ledger and also placed on the bulletin board in the lobby of City Hall."

The Council President then called for the Salute to the Flag.

The Clerk then called the roll:

PRESENT: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mello, Russo and President Cunningham.

ABSENT: Mason.

Council President Cunningham suspends the agenda seconded by Councilman Lenz for the presentation for 4th graders from All Saints

Councilman Russo requests to also suspend the agenda to go over the garage seconded by Councilman Lenz.

Presentation given by 4th Graders from All Saints School – Community Project Presentation "Action Research Project."

Presentation on HUMC by Hoboken Hospital Authority Chair Toni Tomarazzo.

Councilwoman Mason arrives to the meeting at 7:21 p.m. She apologized for missing the presentation due to her daughter's concert.

PUBLIC HEARING and FINAL VOTE ON ORDINANCES

Second Reading / Public Hearing and Final Vote

AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR THE CONSTRUCTION OF A PREFABRICATED STEEL BUILDING FOR USE BY THE CITY AS THE ENVIRONMENTAL SERVICES GARAGE AND RELATED EXPENSES AND APPROPRIATING \$1,980,000 THEREFORE, AND PROVIDING FOR THE ISSUANCE OF \$1,885,700 IN BONDS OR NOTES OF THE CITY OF HOBOKEN TO FINANCE THE SAME. **(Z-32) (will be heard for second reading at the June 16, 2010 meeting)**

AN ORDINANCE AMENDING THE “CITIZENS SERVICE ACT” TO PROVIDE FOR DISCLOSURE OF CERTAIN POLITICAL CONTRIBUTIONS MAY BE THOSE SEEKING APPOINTMENT TO MUNICIPAL BOARD AND AGENCIES. **(Z-39)**

President Cunningham directed the City Clerk to announce that the Council would consider for final passage the aforesaid ordinance and all persons interested at this time would be given an opportunity to be heard concerning said ordinance of which the heading was read in full.

The following spoke: Lane Bajardi.

No other person present desiring to be heard and no written protests or objections received, President Cunningham asked for a motion to close the hearing.

President Cunningham moved that the hearing be closed.
Motion duly seconded by Councilwoman Marsh.

---Adopted by the following vote: YEAS: 9 - NAYS: 0
---Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mason, Mello, Russo and President Cunningham.
---Nays: None.

President Cunningham then instructed the City Clerk to call the Final Vote for the above Ordinance.

---Adopted by the following vote: YEAS: 4 - NAYS: 5
---Yeas: Council persons Castellano, Giacchi, Mason, Russo.
---Nays: Bhalla, Lenz, Marsh, Mello, and President Cunningham.

PETITIONS AND COMMUNICATIONS

10-431

COMMUNICATION FROM MAYOR DAWN ZIMMER REGARDING THE ETHICS ORDINANCE.

Dear Council Members,

Since 1995, the City has had on its books an ordinance purporting to establish a local Ethics Board with members selected by the Mayor subject to advice and consent by the City Council. This Board has never been formed, and I believe that creating such a Board is not in the best interests of the City. I am, therefore proposing that the Ordinance that purports to create this Board, that has never been implemented, be repealed.

In the absence of a local Ethics Board, ethics complaints are reviewed by the State Department of Community Affairs. So the question is not whether ethics complaints should be reviewed, it is which body is best suited for performing that review – the State DCA or a local Ethics Board. I strongly believe that the best choice for Hoboken is the DCA for the following reasons:

1. Since members of the Ethics Board would be selected by the Mayor and the City Council, there would exist an inherent conflict with respect to all complaints brought either by or against the Mayor, the City Council members, and any of their family members, friends or business associates. The DCA represents a far fairer and more neutral body for considering such complaints.
2. The cost of a local Ethics board would be significant, as it would require legal counsel for potentially long and contentious meetings.

For these reasons, I strongly believe it is in the best interest of the City of Hoboken to repeal the unimplemented Ethics Board Ordinance and to refer its ethics complaints to the DCA for investigation.

I hope that you will agree with my position, and therefore support the legislative action that enables the City to transfer responsibility for ethics complaints to the State.

On a related note, a few weeks ago I had the honor of participating as a guest panelist speaker on ethics in government at Rutgers Business School. The university has done an impressive analysis of ethical issues in business, non-profits and government, and I encourage you to review their report, which will be posted on our City's web site next week.

Best regards,

Mayor Zimmer

---Received and Filed.

10-432

COMMUNICATION FROM MAYOR DAWN ZIMMER REGARDING THE MUNICIPAL GARAGE.

Update on the Location of the Municipal Garage from Mayor Zimmer

Based on community feedback, it is very clear that there's a great deal of misunderstanding regarding the municipal garage issue. My Administration is working as hard as possible to develop every potential option for solving this problem. The following provides an overview of the situation, along with information about the process going forward.

Important update on the bid process:

The bid responses for the two RFP's (Request for Proposals) issued two weeks ago were scheduled to be submitted no later than today, May 28th. Unfortunately, the integrity of the bidding process was compromised when the bidding list, which is confidential information prior to the bid opening, appeared on the Internet. Business Administrator Arch Liston, has directed that the bidding process be rescinded and re-advertised. An internal investigation regarding the matter has been launched, and appropriate action will be taken against persons found to have been involved in any wrongdoing.

When the new bid process is completed, the submitted bids in response to the RFP's will be revealed and made public by the City Clerk in the Council Chambers. The public is invited to attend when the sealed bids are opened. My Administration will review those bids in an expeditious manner, solicit input from the community, and compare these options to other alternatives, which have been suggested by the public, the City Council, and my Administration.

The situation:

The only appropriate reason for moving our Municipal Garage would be if there's another location that would better serve our community. Before selling the existing garage, the City should have a secured and completed construction on an alternative site that it believed was more beneficial than the present location. Unfortunately, this was not done. It was based instead on the desire to plug the City's budget gaps starting in 2005. As a result, there existed neither an alternative nor any plan to obtain one.

We will not repeat those mistakes again. My Administration is taking a proactive approach and considering all alternatives for locating our garage with the single goal of achieving the best results for our City. Below are details on the history of the garage transaction along with some of the potential options and the steps we are taking to prepare.

Through a series of "sale leaseback" transactions starting in 2005, the Roberts Administration borrowed approximately \$16 million against the City's interest in our existing garage to cover operating expenses. In 2008, when the City entered into a contract of sale with the developer, Hekemian, it was anticipated that when the sale closed in 2010 the proceeds of the sale would be used to pay off that debt.

At the June 2 City Council meeting, a bond ordinance will be considered by the City Council to refinance (at a much lower interest rate) the debt borrowed against the garage. This will protect us in the event that, for any reason, the sale of the existing garage does not proceed as planned, in which case there would be no need to relocate the garage prior to acquiring a better long term alternative.

Understanding the role of the Mayor, Council, and public in final decision making:

There has been a lot of misinformation that has been circulated, some mistakenly and some intentionally, about the decision making process being followed. A constituent called yesterday who has been misled into believing that in my position as mayor I could and intended to unilaterally decide without Council approval, where the garage will be located. I want to assure everyone that this is absolutely not the case. The City Council and the public will be very much involved in the final decision with regard to the garage location.

The preliminary discussions of the options were kept confidential to protect the City's negotiating position, and so that options could be presented to the public as real viable and available solutions. The ultimate decision making process, however, is a fully public one.

The process for acquiring land requires the City Council to adopt a bond ordinance. Ordinances receive a 1st reading at a Council meeting, followed by a legal advertisement in a newspaper of record, after which a 2nd reading and public hearing is held. The Council debates and votes after the public session. A supermajority, six, votes, are required to adopt a bond ordinance. Leases, on the other hand, require passing a resolution, which requires a simple majority, or five votes. The public speaks on all resolutions and then the Council debates and votes. Neither a land acquisition or a lease option can be completed secretly or unilaterally by the Mayor. They can only be implemented following a full public discussion and approval by the City Council.

We will continue to involve the public in the process and keep you informed of developments. If you would like to receive updates on the status of the municipal garage, please email Juan Melli in the Mayor's office at jmelli@hobokennj.org.

Sincerely,

Mayor Zimmer

Received and Filed.

10-433

APPLICATIONS FOR MISCELLANEOUS LICENSES

Taxi, Limo and Livery Drivers-----	21
Mechanical Amusement Devices-----	2
Vendor-----	1

---Councilman Lenz moved that the licenses be granted.
 ---Motion duly seconded by Councilman Russo.
 ---Adopted by the following vote: YEAS: 8 - NAYS: 0
 ---Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mello, Russo and President Cunningham.
 ---Nays: None.
 ---Absent: Mason

REPORTS OF CITY OFFICERS

RESOLUTIONS

Presented and Read

10-434

---By Councilman Russo

RESOLUTION NAMING THE CORNER OF WASHINGTON AND NEWARK STREETS “CARLO’ S WAY” IN HONOR OF THE 100TH ANNIVERSARY OF CARLO’ S CITY HALL BAKE SHOP, AN EXEMPLARY FAMILY-OWNED BUSINESS AND A DESTINATION FOR THOUSANDS OF HOBOKEN RESIDENTS AND VISITORS ALIKE.

WHEREAS, The City of Hoboken honors institutions, businesses and residents who have brought fame and positive attention to the “ Mile Square City” and who have positively impacted the lives of others while maintaining and improving the quality of life in our community; and

WHEREAS, Carlo’ s Bake Shop was founded on Adams Street 100 years ago, generating neighborhood popularity which later attracted 13 year old **Buddy “ Bartolo” Valastro, Sr.** who had recently immigrated to America from Italy; and

WHEREAS, Carlo’ s Bake Shop grew in popularity with all Hoboken residents and aficionados of all things sweet, and under the direction of **Buddy, Sr.**, who purchased the establishment and moved its operations to 95 Washington Street, it was renamed **Carlo’ s City Hall Bake Shop**, at the former site of **Schoening’ s City Hall Bake Shop**; and

WHEREAS, Buddy Valastro, Jr. at age 17, having developed a flair for creating cakes, took over **Carlo’ s** following the sudden death of his father, aided with the full support and hard work of his family, mother, four siblings and many of **Buddy, Sr.’ s** grandchildren, as well as other bakery colleagues; and

WHEREAS, Buddy Valastro and his family’ s genuine charm, talent and affectionate local color caught the eye of cable’ s **TLC**, broadening his audience to millions around the world, developing his reputation as the “ **Cake Boss**,” and enhancing Hoboken’ s reputation as a major tourist destination; and

WHEREAS, Buddy Valastro, married his sweetheart, **Lisa**, and has three loving children, **Sofia, Buddy** and **Marco** and still maintains **Carlo’ s City Hall Bake Shop** as a family-owned business;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken does hereby declare that the corner of Washington and Newark streets be named “ Carlo’ s Way” to honor the **Valastro family** as our entire community salutes the 100th anniversary of **Carlo’ s City Hall Bake Shop**.

---Motion duly seconded by Councilwoman Castellano.

---Adopted by the following vote: YEAS: 9 - NAYS: 0

---Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mason, Mello, Russo and President Cunningham.

---Nays: None.

10-435

---By Councilman Russo

RESOLUTION OF THE CITY OF HOBOKEN APPOINTING MICHAEL A. MONGIELLO AS THE CHIEF JUDGE OF THE MUNICIPAL COURT

WHEREAS, pursuant to N.J.S.A. 2B:12-4 and Section 21-2 of the Code of the City of Hoboken, the City has created a Municipal Court, with two Municipal Court Judges, one of whom is to be designated the Chief Judge and who shall be responsible for all judicial and administrative functions of the Municipal Court; and

WHEREAS, pursuant to N.J.S.A. 2B:12-4 and Section 21-2 the Municipal Court Judges are appointed by the Mayor with the advice and consent of the City Council, for terms of (3) three years from the date of the appointment; and

WHEREAS, the Mayor has appointed Michael A. Mongiello, a local attorney and present prosecutor in the Hoboken Municipal Court, who meets the statutory qualifications for a Municipal Court Judge;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Hoboken, that Michael A. Mongiello, an attorney-at-law of the State of New Jersey, is deemed to be highly qualified to serve as Chief Judge of the Hoboken Municipal Court.

FURTHER RESOLVED, that Chief Judge Mongiello shall serve for a term of (3) years effective immediately, at a salary of Fifty Five Thousand (\$55,000) dollars. This appointment shall include benefits presently available to full-time employees of the City of Hoboken.

The speakers who spoke: Richard Tremitedi.

---Motion duly seconded by Councilwoman Castellano.

---Adopted by the following vote: YEAS: 9 - NAYS: 0

---Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mason, Mello, Russo and President Cunningham.

---Nays: None.

10-436

---By Councilman Russo

RESOLUTION OF THE CITY OF HOBOKEN APPOINTING CATALDO F. FAZIO AS THE JUDGE OF THE MUNICIPAL COURT

WHEREAS, pursuant to N.J.S.A. 2B:12-4 and Section 21-2 of the Code of the City of Hoboken, the City has created a Municipal Court, with two Municipal Court Judges; and

WHEREAS, pursuant to N.J.S.A. 2B:12-4 and Section 21-2 the Municipal Court Judges are appointed by the Mayor with the advice and consent of the City Council, for terms of (3) three years from the date of the appointment; and

WHEREAS, with the appointment of a Chief Judge it is deemed necessary to reappoint Cataldo F. Fazio, the present Municipal Court Judge; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Hoboken, that Cataldo F. Fazio, an attorney-at-law of the State of New Jersey, is deemed to be highly qualified to continue to serve as Judge of the Hoboken Municipal Court.

FURTHER RESOLVED, that Judge Fazio shall serve for a term of (3) years effective immediately, at a salary of Forty Six Thousand Three Hundred (\$46,300) dollars. This appointment shall include benefits presently available to full-time employees of the City of Hoboken.

The speakers who spoke: Richard Tremitedi.

---Motion duly seconded by Councilwoman Castellano.

---Adopted by the following vote: YEAS: 8 - NAYS: 0

---Yeas: Council persons Castellano, Giacchi, Lenz, Marsh, Mason, Mello, Russo and President Cunningham.

---Nays: Bhalla,

10-437

---By Councilman Bhalla

RESOLUTION APPOINTING RON A. VENTURI, ESQ. TO FILL THE UNEXPIRED TERM OF MICHAEL A. MONGIELLO, ESQ. AS MUNICIPAL PROSECUTOR AND CONSENTING TO MAYORAL APPOINTMENT OF RON A. VENTURI, ESQ. AS PROSECUTOR FOR THE ALCOHOLIC BEVERAGE CONTROL BOARD

WHEREAS, a vacancy is about to occur in one of the two Municipal court prosecutor positions with the appointment of Michael A. Mongiello, Esq. as Presiding Judge of the Hoboken Municipal Court; and

WHEREAS, the appointing authority of a municipal prosecutor is that of the City Council pursuant to *N.J.S.A. 2B:25-4* (initial appoint) *N.J.S.A. 2B:25-6* (appointment to fill vacancy); and

WHEREAS, Mr. Mongiello's term as municipal prosecutor was for a one year term pursuant to *N.J.S.A. 2B:25-4*, but subject to continuing thereafter "pending reappointment or appointment of a successor"; resulting in the appoint of his successor for a one-year term commencing on date of appointment; and

WHEREAS, subject to the consent of the Council under Hoboken Code Sec. 54-35, Mayor Zimmer has appointed attorney Venturi to the position of prosecutor to Alcoholic Beverage Control Board of the City of Hoboken; and

WHEREAS, the City Council has reviewed qualifications of Ron A. Venturi, Esq. and has determined that he can provide these prosecutorial services for the City of Hoboken in an efficient and professional manner, and that the negotiated rate of compensation is fair and reasonable; and

WHEREAS, the required special expertise and knowledge provides a basis for waiving the competitive negotiation provisions of Hoboken Ordinance #DR-154 (codified as §20A-1 et seq. of the Code of the City of Hoboken), as permitted by the Ordinance; and

WHEREAS, said service is a professional service as defined by *N.J.S.A. 40A:11-2(b)* and as such, is exempt from public bidding requirements pursuant to *N.J.S.A. 40A:11-5*; and,

WHEREAS, Ron A. Venturi, Esq. will be required to abide by the “pay-to-play” requirements of the Hoboken Public Contracting Reform Ordinance, #DR-154 (codified as §20A-11 et seq. of the Code of the City of Hoboken); and

WHEREAS, funds for this appointment have been budgeted and are available for this purpose;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken does hereby authorize a contract between the City of Hoboken and:

Ron A. Venturi, Esq.
PO Box 1007
Point Pleasant, New Jersey 08742

as one of two Municipal Court Prosecutors and Prosecutor before the Alcoholic Beverage Control Board of the City.

FURTHER RESOLVED that Ron A. Venturi, Esq. shall be paid compensation as follows:

As Municipal Court Prosecutor – \$32,500 on an annualized basis; and
As Alcohol Beverage Control Board Prosecutor - \$7,500 on an annualized basis for attendance at meetings of the Board and \$150./hour for legal services outside of ABC meetings but no more than \$15,000 per annum.

FURTHER RESOLVED that neither position shall be deemed to be a full time position with the City and, as such, Mr. Venturi shall not be entitled to any benefits offered by the City to employees of the City.

FURTHER RESOLVED the City Clerk shall publish this resolution as required by law and keep a copy of the resulting contract on file in accordance with *N.J.S.A. 40A:11-1 et seq.*

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

---Motion duly seconded by Councilwoman Marsh.

---Adopted by the following vote: YEAS: 9 - NAYS: 0

---Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mason, Mello, Russo and President Cunningham.

---Nays: None.

10-438

Councilman Giacchi

**RESOLUTION REAFFIRMING AND REINSTATING THE CITY COUNCIL' S
RESOLUTION OF APRIL 15, 1998 (RES. NO. 391) TO CLOSE SINATRA DRIVE
TO VEHICULAR TRAFFIC ON SUNDAYS DURING THE MONTHS OF JUNE,
JULY, AUGUST 2010**

WHEREAS, in 1998 the City Council adopted the attached Resolution No. 391 closing Sinatra Drive to vehicular traffic on Sundays during the months of June, July, and August; and

WHEREAS, the Council of the City of Hoboken desires to reinstate that plan in 2010 to afford safe pedestrian access to the Hudson River waterfront.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Hoboken, that Sinatra Drive be closed to vehicular traffic on Sundays, during the hours of 10:00 a.m. to 6:00 p.m., during the months of June, July, and August 2010.

BE IT FURTHER RESOLVED, that the Signal and Traffic Division prepare the necessary traffic regulations and notifications to the New Jersey Department of Transportation; and

BE IT FURTHER RESOLVED, that the Signal and Traffic Division shall post the necessary signage and barricades to effect said closing; and

BE IT FURTHER RESOLVED, that the Police Department shall enforce this regulation and assign a minimum of one police officer to this area during said closing; and

BE IT FURTHER RESOLVED, that the Department of Environmental Services provide litter receptacles and keep Sinatra Drive clean; and

BE IT FURTHER RESOLVED, that certified copies of this resolution be provided to:

MAYOR DAWN ZIMMER
POLICE CHIEF ANTHONY FALCO
FIRE CHIEF RICHARD BLOHM
HOBOKEN VOLUNTEER AMBULANCE CORPS
DIRECTOR, IAN SACS, TRANSPORTATION AND PARKING
DIVISION OF SIGNAL AND TRAFFIC, JOSEPH BUCINO
STEVENS INSITUTUE OF TECHNOLOGY
ACADEMY BUS LINES

The speakers who spoke: Tim Occhipinti, Lane Bajardi.

---Motion duly seconded by Councilman Mello.

---Adopted by the following vote: YEAS: 7 - NAYS: 2

---Yeas: Council persons Bhalla, Giacchi, Lenz, Marsh, Mason, Mello, and President Cunningham.

---Nays: Castellano, Russo.

10-439

Councilman Lenz

THIS RESOLUTION RATIFIES THE ACTION OF THE ADMINISTRATION TO ADVERTISE FOR AN AUCTION OF ABANDONED BICYCLES ON 9 JUNE 2010.

WHEREAS, the Purchasing Agent, Department of Administration, requests authorization of the Council to dispose of abandoned bicycles held by the City of Hoboken, at auction on Wednesday, 9 June 2010, the said authorized pursuant to law, now, therefore,

BE IT RESOLVED, the Purchasing Agent, Department of Administration, or his duly authorized representative is hereby authorized to expose for sale at Public Auction, Wednesday, 9 June 2010, at 11:00 A.M. in the City Hall, Court Room, 94 Washington Street, the equipment set forth on the attached list pursuant to law.

---Motion duly seconded by Councilwoman Marsh.

---Adopted by the following vote: YEAS: 9 - NAYS: 0

---Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mason, Mello, Russo and President Cunningham.

---Nays: None

10-440

---By Councilman Lenz

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS

WHEREAS, an overpayment of taxes has been made on property listed below: and

WHEREAS, Sharon Curran, Collector of Revenue recommends that refunds be made; now, therefore, be it-

RESOLVED, that a warrant be drawn on the City Treasurer made payable to the appearing on the attached list totaling **\$ 16,805.27**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
WANG, DANIEL E 380 NEWARK ST #3A HOBOKEN, NJ 07030	20/2.1/C003A	71-75 GRAND ST	2/10	\$ 1,878.23
RAMSDELL, DOUGLAS & CARLYN C 108-112 JACKSON ST #6B HOBOKEN, NJ 07030	26/30/C006B	108-112 JACKSON ST	1/10	\$ 408.47
WEICHERT RELOCATION RESOURCES C/O ROBERT C. SELSER, ESQ 262 PALISADE AVENUE GARFIELD, NJ 07026	42/7/C0003	215-217 GRAND ST	2/10	\$ 2,980.11

SANTORE, LORETTA ANN	193/3/	166 SIXTH ST	2/10	\$ 2,465.46
166 SIXTH STREET				
HOBOKEN, NJ 07030				
CITI MORTGAGE, INC	197/13/C0004	1029 GARDEN ST	1/10	\$ 2,094.21
P.O. BOX 9444				
GAITHERSBURG, MD 20898-9444				
SACKS, STEVEN & AIMEE	253/31/	1208 GARDEN ST	2/10	\$ 4,977.51
1208 GARDEN ST				
HOBOKEN, NJ 07030				
PROVIDENT FUNDING	114/1/C0623	1300 GRAND ST	2/10	\$1,842.48
ASSOCIATES, L.P.				ABATEMENT
P.O. BOX 5916				
SANTA ROSA, CA 95402				
KREMPELS, DAVID D	2/5/CLL25	415 NEWARK ST	1/10	\$ 158.80
415 NEWARK ST #5C				
HOBOKEN, NJ 07030				

---Motion duly seconded by Councilwoman Marsh.
 ---Adopted by the following vote: YEAS: 9 - NAYS: 0
 ---Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mason, Mello, Russo and President Cunningham.
 ---Nays: None

10-441

---By Councilman Giacchi

RESOLUTION AWARDING A CONTRACT TO KARSON FOOD SERVICE FOR THE PROVISION OF SUMMER LUNCHESES TO THE CITY IN ACCORDANCE WITH THE SPECIFICATIONS IN BID NUMBER 10-24.

WHEREAS, proposals were received on 20 May 2010 for the provision of summer lunches, and

WHEREAS, two (2) proposals were received in good stead, these being:

<u>VENDOR</u>	<u>\$ Per Lunch</u>	<u>Total \$</u>
Nu-Way		
339 Bergen Avenue	\$ 2.24	\$ 24,062.08
Kearny, NJ 07032		
 Karson Food Service		
3409 Rose Avenue	\$ 2.07	\$ 22,235.94
Ocean, NJ 07712		

NOW THEREFORE BE IT RESOLVED as follows:

- A. This resolution awards a contract to Karson Food Service, in an amount not

to exceed \$22,235.94, for providing Summer Lunches according to the specifications set forth.

- B. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor or his agent is hereby authorized to enter into an Agreement with Karson Food Service.
- C. This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilman Mello.
 ---Adopted by the following vote: YEAS: 9 - NAYS: 0
 ---Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mason, Mello, Russo and President Cunningham.
 ---Nays: None

10-442

---By Councilman Bhalla

RESOLUTION REJECTING BIDS RECEIVED FOR THE POLICE DEPARTMENT FRONT DESK AND HOLDING CELL IMPROVEMENTS AS SPECIFIED IN BID NUMBER 10-21.

WHEREAS, the City of Hoboken sought competitive proposals for the Police Department Front Desk and Holding Cell Improvements, and

WHEREAS, the below listed bids were submitted in compliance with the original bid specifications as advertised, and

WHEREAS, bid results came in at higher costs than available funding and should, in the opinion of the City’s Engineer, therefore be rejected, and

WHEREAS, the below listed vendors must be notified:

<u>Vendor</u>	<u>Base Proposal</u>
Manhattan Contracting 32 Avenue of the Americas New York, NY 10013	\$ 117,423.44
 Procomm Systems, Inc. 823 Uniontown Road Phillipsburg, NJ 08865	 \$ 82,500.00

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Hoboken in the County of Hudson that:

1. The above recitals are incorporated herein as thoughtfully set forth at length.
2. The City Council hereby rejects the proposals of the above vendors.
3. The Administration is hereby authorized to negotiate with these vendors for these goods/services.

---Motion duly seconded by Councilwoman Marsh.
 ---Adopted by the following vote: YEAS: 9 - NAYS: 0
 ---Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mason, Mello, Russo and President Cunningham.
 ---Nays: None

10-443

---By Councilman Lenz

RESOLUTION AUTHORIZING AND ENCOURAGING ADMINISTRATION TO SOLICIT POSITIVE BOND RATINGS FOR THE CITY.

WHEREAS, the City of Hoboken has long experienced financial difficulties and turmoil, including extensive reliance on one-shot revenues and disguised borrowing to fund operating expenses; and

WHEREAS, such practices, exacerbated by undisclosed budget overspending in an amount in excess of \$10 million and the resultant failure by council to pass a budget, culminated in mid-2008 in the imposition of state monitoring; and

WHEREAS, since that time, substantial progress has been made in improving financial operations, resulting in the recent decision by the State to remove the Fiscal Monitor and substantially restore local control;

WHEREAS, the City of Hoboken long did not possess a Financial or Bond Rating from such reorganized firms as Moody's, Standard & Poor's, and Fitch Ratings, and despite recent progress still is only rated Baa3 – Moody's lowest investment grade; and

WHEREAS, improvement of such a rating could reduce future borrowing cost, and the process of obtaining a positive rating would focus and challenge the City to reach for the best financial practices.

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Hoboken hereby authorizes and encourages Mayor Dawn Zimmer to take the required steps to contact the several rating firms to start a process by which a positive rating can be obtained; and

BE IT FURTHER RESOLVED that the Council stands ready to work in partnership with the administration to take those steps required to earn the highest possible rating in the shortest possible time.

The speakers who spoke: Scott Siegel, Lane Bajardi., Mo De Gennaro.

---Motion duly seconded by Council President Cunningham.

---Adopted by the following vote: YEAS: 8 - NAYS: 1

---Yeas: Council persons Bhalla, Giacchi, Lenz, Marsh, Mason, Mello, Russo and President Cunningham.

---Nays: Castellano.

10-444

---By President Cunningham

RESOLUTION AUTHORIZING THE LOCATION OF THE DOWNTOWN FARMERS' MARKET ON TUESDAYS DURING THE MONTHS OF JUNE, JULY, AUGUST, SEPTEMBER AND OCTOBER

WHEREAS, the Quality of Life Coalition of Hoboken and the City of Hoboken is sponsoring a farmers' market along the east side of Washington Street between Newark Street and Observer Highway; and

WHEREAS, a sponsor, manager, vendors and their liability coverage will be determined and submitted prior to the Market's opening day, the Downtown Farmers' Market will take place every Tuesday, beginning June 29, 2010 and ending no earlier than October 26, 2010; and

WHEREAS, the City of Hoboken request that the Council of the City of Hoboken suspend parking rules on that section of the east side of Washington Street between Newark Street and Observer Highway so that the farmers can park their trucks to unload and sell their goods.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Hoboken that:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The Council hereby authorizes the Mayor or her designee to execute any and all documents and take any and all actions necessary to complete and receive the intent and purpose of this resolution.
3. The Police Division shall enforce this regulation.
4. A certified copy of this resolution is provided to Mayor Dawn Zimmer, Director Jennifer Maier, Department of Environmental Services, Police Chief Anthony Falco, Fire Chief Richard Bloom, Superintendent Joseph Bucino, Central Garage Supervisor William DeAngelo, and Director Ian Sacs, P.E., Department of Transportation and Parking.

---Motion duly seconded by Councilwoman Marsh.

---Adopted by the following vote: YEAS: 9 - NAYS: 0

---Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mason, Mello, Russo and President Cunningham.

---Nays: None

10-445

---By Councilman Lenz

RESOLUTION AUTHORIZING PLACEMENT OF CERTAIN NEW JERSEY TRANSIT CORPORATION LOTS ACQUIRED ON JANUARY 8, 2010 ON TAX EXEMPT REGISTER AND REFUNDING 1ST AND 2ND QUARTER 2010 TAXES IN THE SUM OF \$ 18,229.18.

WHEREAS, New Jersey Transit Corporation ("NJ Transit"), a State agency established pursuant to *N.J.S.A. 27:25-4 et seq.*, acquired by its power of condemnation certain properties in the City of Hoboken hereinafter enumerated, in conjunction with the development of the ARC ("Access to Region's Core") Tunnel on the north end of the City; and

WHEREAS, by acquiring a "fee simple interest" in the properties on January 8, 2010 in the anticipated use of those properties for a transit-related project, as evidenced by a Declaration of Taking recorded in the Hudson County Register's Office in Book 8709 at Page 659 and written advisories to the

City of these acquisitions, NJ Transit's property tax exempt status emerge was applicable to the properties beginning with the calendar year 2010; and

WHEREAS, notwithstanding the forgoing, the City pursued its normal assessment and collection modes with respect to the properties in the 1st and 2nd quarters of 2010, thereby requiring a refund of tax payments for the 1st and 2nd quarters of 2010, and the placement of the subject properties on the tax-exempt register of the City; and

WHEREAS, Sharon Curran, Collector of Revenue recommends that refunds be made;

NOW, THEREFORE, BE IT RESOLVED, that a warrant be drawn on the City Treasurer made payable to New Jersey Transit Corporation totaling **\$18,229.18**, as follows:

<u>BL / LT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
136/6.2	16 th & JEFFERSON ST	1 & 2 / 10	\$ 1,325.63
142/1	17 TH & JEFFERSON ST	1 & 2 / 10	\$ 5,155.84
143/2	1703-27 JEFFERSON ST	1 & 2 / 10	<u>\$11,747.71</u>
			<u>\$18,229.18</u>

FURTHER RESOLVED, that **Lot 6.2 in Block 136, Lot 1 in Block 142, and Lot 2 in Block 143** be removed from the Taxable Register and be placed on the Tax-Exempt Register.

The speakers who spoke: Richard Tremittedi.

---Motion duly seconded by Councilwoman Marsh.

---Adopted by the following vote: YEAS: 5 - NAYS: 3 -ABSENT: 1

---Yeas: Council persons Bhalla, Castellano, Lenz, Marsh, and President Cunningham.

---Nays: Mason, Mello, Russo.

---Absent: Giacchi.

10-446

---By Councilman Lenz

**RESOLUTION APPOINTING MATEO J. PEREZ, ESQ. SPECIAL LEGAL COUNSEL-
RENT LEVELING AND STABILIZATION BOARD**

WHEREAS, the City of Hoboken requires the services of Special Legal Counsel to serve as counsel on the Rent Leveling and Stabilization Board for the City of Hoboken, attending all meetings of the Board; and,

WHEREAS, the City of Hoboken has reviewed the qualifications of Mateo J. Perez, Esq. and has determined that this attorney can provide these services for the City of Hoboken in an efficient manner; and,

WHEREAS, this special expertise and knowledge provides a basis for waiving the competitive negotiation provisions of Hoboken Ordinance #DR-154 (codified as §20A-1 et seq. of the Code of the City of Hoboken), as permitted by the Ordinance; and,

WHEREAS, Mateo J. Perez, Esq. will be required to abide by the “pay-to-play” requirements of the Hoboken Public Contracting Reform Ordinance, #DR-154 (codified as §20A-11 et seq. of the Code of the City of Hoboken); and

WHEREAS, said service is a professional service as defined by N.J.S.A. 40A:11-2(b) and as such, is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken does hereby authorize a contract between the City of Hoboken and:

Mateo J. Perez, Esq.
4919 Bergenline Avenue
West New York, New Jersey 07093

BE IT FURTHER RESOLVED that this firm shall be paid an hourly rate of \$150.00 per hour based on actual time and expenses; and, in the amount not to exceed Twenty-Five Thousand (\$25,000.00) Dollars for these services; and

BE IT FURTHER RESOLVED the City Clerk shall publish this resolution as required by law and keep a copy of the resulting contract on file in accordance with N.J.S.A. 40A:11-1 et seq.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

BE IT FURTHER RESOLVED that Mr. Perez shall not be deemed to be a full time employee of the City and, as such, Mr. Perez shall not be entitled to any benefits offered by the City to employees of the City.

The speakers who spoke: Ron Simoncini.

---Motion duly seconded by Councilwoman Marsh.

---Adopted by the following vote: YEAS: 7 - NAYS: 1 –ABSENT: 1

---Yeas: Council persons Bhalla, Castellano, Lenz, Marsh, Mello, Russo and President Cunningham.

---Nays: Mason.

---Absent: Giacchi.

10-447

---By Councilman Lenz

RESOLUTION OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40a:2-11(c) AND N.J.S.A. 40A:2-7(d)

WHEREAS, the governing body of the City of Hoboken, in the County of Hudson, New Jersey (the “City”) intends to introduce a bond ordinance (the “Bond Ordinance”) to provide for the acquisition by the City of the Department of Public Works Garage building

located at Garden Street and Observer Highway within THE City, together with all necessary and incidental furnishings, equipment, apparatus, structures and appurtenances and including all real property and rights-of-way, easements and other interests and all personal property which is necessary or which is desirable for the efficient operation of the Department of Public Works Garage, and all work, materials, and services necessary therefore or incidental thereto; and

WHEREAS, the City desires to make application to the Local Finance Board for its review and approval of a waiver of down payment pursuant to N.J.S.A. 40A:2-11(c) and in accordance with 40A:2-7(d); and

WHEREAS, the governing body of the City believes that:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the City;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the City and will not create an undue financial burden to be placed upon the City.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, as follows:

Section 1. The application to the Local Finance Board for the purposes described in the recitals hereof is hereby approved, and Gluck Walrath LLP, the City's bond Counsel, along with other representatives of the City, are hereby authorized to prepare such application and to represent the City in matters pertaining thereto.

Section 2 The City Clerk is hereby directed to prepare and file a copy of this resolution and the proposed Bond Ordinance with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute, including causing its consent to be endorsed upon a certified copy of the Bond Ordinance as finally adopted by the City.

The speakers who spoke: Lane Bajardi.

---Motion duly seconded by Councilwoman Marsh.

---Adopted by the following vote: YEAS: 6 - NAYS: 2

---Yeas: Council persons Bhalla, Giacchi, Lenz, Marsh, Mello and President Cunningham.

---Nays: Castellano, Mason, Russo.

10-448

---By Councilman Lenz

RESOLUTION OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY (THE "LOCAL UNIT") AUTHORIZING THE LOCAL UNIT'S PARTICIPATION IN THE POOLED NOTE FINANCING PROGRAM OF THE HUDSON COUNTY IMPROVEMENT AUTHORITY

WHEREAS, the City of Hoboken, in the County of Hudson, State of New Jersey (the "Local Unit"), has previously duly adopted various bond ordinances authorizing the issuance of bonds and notes to finance the costs of various capital improvements (the "Local Unit Project"); and

WHEREAS, the Local Unit either has issued or desires to issue notes to temporarily finance the Local Unit Project; and

WHEREAS, the Local Unit believes that the recent financial crisis in the United States has caused extreme volatility in the short term note market for municipalities resulting in the following problems: (1) market access problems due to the liquidity issues of traditional investors, (2) shrinking investor pools to purchase municipal notes, (3) a reduced number of bids and in some instances no bids at municipal note sales, (4) unpredictable interest rates causing interest rate risk and budgeting problems and (5) increased costs due to investors unwilling to purchase unrated municipal notes and municipal notes without disclosure, causing municipalities to have municipal notes rated and disclosure documents prepared: and

WHEREAS, the Local Unit has reviewed the Pooled Note Financing Program proposed by The Hudson County Improvement Authority (the "HCIA"), whereby the Local Unit would either rollover its existing notes and/or issue new notes (collectively, the "Local Unit Notes") through the Pooled Note Financing Program of the HCIA; and

WHEREAS, the Local Unit believes that the HCIA's Pooled Note Financing Program cures many of the problems of the volatile note market by providing (1) market access to sell the Local Unit Notes, (2) a certain investor pool to purchase the Local Unit Notes, (3) a guaranteed purchaser of the Local Unit Notes, (4) a more predictable interest rate, whereas

The speakers who spoke: Scott Siegel.

---Motion duly seconded by Councilwoman Marsh.

---Adopted by the following vote: YEAS: 9 - NAYS: 0

---Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mason, Mello, Russo and President Cunningham.

---Nays: None.

10-449

---By Councilman Lenz

RESOLUTION OF THE MUNICIPAL COUNCIL OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS IN CONNECTION WITH AND APPROVING THE EXTENSION OF CERTIFICATES OF PARTICIPATION PREVIOUSLY ISSUED BY THE CITY

WHEREAS, the City of Hoboken, in the County of Hudson, New Jersey (the "City") previously authorized and on June 29, 2006 entered into various agreements and documents (the "2006 Documents") in connection with the issuance of Certificates of Participation Relating to Lease Purchase Agreement between NWF Leasing Inc. (the "Lessor") and the City in the aggregate principal amount of \$13,840,000 (the "2006 Certificates") to fund the purchase by the Lessor of the Department of Public Works Garage (the "DPW Garage") for lease to the City for its use, and which 2006 Certificates were scheduled to mature on July 1, 2008 (the "Scheduled Maturity Date"); and

WHEREAS, the City previously authorized and on June 28, 2008 entered into various agreements and documents to (i) extend the Scheduled Maturity Date of the 2006 Certificates to July 1, 2010 (the "Extended Maturity Date"), (ii) increase the principal amount of the 2006 Certificates to \$15,600,000, (iii) increase the rate of interest payable under the 2006 Certificates, and (iv) issue Certificates of Participation relating to the Lease Purchase Agreement between the Lessor and the City Dated as of June 29, 2006, as amended, in the principal amount of \$15,600,000 (the "2008 Certificates") in replacement and substitution for the 2006 Certificates as set forth in amendments/supplements to the 2006 Documents entered into by the City (collectively, the "2008 Documents"); and

WHEREAS, the City desires to extend the Extended Maturity Date of the 2008 Certificates, as well as increase the rate of interest payable under the 2008 Certificates (as amended, the "Certificates"; on terms mutually acceptable to the City and the holder of the 2008 Certificates (the "Certificates Holder") as set forth herein and in amendments/supplements to the 2008 Documents to be entered into by the City (collectively, the "2010 Transaction"); and

WHEREAS, the City now desires to authorize all actions which may be necessary, useful or convenient in connection with the foregoing transaction.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND MUNICIPAL COUNCIL OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, AS FOLLOWS:

Section 1. The City hereby authorizes the 2010 Transaction upon such terms and conditions as are set forth in the Term Sheet (attached hereto as **Exhibit A**) from the Certificates Holder, which terms and conditions are hereby approved, with any changes to such attached Term Sheet as shall be approved by the Mayor, the Business Administrator or the Chief

Financial Officer (each, an "Authorized City Officer"); provided that upon completion of the 2010 Transaction, the Certificates shall mature on such date not later than October 15, 2010 (the "2010 Extended Maturity Date") with the interest payments evidenced thereby to be based upon a rate or rates described in the Term Sheet. The City in connection with the 2010 Transaction is hereby authorized to provide for the payment of costs of the 2010 Transaction from among other sources proceeds derived from (i) the 2010 Transaction, and (ii) any other available funds of the City.

Section 2. The City hereby appoints NW Financial Group, LLC, to serve as the City's financial advisor in connection with the 2010 Transaction, including the negotiation on behalf of the City of the terms of the 2010 Transaction, and hereby ratifies and approves any action taken by them on behalf of the City prior to the date of this ordinance.

Section 3. The City hereby appoints GluckWalrath LLP to serve as special counsel to the City in connection with the 2010 Transaction, and hereby ratifies and approves any action taken by them on behalf of the City prior to the date of this ordinance.

Section 4. Any Authorized City Officer is hereby authorized to enter into, consent to, or approve (as the case may be) such documents as may be necessary of appropriate in connection with the 2010 Transaction in such form and substance as is customary for transactions of this nature, and such documents shall be in substantially the forms presented by the Mayor, or with such alterations, changes, insertions and deletions as may be determined by an Authorized City Officer. No further action need be taken by the governing body of the City, in connection with the execution of documents by an Authorized City Officer, which execution shall be conclusively presumed to evidence any necessary approvals.

Section 5. The Authorized City Officers, the City's Corporation Counsel, the Municipal Clerk and such other officers, employees and representatives of the City as are required, are hereby authorized and directed to execute and deliver the documents authorized by Section 4 hereof and such other documents (all of which shall be deemed to have been presented by the Mayor), to execute and deliver such opinions and to take such other actions as they determine to be necessary or appropriate in order to effectuate the 2010 Transaction, including, without limitation, the execution and delivery of all lease and financing documents, closing documents and certificates.

Section 6. The Authorized City Officers are hereby authorized and directed to execute and deliver such other documents and to take such other action as they determine to be necessary or appropriate in order to effectuate the 2010 Transaction.

Section 7. This resolution shall take effect immediately.

The speakers who spoke: Lane Bajardi.

---Motion duly seconded by Councilwoman Marsh.

---Adopted by the following vote: YEAS: 9 - NAYS: 0

---Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mason, Mello, Russo and President Cunningham.

---Nays: None

10-450

---By President Cunningham

RESOLUTION EXPRESSING CONDITIONAL SUPPORT OF PLANNING BOARD RECOMMENDATION TO CLOSE GARDEN STREET BETWEEN FOURTEENTH AND FIFTEENTH STREETS TO VEHICULAR TRAFFIC, IN FAVOR OF CREATING A PEDESTRIAN MEWS AND SCHOOL DROP-OFF/TURN-AROUND, WITHOUT VACATING GARDEN STREET.

WHEREAS, by Resolution dated March 2, 2010, the Planning Board of the City of Hoboken, in response to an initiative to Bijou Properties, recommended that the City Council continue what exists today as a temporary closing of Garden Street between Fourteenth and Fifteenth Street; and

WHEREAS, the City Council would recognizes the value of creating a pedestrian mews and school drop-off and turn-around at the location, subject to ascertaining from a traffic impact study whether the closing of Garden Street to traffic will have an adverse impact on surrounding properties and/or the flow of traffic, and whether a safe and efficient school drop-off and turn-around can coexist with a pedestrian mews;

WHEREAS, the City Council recognizes the potential for linking the proposed pedestrian mews with other pedestrian mews that are proposed in the immediate area;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hoboken that it expressly supports the Planning Board' s recommendation, subject to an analysis of the traffic impacts of such a design and improvement; and

BE IT FURTHER RESOLVED, that as a demonstration of the City' s commitment, the Governing Body of the City of Hoboken requests that if a design plan is approved by the Planning Board that the Administration will provide support and assistance of appropriate personnel and professional staff to help manage any such studies.

The speakers who spoke: Mo De Gennaro.

---Motion duly seconded by Councilman Mello.

---Adopted by the following vote: YEAS: 9 - NAYS: 0

---Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mason, Mello, Russo and President Cunningham.

---Nays: None

10-451

---By President Cunningham

RESOLUTION APPROVING INTERLOCAL AGREEMENT WITH THE TOWN OF SECAUCUS FOR THE USE OF ITS POOL BY THE RESIDENTS OF THE CITY OF HOBOKEN

WHEREAS, N.J.S.A. 40:8A-1, et seq. authorizes any local governmental unit to enter into a contract with any other local governmental unit for providing of any service that any party to such agreement is empowered to render within its own jurisdiction; and

WHEREAS, the Town of Secaucus has agreed to provide use of a swimming pool facility to the residents of the City of Hoboken upon payment by the residents for use of such facility; and

WHEREAS, it is the desire of the Council of the City of Hoboken to authorize the execution of an Inter-local Service Agreement whereby the Town of Secaucus will provide use of this facility to the residents of Hoboken;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Hoboken, County of Hudson, State of New Jersey, that the Mayor and City Clerk be and are hereby authorized to execute an Inter-local Agreement whereby Secaucus will provide use of a swimming pool facility to the residents of Hoboken;

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

---Motion duly seconded by Councilwoman Marsh.

---Adopted by the following vote: YEAS: 9 - NAYS: 0

---Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mason, Mello, Russo and President Cunningham.

---Nays: None

Introduction and First Reading

10-452

Z-40

AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF THE DEPARTMENT OF PUBLIC WORKS GARAGE BUILDING LOCATED IN THE CITY AND RELATED EXPENSES AND APPROPRIATING \$15,950,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$15,950,000 IN BONDS OR NOTES OF THE CITY OF HOBOKEN TO FINANCE THE SAME.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the City of Hoboken, in the County of Hudson, New Jersey (the "City") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$15,950,000. No down payment is required in connection with the authorization of bonds and notes pursuant to N.J.S.A. 40A:2-11(c) as this bond ordinance authorizes obligations in accordance with N.J.S.A. 40A:2-7(d).

Section 2. In order to finance the cost of the improvement or purpose provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$15,950,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds are to be issued is the acquisition by the City of the Department of Public Works Garage building located at Garden Street and Observer Highway within the City, together with all necessary and incidental furnishings, equipment, apparatus, structures and appurtenances and including all real property and rights-of-way, easements and other interests and all personal property which is necessary or which is desirable for the efficient operation of the Department of Public Works Garage, and all work, materials and services necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the

improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefore.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget (or temporary capital budget as applicable) of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget (or amended temporary capital budget as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the City may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 30 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$15,950,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$450,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

(e) This bond ordinance authorizes obligations of the City solely for a purpose described in N.J.S.A. 40A:2-7(d). This purpose is in the public interest and is for the health, welfare, convenience or betterment of the inhabitants of the City. The amounts to be expended for this purpose pursuant to this bond ordinance are not unreasonable or exorbitant, and the issuance of the obligations authorized by this bond ordinance will not materially impair the credit of the City

or substantially reduce its ability to pay punctually the principal of and the interest on its debts and to supply other essential public improvements and services. The Local Finance Board in the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey has heretofore made a determination to this effect and has caused its consent to be endorsed upon a certified copy of this bond ordinance as passed upon first reading.

(f) The City reasonably expects to commence the acquisition and/ or construction of the improvement or purpose described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the City further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant or other moneys received for the purpose described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the City is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. After passage upon first reading of this bond ordinance, the City Clerk is hereby directed to publish the full text of the bond ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The City Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of this bond ordinance.

Section 10. After final adoption of this bond ordinance by the City Council, the City Clerk is hereby directed to publish the full text of this bond ordinance, as finally adopted, together with the notice set forth below entitled: "NOTICE OF ADOPTION OF BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section 11. The City Council of the City hereby covenants on behalf of the City to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 12. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by Section 10 hereof and the Local Bond Law.

The speakers who spoke: Perry Belfiore, Nicole Sliver, Sean Sliver, Helen Hirsch, Brian Murray, Anthony Falabella, Maurice De Gennaro, Richard Tremitedi, Denos Bogdanos, John Fazzio, Stephanie Rhodes, Any Kay Holly Kay, Chirs Woranka, Ron

---Council President Cunningham moved that the ordinance pass its first reading as read and be laid on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **JUNE 16, 2010** at 7:00 PM.

---Motion duly seconded by Councilwoman Marsh

---Adopted by the following vote: YEAS: 6 - NAYS: 3

---Yeas: Council persons Bhalla, Giacchi, Lenz, Marsh, Mello, and President Cunningham.

---Nays: Castellano, Mason, Russo.

Councilwoman Mason left meeting at 12:17 a.m.

10-453

Z-41

---By Councilman Giacchi

AN ORDINANCE ESTABLISHING REGISTRATION FEES FOR RECREATION PROGRAMS

WHEREAS, the Administration feels a need to implement a registration fee for all applicants registering with the Department of Recreation; and

WHEREAS, the City Code of the City of Hoboken needs to establish this new fee.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that the following fee be implemented:

SECTION ONE:

Chapter 39, entitled "Human Services Department of", is hereby amended and supplemented by adding to its fee schedule Registration Fees for all of its recreational programs as follows:

"NEW FEE"	Registration fee:	
	Resident	\$25.00 per program
	Non-Resident	\$35.00 per program

SECTION TWO:

All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

SECTION THREE:

This ordinance shall be a part of the Code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that

there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

SECTION FOUR:

This Ordinance shall take effect as provided by law.

---Council President Cunningham moved that the ordinance pass its first reading as read and be laid on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **JUNE 16, 2010** at 7:00 PM.

---Motion duly seconded by Councilwoman Marsh

---Adopted by the following vote: YEAS: 8 - NAYS: 0 – ABSENT - 1

---Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mello, Russo and President Cunningham.

---Nays: None.

---Absent: Mason

10-454

Z-42

AN ORDINANCE CORRECTING LOT AND BLOCK DESIGNATION OF 47 NEWARK STREET FOR THE PURPOSE OF ALLOWING REDEVELOPMENT BY ORDINANCE NO. Z-35

WHEREAS, the applicant, Kevin Renaghan, Project Architect, has petitioned the City of Hoboken for the granting of a certain easement over municipal lands at 47 Newark Street, Hoboken, New Jersey, (“the premises”) which premises is more particularly described as Block 222, Lot 4, on the Tax Map of the City of Hoboken, New Jersey, in order to install a ramp located at 47 Newark Street as outlined in the attached drawing. The easements are described as follows:

METES AND BOUNDS

(Proposed Ramp Easement for TD Bank)

ALL that certain lot, parcel or tract of land, situate and lying in the City of Hoboken, County of Hudson, State of New Jersey, and being more particularly described as follows:

BEGINNING at a point located along the southerly line of Newark Street (675 foot wide right-of-way), said point being distant South 66 Degrees – 00 Minutes – 00 Seconds East, a distance of 49.98 Feet from the intersection of the same with the easterly line of Hudson Street (variable width right-of-way), thence crossing over, through and along the aforementioned right-of-way of Newark Street, the following ten (10) courses::

THENCE, North 24 Degrees – 00 Minutes – 00 Seconds East, a distance of 1.04 Feet to point;

THENCE, North 66 Degrees – 00 Minutes – 00 Seconds West, a distance of 10.23 Feet to a point:

THENCE, North 24 Degrees – 00 Minutes – 00 Seconds East, a distance of 4.42 Feet to a point;

THENCE, North 66 Degrees – 00 Minutes – 00 Seconds West, a distance of 8.94 Feet to a point;

THENCE, South 24 Degrees – 00 Minutes – 00 Seconds West, a distance of 1.43 Feet to a point;

THENCE, North 66 Degrees – 00 Minutes – 00 Seconds West, a distance of 6.84 Feet to a point;

THENCE, North 24 Degrees – 00 Minutes – 00 Seconds East, a distance of 5.98 Feet to a point;

THENCE, South 66 Degrees – 00 Minutes – 00 Seconds East, a distance of 33.00 Feet to a point;

THENCE, South 24 Degrees – 00 Minutes – 00 Seconds West, a distance of 10.1 Feet to a point located along the aforementioned Southerly line of Newark Street;

THENCE, along the aforementioned Southerly line of Newark Street, North 66 Degrees – 00 Minutes – 00 Seconds West, a distance of 6.99 Feet to the point and place of BEGINNING.

Known as Block 222, Lot 4, as shown on the official tax assessment map for the City of Hoboken, Hudson County, New Jersey, and more commonly known as 47 Newark Street, Hoboken, New Jersey; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF HOBOKEN THAT THE CITY OF HOBOKEN HEREBY GRANTS 47 NEWARK STREET, THE ATFOREMENTIONED EASEMENT SUBJECT TO THE FOLLOWING CONDITIONS AND REQUIREMENTS:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The City of Hoboken expressly reserves the right to require the removal of any projections or encumbrances, under or upon any street, sidewalk or public easement, for any reason including but not limited to destruction of premises by fire.
3. The applicant shall immediately remove any or all projections or encumbrances that are improperly maintained and thus present a public hazard.
4. The applicant shall indemnify the City of Hoboken for any and all damage or money loss occasioned by the City of Hoboken or its officers or agents by any neglect, wrong-doing, omissions or commissions by the applicant arising from the making of improvements referred to herein and the construction, use and maintenance of the property described herein, and shall hold harmless the Mayor and Council of the City of Hoboken its officers, agents employees, against all claims, charges, judgments, costs, penalties, remediation or counsel fees arising from such damages or loss, including but not limited to death and

injury, to any person or damage to property of any person, firm or corporation occasioned wholly or in part from the construction, use and maintenance of the property described herein, and the applicant shall maintain liability insurance with respect thereto, in an amount of \$1,000,000.00 with a policy to be issued by an insurance company approved by the Office of the Corporation Counsel, naming the City of Hoboken, the Mayor and the City Council Members as an additional insured' s.

5. These easements shall run with the land and insure to the benefits of the applicant' s successors and assigns in title and interest to the property served by these easements. The covenants and conditions set forth herein shall similarly be the obligation of the applicant' s successors and assigns in the title and interest to the property served by the within easements.
6. The permission granted herein is conditioned upon and shall be effective only upon the applicant obtaining any and all other necessary permits that may be required by local or state law.
7. This ordinance shall take effect as provided by law.

---Council President Cunningham moved that the ordinance pass its first reading as read and be laid on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **JUNE 16, 2010** at 7:00 PM.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 8 - NAYS: 0 – ABSENT: 1

---Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mello, Russo and President Cunningham.

---Nays: None.

---Absent: Mason.

Councilwoman Mason returned at 12:21 a.m.

10-455

Z-43

AN ORDINANCE TO AMEND CHAPTER 179A OF THE ADMINSTRATIVE CODE OF THE CITY OF HOBOKEN, ENTITLED “ TAXICABS”

WHEREAS, the language, rules and regulations of Chapter 179A of the current Code of the City of Hoboken have become antiquated and outdated; and,

WHEREAS, it is in the City' s best interest, to support the safety, health and welfare of the residents and commuters of the City of Hoboken to update the Taxicab Chapter of the City Code to reflect modern issues and comply with State statutes.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Hoboken as follows:

SECTION ONE:

Chapter 4 of the City Code of the City of Hoboken is hereby amended as follows:

§ 4-2. Divisions enumerated. [Amended 3-1-2006 by Ord. No. DR-243; 3-4-2009 by Ord. No. DR-391]

The Department shall embrace and there is hereby allocated and assigned thereto the Office of the Business Administrator, Division of Personnel and Health Benefits, Division of Purchasing, Division of Constituent Services, the Corporation Counsel, the Zoning Officer, the Construction Code Official, Board of Alcoholic Beverage Control,⁶ Office of Licensing and Inspections, and all of the administrative functions, powers and duties relating thereto.

SECTION TWO:

Chapter 56 of the City Code of the City of Hoboken is hereby amended as follows:

§ 56-4. Function.^{2,3}

It shall be the function of the City of Hoboken Department of Transportation and Parking Utility to construct, maintain, improve and operate the parking system in the city; to construct, reconstruct, alter, provide, renew and maintain buildings or other structures and equipment and provide for the care, custody and control thereof in the operation of the City of Hoboken Department of Transportation and Parking Utility; to raise money necessary to pay for the lands, rights or interest therein acquired for the parking system, and for improving and equipping the same; to pay or make provision for the payment of the reasonable expenses in each fiscal year of the City of Hoboken Department of Transportation and Parking Utility; to pay to those persons entitled thereto the interest and principal on notes and bonds of the City of Hoboken Department of Transportation and Parking Utility, and to deposit and accumulate reserve funds or reserves.

² Editor's Note: Pursuant to Ordinance No. DR-232, all duties and employees of the former Division of Signal and Traffic are transferred to the City of Hoboken Department of Transportation and Parking Utility.

³ Editor's Note: Pursuant to Ordinance No. DR-???, all duties and employees of the Division of Taxi and Limousine Licensing are transferred to the City of Hoboken Department of Transportation and Parking Utility.

SECTION THREE:

Chapter 179A of the City Code of the City of Hoboken is hereby amended in its entirety as follows:

ARTICLE I

Taxicab Provisions

§ 179A-1.1. Purpose

§ 179A-1.2. Definitions.

§ 179A-2. Taxicab license required; number of taxicab licenses.

- § 179A-3. Taxicab license application.
- § 179A-4. Indemnity bond or liability insurance required amount.
- § 179A-5. Taxicab license application fee; annual license fee; amount.
- § 179A-6. Transfer of taxicab license; fee.
- § 179A-7. Taxicab operator's license required.
- § 179A-8. Taxicab operator's license application; requirements; content.
- § 179A-9. Investigation of taxicab operator's license applicants.
- § 179A-10. Driver examination.
- § 179A-11. Application for taxicab operator's license; approval or rejection.
- § 179A-12. Transfer or sale of a taxicab operator's license.
- § 179A-13. Taxicab operator's license application fee.
- § 179A-14. Operation of noncertified taxicab within the city.
- § 179A-15. Violations; revocation or suspension of license or taxicab operator's license; reasons for; notice and hearing.
- § 179A-16. Taxicab operator's license and rate card; display.
- § 179A-17. Taxicab drivers to comply with federal and state laws and city ordinances.
- § 179A-18. Taxicab equipment and maintenance; inspection and inspection licenses.
- § 179A-19. Taxicab color scheme and insignia.
- § 179A-20. Taxicab fares.
- § 179A-21. Receipt to be supplied on demand.
- § 179A-22. Refusal of passenger to pay legal fare.
- § 179A-23. Solicitation of passengers; acceptance and discharge of passengers; cruising.
- § 179A-24. Taxi stand; establishment and use.
- § 179A-25. Standards of service.
- § 179A-26. Requirement that daily manifest of trips be maintained; contents.

§ 179A-27. Records and reports required.

§ 179A-28. Advertising.

§ 179A-29. Division of Taxi and Limousine Licensing is to enforce chapter.

§ 179A-30. Use of radios to dispatch taxicabs.

§ 179A-31. Violations and penalties.

§ 179A-32. Repeal of previous ordinance.

§ 179A-33. Savings clause.

ARTICLE II Rules and Regulations; Drivers

§ 179A-34. Rules and regulations: drivers.

§ 179A-35. Schedule of violations and penalties.

ARTICLE III Rules and Regulations: Owners

§ 179A-36. Rules and regulations: owners.

§ 179A-37. Schedule of violations and penalties.

[HISTORY: Adopted by the Mayor and Council of the City of Hoboken 2-6-2008 as Ord. No. DR-347. Amendments noted where applicable.]

GENERAL REFERENCES

Shuttle Buses – See Ch. 180.

Limousines and liveries —See Ch. 180A.

Vehicles and traffic —See Ch. 190.

ARTICLE I Taxicab Provisions

§ 179A-1.1. Purpose

The Division of Taxi and Limousine Licensing is hereby created. The Division Head of this division shall be designated by the Director of Department of Transportation and Parking Utility of the City of Hoboken to serve at a commensurate salary. The Division Head of the Division of Taxi and Limousine Licensing shall be responsible for the enforcement of this section and Chapter 180A of the ordinances of the City of Hoboken pertaining to Taxi and Limousine service.

§ 179A-1.2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CRUISING —The driving of a taxicab on the streets, alleys or public places of the City of Hoboken in search of or soliciting prospective passengers for hire.

DECAL —A sticker issued by the City of Hoboken evidencing licensing of a "for-hire" vehicle.

DEPARTMENT —The Department of Transportation and Parking Utility.

DIRECTOR —The Director of the Department of Transportation and Parking Utility.

DISABLED PERSON —A person who has a physical or mental impairment that substantially limits a major life activity (e.g., caring for oneself, walking, seeing, hearing, speaking, etc.); a person who has a record of such impairment; or, a person who is regarded as having such impairment. Disabled person shall also mean a person with a physical impairment which confines a person to a wheelchair, causes a person to walk with difficulty or insecurity, affects sight or hearing to the extent that a person functioning in public areas is insecure or exposed to danger, causes impaired coordination or reduces mobility, flexibility, coordination or perceptiveness.

DIVISION HEAD – The individual designated by the Director of Hoboken’ s Department of Transportation and Parking Utility of the City of Hoboken to act as the authority for the Division of Taxi and Limousine Licensing.

DIVISION OF TAXI AND LIMOUSINE LICENSING —A Division of the Department of Transportation and Parking Utility of the City of Hoboken which licenses taxicabs and liveries and enforces the rules and regulations of taxicabs and liveries within the City boundaries.

GREEN TAXICAB – As a factory installed alternative fuel vehicle, which can either be a combination of gasoline with electric, ethanol fuel, hydrogen, electric, LPG or LNG. A diesel engine shall not be deemed as a "green" taxi. Any "green" taxi as a vehicle will be required to score eight (8) or higher in the Air Pollution Score as measured by the Federal Environmental Protection Agency and the vehicle that attains City MPG of twenty-five (25) miles per gallon or more in Fuel Economy as published annually by the EPA and DOE and listed online at www.fueleconomy.gov and meets safety requirements to make it fit for use as a taxi. The city reserves the right to set the safety requirements.

INSPECTOR —The person or persons empowered or designated by the Department of Transportation and Parking Utility to perform inspections pursuant to this chapter.

RATE CARD —A card issued by the city for display in each taxicab which contains the rate in force.

SERVICE ANIMAL —A guide dog, signal dog or any other animal trained specifically to work for or to perform tasks for an individual with a disability, including, but not limited to, guiding individuals with visual impairments, alerting individuals with hearing impairments, providing minimal protection or rescue work, pulling a wheelchair or retrieving dropped items.

STARTER —A person in charge of queuing taxicabs and waiting patrons, and otherwise maintaining order at a taxi stand.

TAXICAB —A motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of four (4) persons and not operated on a fixed route.

TAXICAB LICENSE – an official document of the City of Hoboken which permits the holder to operate a taxicab for hire within the city limits, subject to the restrictions found in the Division of Taxi and Limousine’ s Rules and Regulations, the Hoboken City Code, and state and federal laws.

TAXICAB LICENSE HOLDER —An individual, partnership or corporation to whom a taxicab license been issued by the City of Hoboken.

TAXICAB OPERATOR'S LICENSE —The official document of the City of Hoboken, conferred by the City Council, which grants the individual nontransferable permission to drive a taxicab upon the streets of the city. This term shall not be construed to mean a driver's license issued by the State of New Jersey Motor Vehicle Commission. When used throughout this chapter, the term "operator's license" shall mean the definition as stated herein. The term "driver's license" shall mean a driver's license issued by the State of New Jersey Motor Vehicle Commission.

TAXICAB OPERATOR’ S LICENSE HOLDER – An individual to whom a taxicab operator’ s license has been issued by the City of Hoboken.

TAXI STAND —A place alongside the curb of a street or elsewhere in the city reserved exclusively for use by taxicabs and distinctly marked by a metal sign or stanchion, or by painted markings on the surface of the streets or curbs.

TRANSFER —To sell or in any other manner relinquish control of the taxicab license by the license holder or its majority shareholder(s), in cases where the license holder is a corporate entity. In cases of corporate license holders, the Division Head shall, in his or her discretion, determine whether a change of control has occurred, subject to the approval of the Director of the Department of Transportation and Parking Utility.

TRIP SHEET —A daily record prepared by a taxicab driver of all trips made by the driver, showing time and place of origin, destination, number of passengers and the amount of fare of each trip. The trip sheet shall also contain the driver's name, and the time he or she reported on and off duty.

WAITING TIME —The time when a taxicab is not in motion following the time of acceptance of a passenger or passengers until the time of discharge, when that time not in motion is the result of the actions or request of the passenger or passengers.

§ 179A-2. Taxi license required; number of taxicab licenses.

A. No person shall operate, or cause to be operated, any vehicle for hire without first having obtained a taxi license and taxi operator' s license from the City of Hoboken.

B. No person who owns or controls a taxicab or taxi license shall permit the taxicab to be driven, unless the driver of the taxicab shall have first obtained and is currently a holder of a valid taxicab operator's license issued by the City of Hoboken under the provisions of this chapter.

C. Number and Types of Taxicab Licenses

(1) The number of outstanding taxi licenses shall be limited to a total of sixty-five (65) taxicabs.

(2) The ten (10) additional licenses created under this chapter shall be dedicated to vehicles using alternative fuels and shall be designated as "green" taxicab.

(3) Each year commencing on January 1, 2009, the fleet of taxicab licenses in the City of Hoboken shall be modified to require that twenty percent (20%) of the then existing taxicab fleet shall be "green" taxicabs, each licensee shall have an affirmative obligation to comply with this transition. If a licensee fails to comply with this requirement after thirty (30) days written notice to cure said default, the license shall be reduced by the required twenty percent (20%) transition requirements and the revoked license(s) shall be auctioned off to a new licensee, with the requirement that the successful bidder utilizes only "green" vehicles.

“ Green” Taxicab Transition Chart

(3A)

**“ Green” Taxicab Transition Chart
Starting 01/01/09**

<u>Number of License(s)</u>	<u>Converted By</u> January 1, 2013
1	
2	<u>CAB A:</u> January 1, 2012 and <u>CAB B:</u> January 1, 2013
3	<u>CAB A:</u> January 1, 2011; <u>CAB B:</u> January 1, 2012 and <u>CAB C:</u> January 1, 2013
4	<u>CAB A:</u> January 1, 2010

CAB B: January 1, 2012

CAB C: January 1, 2013
and

CAB D: January 1, 2014

CAB A: January 1, 2009

CAB B: January 1, 2010

CAB C: January 1, 2011

CAB D: January 1, 2012
and

CAB E: January 1, 2013

§ 179A-3. Taxicab license application.

A. Application requirements. An application for a taxicab license shall be filed with the Division of Taxi and Limousine Licensing upon forms provided by the city. The application shall be verified under oath and shall contain the following information:

- (1) The name, address, date of birth, social security number, telephone number, and motor vehicle operator license number of the applicant;
- (2) The financial status of the applicant, including any liens or judgments against the applicant, and the nature of any transaction or acts giving rise to any existing liens or judgments;
- (3) The experience of the applicant in the transportation of passengers;
- (4) Any facts which the applicant believes tend to prove that a license is warranted;
- (5) The number of vehicles to be operated or controlled by the applicant, and the location where the vehicles will be primarily garaged;
- (6) Copies of all leases, mortgages or other material pertaining to the financial or ownership status of the taxicab license and any vehicles covered under the license;
- (7) A criminal history background check form supplied by the city;
- (8) An applicant shall also submit fingerprint impressions taken by the Hoboken Police Department, and the applicant shall bear any and all costs for fingerprinting;
- (9) Such other information as the city may require; and
- (10) For each requirement listed in 1 through 9 of this section, in any case where the taxicab license applicant is a corporate entity, any individual holding a 20% or greater share in the

corporate entity will be required to provide their personal information in addition to the corporate information in order to satisfy this section.

B. The Division of Taxi and Limousine Licensing is hereby authorized and empowered to establish such rules and regulations governing the issuance of taxicab licenses and taxicab operator' s licenses not inconsistent herewith, and as may be necessary and reasonable.

§ 179A-4. Indemnity bond or liability insurance required amount.

A. No license shall be issued or continue in operation unless there is in force and effect for each vehicle authorized an insurance policy issued by a company duly licensed to transact business under the insurance laws of this state conditioned for the payment of a sum:

(1) Not less than fifty thousand dollars (\$50,000.) to satisfy all claims for damages by reason of bodily injury to, or to the death of, any one (1) person, resulting from an accident;

(2) Not less than one hundred thousand dollars (\$100,000.) to satisfy all claims for damages, by reason of the bodily injuries to, or the death of, all persons on account of any such accident, by reason of the ownership, operation, maintenance, or use of such taxicab upon any public street;

(3) Not less than fifteen thousand dollars (\$15,000.) to satisfy any claim for damages to property of any one (1) person, resulting from an accident; and

(4) Not less than thirty thousand dollars (\$30,000.) to satisfy all claims for damages to property of all persons, on account of any such accident, by reason of the ownership, operation, maintenance, or use of such taxicab on any public street.

B. The insurance policy shall provide for the payment of any final judgment recovered by any person on account of the ownership, maintenance, or use of the taxicab or fault in respect thereto, and shall be for the benefit of every person suffering loss, damage or injury as a result of the ownership, operation, maintenance or use of a taxicab. A list of all covered drivers must be included in the policy.

C. In the event that the aforementioned insurance is canceled, the license shall terminate on the date of the cancellation, unless the insurance has been reinstated and a withdrawal of the cancellation or a new policy of insurance has been submitted to the Clerk of the City and to the Division of Taxi and Limousine Licensing within two (2) business days of any change. As a condition of obtaining a City of Hoboken taxicab license, the taxicab license holder agrees to provide the Division Head with the authority to communicate directly with the taxicab license holder' s insurance companies.

D. The bond or bonds shall be filed with the City Clerk and shall have as surety thereupon a surety company authorized to do such business in the State of New Jersey.

E. This section shall not abrogate or relieve a license holder from any duty or requirement of the insurance laws of this state.

§ 179A-5. Taxicab license application fee; annual license fee; amount.

No taxicab license application shall be considered and no taxicab license shall be issued or renewed unless the applicant or holder thereof has paid the annual fee of seven hundred fifty dollars (\$750.) for each vehicle operated under a city taxi license, unless the vehicle is a "green" taxicab in which case the annual fee will be five hundred dollars (\$500.). The license fee shall be for the period of April 1 through March 31, of the succeeding year and be in addition to any other license fee or charges established by proper authority and applicable to the holder of the vehicle or vehicles under his operation and control.

§ 179A-6.1. Transfer of taxicab license; fee.

A. No taxicab license may be transferred, assigned, sold or otherwise encumbered, in whole or in part, without the prior written consent of the City Council.

B. No transfer application may be forwarded to the City Council until the transferee has satisfied all other requirements of this chapter, including but not limited to all initial application requirements.

C. The holder of a taxicab license may not rent or hire out his or her taxicab or taxicab license to any person for the transportation of passengers for hire unless such agreement is provided to the Division in writing, signed by both the driver and owner prior to the renting or hiring out commencing.

D. The fee for a license transfer shall be seven hundred fifty dollars (\$750.), payable by the transferee to the City of Hoboken, unless the vehicle is a "green" taxicab in which case the transfer fee will be five hundred dollars (\$500.). This fee is in addition to any annual taxicab licensing fees applicable to the license. No transfers shall be permitted in the month of March.

E. No taxicab license shall be renewed or transferred until all outstanding tickets, summonses, judgments and tax liens of the City against the holder(s) are satisfied.

§ 179A-6.2. Transfer of taxicab vehicle; fee.

Before the Division of Taxi and Limousine Licensing replaces a vehicle and issues a new logo the taxicab license holder must provide the following information:

1. Documentation showing the whereabouts of the old vehicle and the City of Hoboken Taxi decal in the form of:
 - a. A bill of sale showing the vehicle was transferred to an owner not associated with the taxicab license; or
 - b. An insurance estimate showing the vehicle was deemed totaled by the insurance carrier accompanied by the accident report showing the date and circumstances of the accident; or
 - c. Such other documentation as the Division of Taxi and Limousine Licensing shall deem necessary to evidence the vehicle is no longer in service and/or under the power and control of the taxicab licensee.
2. A replacement fee of fifty dollars (\$50.00) to cover new decals for two doors or twenty five dollars (\$25.00) to cover a new decal for one door.

§ 179A-7. Taxicab operator's license required.

No person shall operate a taxicab for hire upon the streets of the city without a taxicab operator's license. No person who owns or controls a taxicab license from the city shall permit a person without a taxicab operator's license to operate under their taxicab license within the city. In the event, an operator misplaces his or her operator's license, he or she must:

- A. Report it to the Hoboken Police Department;
- B. Provide the Division of Taxi and Limousine Licensing with a copy of the police report and two (2) passport pictures; and,
- C. Pay twenty-five dollars (\$25.) to the City of Hoboken to reimburse the city for its administrative cost to issue a replacement license.

§ 179A-8. Taxicab operator's license application; requirements; content.

A. Every applicant for a taxicab operator's license must meet the following requirements:

- (1) Be at least eighteen (18) years of age and have at least one (1) year of driving experience;
- (2) Obtain a certificate from a medical doctor licensed in the State of New Jersey which certifies the operator is of sound physique, with good eyesight, not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might cause the applicant to be unfit to safely operate a taxi for hire. Upon renewal application, a certificate shall only be required every even year;
- (3) Be able to speak, read, and write the English language and have a basic knowledge of Hudson County roadways and landmarks;
- (4) Be a citizen of the United States or present valid documentation from the United States government of authorization to work within the United States;
- (5) Possess a valid New Jersey driver's license with not more than eight (8) points (provisional licenses will not be accepted); and
- (6) Be clean in dress and habits as to be able to provide adequate and appropriate service to the public;

B. Every applicant for a taxicab operator's license shall comply with the Division of Taxi and Limousine Licensing's Rules and Regulations in preparing their application. Every application for a taxicab operator's license shall contain the following:

- (1) Name, address, date of birth, social security number, and New Jersey motor vehicle operator's number;
- (2) The applicant's experience in the transportation of passengers;
- (3) A record of the applicant's employment history for the previous three (3) years;

- (4) Proof of residence in the State of New Jersey for a period of at least ninety (90) days;
- (5) Four (4) photographs of the applicant measuring two (2) inches by two (2) inches of a front view of the applicant's face and shoulders without head covering;
- (6) A motor vehicle services record abstract indicating a driver's history from New Jersey Motor Vehicle Commission which shall be no more than thirty (30) days old;
- (7) Fingerprint impressions taken for the Hoboken Police Department to conduct State and Federal background checks for which the applicant shall bear any and all costs;
- (8) Certificate from a licensed and practicing physician of the State of New Jersey certifying that the applicant was examined on a certain date not more than sixty (60) days before the filing of the application. The certificate shall state that, in the physician's opinion, the applicant is of sound physique, with good eyesight, not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might cause the applicant to be unfit to safely operate a taxi. Upon renewal application, a certificate shall only be required every odd year;
- (9) An affidavit of the applicant's good character from two (2) reputable sources who have known the applicant personally and observed the applicant's conduct for a period of not less than one (1) year prior to application;
- (10) A reference from the applicant's last employer. This requirement may be waived at the option of the Division Head for good cause.
- (11) The successful completion of a 5 Panel Drug & Alcohol Test administered by a third party to be selected by the Division Head. The results shall indicate no positive test results for any substance, or the application will be summarily denied. The cost of this test shall be at the applicant's sole cost and expense.
- (12) Authorization to the Police Department of the City of Hoboken, to obtain a state and federal criminal background check of the applicant
- (13) Such other information that the city may require.

§ 179A-9. Investigation of taxicab operator's license applicants.

A. The Division of Taxi and Limousine Licensing or his designee shall conduct an investigation of each applicant for a taxicab operator's license. A report of such investigation and a copy of the police criminal history background check and traffic record of the applicant, if any, shall be attached to the application for consideration. The procedure for compiling the application which shall be used by the Division to conduct the investigation shall be found in the Division's Rules and Regulations.

B. Authorization for fingerprinting based access to the Interstate Identification Index for the purpose of conducting non-criminal justice licensing is found in New Jersey State Annotated 40:48-1.4. All applicants seeking a license under this ordinance shall submit to a fingerprint criminal history record and background investigation by the Hoboken Police Department.

B. The Division of Taxi and Limousine Licensing shall consider the application, the police investigation report, any other documentation required to be attached thereto, and any other relevant facts whatsoever and shall approve or reject the application. No taxi operator's license shall be issued until a written police investigation report is received from the Hoboken Police Department's Bureau of Record and Identification showing the result of the investigation of the applicant's prior criminal history, if any, through an examination of the fingerprints.

C. The Bureau of Record and Identification shall conduct a criminal history background check investigation of the applicant by submitting necessary documents to the New Jersey State Police and any other appropriate law enforcement agency having the capability of determining whether a person has a criminal record by cross-referencing that person's name and fingerprints with those on file with the Federal Bureau of Investigation, Identification Division, and the State Bureau of Identification of the New Jersey Division of State Police.

D. The Hoboken Police Department shall refer the applicant to the designated fingerprint vendor for processing. Upon receipt of the results of the criminal history background check the Bureau of Record and Identification shall provide the Division of Taxi and Limousine Licensing with the results of the criminal background check within five business days of receipt of same.

E. Convictions of crimes shall not be considered when considering the application, except that convictions for the following crimes less than ten (10) years prior to the date of application, shall result in summary denial of an application:

(1) Driving under the influence of drugs or alcohol; or

(2) Any offense involving danger to the person as defined by N.J.S.A. 2C:11-1 et. seq, N.J.S.A. 2C:12-1 et. seq, N.J.S.A. 2C:13-1 et. seq, N.J.S.A. 2C:14-1 et. seq, or N.J.S.A. 2C:15-1,; or,

(3) Crimes and disorderly persons offense set forth in N.J.S.A. 2C:24-4, N.J.S.A. 2C:24-5, N.J.S.A. 2C:24-7, N.J.S.A. 2C:24-8, N.J.S.A. 2C:24-9, or N.J.S.A. 2C:33-4; or,

(4) Any crime involving controlled dangerous substance or controlled substance analog set forth in Chapter 35 of Title 2C of the New Jersey Statutes, except N.J.S.A. 2C:35-10(a)(4); or

(5) A conviction for any crime or offense less than ten (10) years prior to the date of application, in any other state or jurisdiction, the conduct of which, if committed in New Jersey, would constitute any of the crimes or offenses listed in subsections 1 through 4 of this section.

§ 179A-10. Driver examination.

Each applicant for an initial taxicab operator's license shall be examined by an Inspector of the Division of Taxi and Limousine as to his or her knowledge of the provisions of this chapter, the laws regarding motor vehicles within this state, traffic regulations, and geography of the city. The examination shall require the applicant to demonstrate his or her skills and ability to safely and efficiently operate a taxicab. If the applicant cannot demonstrate his or her abilities satisfactorily he or she shall be denied a taxicab operator's

license. Driver examinations shall be required for renewal applicants at the discretion of the Director.

§ 179A-11. Application for taxicab operator's license; approval or rejection.

A. If an applicant fails to meet the criteria of any section of Chapter 179A where such failure expressly requires summary denial, the Division Head must summarily deny the application.

B. In all instances other than §179A-11A, if the Division Head of the Division of Taxi and Limousine Licensing after examination of the completed application finds that the applicant is fit, willing and able to perform such public transportation in accordance with the provisions of this chapter, the Division of Taxi and Limousine Licensing shall issue a license stating the name and address of the applicant, the date of issuance and the year, type and model of the vehicle; otherwise, the application shall be denied. In making the above findings, the Division of Taxi and Limousine Licensing shall take into consideration the character, experience and responsibility of the applicant.

C. If the Division Head of the Division of Taxi and Limousine Licensing upon consideration of the application determines that the applicant is unfit or unable to perform the duties of a taxicab driver, or if the applicant demonstrates behavior that is abusive, hostile or otherwise inconsistent with the manner in which a person with regular contact with the public should act, the Division of Taxi and Limousine Licensing may deny or reject the application.

C. If the application is denied or rejected, the applicant may, within 10 days of the date of denial, request a personal appearance before the Division of Taxi and Limousine Licensing to offer evidence in support of a request to reconsider his/her application. Such personal appearance shall occur within 30 days of the date of request by the applicant.

§ 179A-12. Transfer or sale of a taxicab operator's license.

A. No taxicab operator's license shall be transferred, assigned or sold to any other person in whole or in part. ~~Nor shall the license be defaced, obliterated or mutilated.~~

B. No taxicab operator's license shall be renewed unless all outstanding tickets, summonses, judgments or tax liens of the holder are satisfied in full.

§ 179A-13. Taxicab Operator' s License application fee.

A nonrefundable taxicab operator' s license application fee of seventy-five dollars (\$75) must be paid directly to the Divison of Taxi and Limousine Licensing before any application documents will be distributed or considered by the Division of Taxi and Limousine Licensing.

§ 179A-14. Operation of noncertified taxicab within the city.

A. It shall be unlawful for a non licensed taxicab to pick up or accept a passenger within the city for a destination within the city limits.

B. Taxicabs licensed in other jurisdictions may discharge passengers at a destination within the city provided that any passenger has been picked up by the taxicab outside the city limits.

C. Taxicabs licensed in other jurisdictions shall not cruise within the city limits to seek non-prearranged passengers. Taxicabs, livery cars, and limousines may only pick up a passenger within the city to be taken to a place or destination outside the city provided the passenger had personally, or through an agent, previously arranged by telephone or other means with the owner or driver of the noncertified taxicab for such a trip to the destination outside the city. Taxicabs not licensed by the City shall be specifically prohibited from picking up fares unless they have been prearranged.

D. Any person found to be guilty of violating any provisions of §179A-14 shall be subject to a fine of not less than one thousand dollars (\$1000.) and/or one hundred eighty (180) days imprisonment to be determined by the Municipal Court and notice of the offense shall be sent to the owner of the taxicab license for the first (1st) offense; and not less than one thousand five hundred dollars (\$1500.) and/or one hundred eighty (180) days imprisonment to be determined by the Municipal Court and notice of the offense shall be sent to the owner of the taxicab license for the second (2nd) offense; and not more than two thousand dollars (\$2000.) and/or one (1) year imprisonment to be determined by the Municipal Court and notice of the offense shall be sent to the owner of the taxicab license for the third (3rd) or subsequent offense(s).

§ 179A-15. Violations; revocation or suspension of taxicab license or taxicab operator's license; reasons for; notice and hearing.

A. In addition to any summons(s) issued for a violation of this chapter, a license issued under the provisions of this chapter may be revoked or suspended for any of the following reasons:

- (1) Violation of any of the provisions of this chapter;
- (2) Discontinued operation for more than thirty (30) days;
- (3) Violation of any provisions of this Code or of the laws of the United States or of this state which reflect unfavorably on the fitness of the holder to offer public transportation; or,
- (4) Violation of any rule or regulation provided for by Articles II and III of this chapter; or

B. A holder of a license shall be entitled to notice and a hearing before a Hearing Officer selected by the Corporation Counsel, if requested in writing within five (5) business days after receipt of notice of alleged violations. The license holder shall be entitled to representation by counsel and may present evidence in defense of the charges. The Division of Taxi and Limousine Licensing shall present evidence in support of the charges. At the conclusion of a hearing, the Hearing Officer may either revoke or suspend the license, or dismiss the charges. Any appeal of the decision of the Hearing Officer shall be made to a court of competent jurisdiction.

C. Any notice from the Division of Taxi and Limousine Licensing shall be deemed sufficient if sent via certified and regular mail to the mailing address furnished by the license holder to the Division of Taxi and Limousine Licensing pursuant to this chapter. In the event a licensee changes their mailing address, it is the licensee's responsibility to notify the Division of Taxi and Limousine Licensing.

D. Unless otherwise provided for within this chapter a violation of a provision of this chapter shall be punishable as follows:

(1) For a first offense, a minimum fine of two hundred fifty dollars (\$250.) upon the driver with a maximum fine of five hundred dollars (\$500.), and notice of the offense shall be sent to the owner of the taxicab license;

(2) For a second offense, a minimum fine of five hundred dollars (\$500.) with a maximum fine of seven hundred fifty dollars (\$750.) upon the driver, and/or suspension of the driver's taxicab operator's license; and a minimum fine of two hundred fifty dollars (\$250.) with a maximum fine of five hundred dollars (\$500.) upon the owner of the taxicab license;

(3) For a third offense, a minimum fine of seven hundred fifty dollars (\$750.) with a maximum fine of one thousand dollars (\$1000.) upon the driver, and a mandatory suspension of the taxicab operator's license for thirty (30) days, with the option to revoke the driver's taxicab operator's license; and a minimum fine of five hundred dollars (\$500.) with a maximum fine of seven hundred fifty dollars (\$750.) upon the owner of the taxicab license, and/or suspension of the taxicab license;

(4) For a fourth offense, a minimum fine of one thousand dollars (\$1000.) with a maximum fine of two thousand dollars (\$2,000.) and mandatory revocation of the driver's taxicab operator's license for a period of not less than five (5) years; and a minimum fine of seven hundred fifty dollars (\$750.) with a maximum fine of one thousand dollars (\$1,000.) upon the owner of the taxicab license and mandatory permanent revocation of the taxicab license.

§ 179A-16. Taxicab operator's license and rate card; display.

Every taxicab driver licensed under this chapter shall post his or her taxicab operator's license and a Rate Book in a glass or plastic enclosed bracket within eye level of seated rear passengers and in a manner as to be readily identifiable and legible. A passenger and/or potential passenger has a right to view the driver's Rate Book at any time upon verbal request.

§ 179A-17. Taxicab drivers to comply with federal and state laws and city ordinances.

Every taxicab driver licensed under provisions of this chapter shall comply with all federal and state laws and regulations and all city ordinances relating to the use, operation and occupancy of motor vehicles and taxicabs. The failure to do so will be cause for suspension, revocation, or other penalty as the Director determines.

§ 179A-18. Taxicab equipment and maintenance; inspection and inspection licenses.

A. Prior to the initial use and operation of any vehicle as a taxicab under this chapter, and ~~each~~ once a year thereafter, the vehicle shall be thoroughly examined and inspected by an Inspector of the Division of Taxi and Limousine Licensing. Licenses shall be denied unless the Inspector finds that the taxicab complies with such reasonable rules and regulations as may be prescribed by the Division of Taxi and Limousine Licensing. These rules and regulations shall be promulgated to insure the provision of safe transportation and shall specify such safety equipment and regulatory devices as the Director deems necessary.

B. When a vehicle has met the standards established by the Division of Taxi and Limousine Licensing, the Division of Taxi and Limousine Licensing shall issue an inspection license to

that effect. The inspection license shall be conspicuously displayed in each taxicab as to be readily seen by the passenger.

C. Every vehicle operating under this chapter shall be kept in a clean and sanitary condition according to the rules and regulations promulgated by the Division of Taxi and Limousine Licensing, including but not limited to:

1. The exterior of every vehicle operating under this Chapter shall be kept in safe and clean conditions.
2. Every vehicle operating under this Chapter shall be free from dents, missing parts and other exterior damage or ware which creates an unsightly appearance.
3. Every vehicle operating under this Chapter shall have interior and upholstery which is kept safe and clean, and free from broken, missing or worn parts.
4. Every taxicab shall be equipped with interior light of sufficient candlepower to illuminate its interior after sundown. In no case shall the bulb be less than six (6) candlepower.
5. Taxicabs shall be equipped with roof lights which shall be in operation whenever the taxicabs are in operation. The roof lights shall be lighted when the taxicabs are vacant and extinguished when occupied. Roof lights shall have a dark background so as to be distinguished in the daylight hours.
6. Vehicles used as taxicabs need not be new, but they shall be required to pass inspection by the New Jersey State Motor Vehicle Commission and shall also be required to pass an annual inspection by the Division of Taxi and Limousine Licensing.
7. Replacement vehicles used as taxicabs shall be of a four (4) door model.
8. Vehicles used as taxicabs must be more than four (4) years old or have 125,000 miles, whichever occurs second.

§ 179A-19. Taxicab color scheme and insignia.

A. The color scheme of taxicabs shall be at the sound discretion of the Division of Taxi and Limousine Licensing. The Division of Taxi and Limousine Licensing may adopt a uniform color scheme for all taxis licensed by the city.

B. For identification purposes, the insignia or monogram of a taxicab shall be assigned by the Division of Taxi and Limousine Licensing to ensure adequate differentiation among separate taxicab operators. Each taxicab shall bear upon its doors:

(1) The City of Hoboken taxicab logo with assigned number prominently displayed in the middle of both the drivers' front door and passengers' front door;

(2) The rates of fare, as set forth on the rate card, in letters not less than one (1) inch nor more than two (2) inches in height, in contrasting color on both sides of the rear doors;

(3) The City of Hoboken taxicab logo with assigned number cannot be duplicated without the Director's consent. Any person found to be guilty of violating any provisions of this section shall be punishable to a minimum fine of one thousand dollars (\$1000.) and/or ninety (90) days imprisonment to be determined by the Municipal Court.

C. No vehicle covered by this chapter shall be licensed whose identifying design, monogram, or insignia shall, in the opinion of the Division of Taxi and Limousine Licensing, conflict with

or imitate any other vehicle or vehicles already licensed and operating under the provisions of this chapter in such a manner as to be misleading or tend to deceive or defraud the public.

D. The company's business name with the company's telephone number shall appear in a conspicuous area of the taxi vehicle in lettering not less than six (6) inches in height and in a contrasting color.

E. If a taxicab operator accepts credit card payments such shall be indicated on both sides of the rear doors by way of logos for each type of credit card which is accepted.

F. If, after a license has been issued for a taxicab, any of the provisions of this section are violated, the Division of Taxi and Limousine Licensing shall suspend and/or revoke the license of such taxi or taxicabs in accordance with the provisions of this chapter.

§ 179A-20. Taxicab fares.

The maximum rates of fare allowable for taxicabs licensed by the City of Hoboken shall be as follows:

A. Any one destination within the city limits shall be five dollars (\$5.00). The fare for senior citizens shall be four dollars (\$4.00).

B. If cab rides are shared with the consent of the first rider(s), the fee may be increased by five dollars (\$5.00) so long as the second rider(s) is not going to the same exact destination. No more than two (2) paying passengers. The right of the taxicab operator to transport shared rides applies only at Taxi Stands designated by the City of Hoboken if there are more passengers than available taxis. The first rider must be taken to his or her destination first.

C. In addition to the aforesaid rates, there shall be a charge of fifty cents (\$0.50) for each bag exceeding two (2), with which a driver assists a passenger, except that senior citizens shall not be subject to this fee.

D. Every driver must have a City approved Rate Book in the vehicle at all times and must use the rates included in the book.

§ 179A-21. Receipt to be supplied on demand.

The driver of a taxicab shall, upon request by the passenger, provide him or her a receipt for the amount charged, either by a mechanically printed receipt or by a specially prepared receipt on which shall be the name of the owner, driver's name, license number of the taxicab, date and the amount paid for fare. Only one (1) receipt per fare shall be provided.

§ 179A-22. Refusal of passenger to pay legal fare.

No person shall refuse to pay the legal fare of any taxicab or vehicle mentioned in this chapter after having hired same. No person shall hire any such taxicab or vehicle with intent to defraud the person from whom it was hired of the value of such service.

§ 179A-23. Solicitation of passengers; acceptance and discharge of passengers; cruising.

A. No driver shall solicit passengers for a taxicab except when sitting in the driver's seat of such taxicab or while standing immediately adjacent to the curbside thereof. The driver of any such taxicab shall remain in the driver's compartment or immediately adjacent to his vehicle at all times when such vehicle is upon the public street.

B. No driver shall solicit patronage in a loud or annoying tone of voice, by sign, voice amplification device or in any manner so as to annoy any person, obstruct the movement of any person, or follow any person for the purpose of soliciting patronage. No driver, starter, assistant, or associate, shall induce any prospective passenger to employ him by misinforming or misleading any such prospective passenger as to the location of any hotel, public place or private residence within the city or as to the distance between any two (2) points, nor shall any driver, starter, assistant, or associate deceive any prospective passenger or make any false or misleading representations to him or her or convey any passenger to any place or over any route other than that which such passenger has instructed the driver to go.

C. Drivers of taxicabs shall not receive or discharge passengers in the roadways, but shall pull up to the right hand sidewalk as nearly as possible. In the absence of a sidewalk, the driver should pull over to the extreme right hand side of the road and there receive and discharge passengers, except upon one way streets, where passengers may be discharged on either the right or left hand sidewalk or side of the road in the absence of a sidewalk.

D. No person, other than the licensed driver or a person with a disability, shall ride or sit in the front seat unless the rear seat is fully occupied by passengers or passenger luggage. No driver shall permit any other person to occupy or ride in the taxicab, other than the person or persons employing the taxicab. The practice of sharing of taxicabs, whereby the driver is paid more than one (1) fare for the same travel or portion thereof shall be permitted only with the first passenger's consent and charged pursuant to Section 179A-20A. Any violation of this subsection shall subject the driver to an immediate five (5) day suspension as well as those penalties provided for by Section 179A-15D of this Code.

E. No driver shall permit more than four (4) persons to be carried in his or her taxicab as passengers. Upon written application to the Division of Taxi and Limousine Licensing requesting an inspection of a particular vehicle, the Division of Taxi and Limousine Licensing may rate particular vehicles, or classes of vehicles, at a higher occupancy level. Children under seven (7) years of age seated in the lap of an adult passenger in the rear of the vehicle shall not be counted as a passenger.

F. No driver shall refuse or neglect to convey any orderly person or persons upon request, unless previously engaged or unable or forbidden by the provisions of this chapter to do so. Any such refusal or neglect shall be punishable by a license suspension for a period not to exceed five (5) days, as well as those penalties provided for by Section 179A-15D of this Code.

G. Drivers shall not: (i) allow the consumption of any alcoholic beverages in their vehicle; (ii) engage in the selling of intoxicating liquors or drugs; (iii) solicit patronage for any house of ill repute; or (iv) use vehicles for any other purpose other than the transportation of passengers.

H. Taxicabs, upon discharging their passengers, shall either return to the taxi stand assigned to that particular taxicab or shall be permitted to cruise in search of passengers. No taxicab shall remain parked at any place within the city except at a taxi stand assigned to it or unless it is waiting for a passenger. No taxicab shall be parked at any place other than its taxi stand awaiting a call from its dispatcher or other person for a new assignment.

I. Cruising shall be allowed so long as it is conducted within the following criteria:

(1) The pick up or discharge of passengers may not cause a dangerous traffic situation nor may it cause a disruption or stoppage in traffic flow.

(2) Cruising shall not be allowed within five hundred (500) feet of a taxi stand. Cruising is prohibited within fifty (50) feet of a bus stop, unless hailed by a prospective passenger.

(3) Cruising shall at all times remain at the discretion of the Director, who may regulate, modify, or abolish the practice.

(4) This subsection shall not be construed as to allow any practice otherwise prohibited by this chapter or any law or regulation of this State or of the United States.

§ 179A-24. Taxi stand; establishment and use.

A. In accordance with N.J.S.A. 39:4-197(3)(a), the Division of Taxi and Limousine Licensing is authorized to regulate the use of taxi stands, and to establish and regulate temporary taxi stands, within the City of Hoboken, as provided by law.

B. There are hereby established, taxi stands at the following locations:

(1) On the southern side of Hudson Place, east of River Street;

(2) On the northern side of 14th Street, east of Washington Street;

(3) On the eastern side of Adams Street beginning at the southerly curb line of 14th Street (south marginal road) and

C. It shall be unlawful for any taxicab driver not to abide by the direction of the taxicab "Starter."

D. The Director may establish temporary taxi stands as necessary.

E. Private or off-duty taxis and unauthorized vehicles shall not at any time occupy the space upon the streets which have been provided and established as either a taxi stand or temporary taxi stand. Any such vehicles shall be removed at the owner's expense. No private or off-duty taxi shall be parked at a taxi stand unless authorized by the Division of Taxi and Limousine Licensing or on any city street.

§ 179A-25. Standards of service.

All persons engaged in the taxicab business in the city operating under provisions of this chapter shall render an overall acceptable service to the public desiring to use taxicabs. They shall answer all calls received by them for service inside the city as soon as practical and, if the service cannot be rendered within a reasonable time, they shall notify the prospective passenger how long it will be before the call can be answered and give the reason thereof. Any holder who shall refuse to accept a call anywhere in the city at any time when such holder has available taxicabs on duty, or who shall fail or refuse to give overall acceptable service, shall be deemed a violator of this chapter. The license granted to such holder shall be revoked at the discretion of the Division of Taxi and Limousine Licensing after notice of charges and hearing.

§ 179A-26. Requirement that daily Trip Sheets be maintained; contents.

Every taxicab driver shall maintain a daily Trip Sheet upon which is recorded all trips made each day, showing time and place of origin, destination of each trip, amount of fare, name of driver, and the times he or she reported on and off duty. All such completed Trip Sheets shall

be returned to the owner of the taxicab by the driver at the conclusion of his tour of duty. The form of each Trip Sheet shall be furnished to the driver by the owner and shall be of a character approved by the Division of Taxi and Limousine Licensing. Copies of all daily Trip Sheets for each vehicle shall be maintained in an accessible format by the owner for a period of at least one (1) license year.

§ 179A-27. Records and reports required.

A. Every license holder shall keep accurate records of receipts from operation, operating and other expenses, capital expenditures and other such operating information as may be required by the Division of Taxi and Limousine Licensing. Every holder shall maintain the records containing such information accessible for examination by the Division of Taxi and Limousine Licensing.

B. All accidents arising from or in connection with the operation of taxicabs which result in death or injury to any person or in damage to any vehicle, or to any property in an amount exceeding five hundred dollars (\$500.) shall be reported to the Division of Taxi and Limousine Licensing within forty-eight (48) hours from the time of occurrence in a form to be furnished by the Division of Taxi and Limousine Licensing. Copies of any police report filed or prepared as a result of the accident must also be provided to the Division of Taxi and Limousine Licensing within forty-eight (48) hours. Such reports are to be used by the Department in developing useful information in the prevention of transportation accidents.

C. All license holders shall file with the Division of Taxi and Limousine Licensing copies of all contracts, agreements, arrangements, memorandums or other writing, relating to the furnishing of taxicab service to any hotel, theater, hall, public resort, railway station or other place of public gathering, indicating whether such agreement is made with any corporation, firm or association with which the holder may be interested or connected. Failure to file such copies within seven (7) days shall be sufficient cause for the revocation of a license of any offending holder or the cancellation of any taxi stand privilege.

D. Whenever a taxicab registered to a City of Hoboken taxicab license is out of service for five (5) or more days, the taxicab license holder shall report the same in writing to the Division of Taxi and Limousine Licensing with the reason therefore, the date of decommission, and the expected date of return. Prior to returning the taxicab to service, the taxicab license holder shall provide the Division with a written letter from a mechanic, on the mechanics official letterhead, stating the vehicle is safe for operation as a taxicab, and the date the vehicle may return to operation.

E. Whenever the registration and/or license plates for a taxicab licensed by the City of Hoboken shall change the taxicab license holder shall provide the City of Hoboken with written verification, from the State of New Jersey Department Motor Vehicle Commission, indicating the change of license plate and/or change of registration for the vehicle prior to use of the vehicle under the City of Hoboken taxicab license.

§ 179A-28. Advertising.

A. Subject to the provision of this chapter and the rules and regulations of the Division of Taxi and Limousine Licensing, taxicabs may display advertising on or above the rear bumper of the cab provided that such advertising is properly framed and does not obstruct rear vision.

B. Taxicab companies not properly licensed to provide taxi service within the city shall not cause to be displayed any type of placard, poster, sign, sticker or card advertising its transportation services in public telephone booths, taverns, restaurants or other public places in this city.

§ 179A-29. Division of Taxi and Limousine Licensing is to enforce chapter.

A. The Division of Taxi and Limousine Licensing is hereby given the authority and is instructed to watch and observe the conduct of holders and drivers operating under this chapter. Upon discovering a violation of this chapter, the Division of Taxi and Limousine Licensing shall file a complaint with the Municipal Court and take any other action consistent with this chapter.

B. A vehicle owner who has been issued a taxi license shall be responsible for having said vehicle inspected at a State of New Jersey inspection station pursuant to the laws of this state. Authorized personnel of the City of Hoboken under the Division of Taxi and Limousine Licensing may conduct on street inspections of such vehicles. The inspector may order the vehicle owner to repair or take the vehicle out of service until such vehicle is repaired.

§ 179A-30. Use of radios to dispatch taxicabs.

Subject to required licensing and approval by appropriate authorities, including the Director and the Division of Taxi and Limousine Licensing, owners may use radios to dispatch taxicabs.

§ 179A-31. Violations and penalties.

Unless otherwise specified herein, any person violating any provision of this chapter shall, upon conviction thereof before the Municipal Court, be subject to a fine not exceeding one thousand dollars (\$1,000.) or to imprisonment for a period not exceeding one (1) year, or both, the amount of such fine and imprisonment subject to the above limitation, to be determined by the sound discretion of the Municipal Judge. In addition to the aforementioned penalties, and as provided for herein, violations of this chapter may subject the license to suspension or revocation as provided for herein.

§ 179A-32. Repeal of previous ordinance.

Any ordinances adopted concerning taxicabs and taxicab drivers previously adopted by the City of Hoboken are hereby specifically repealed.

§ 179A-33. Savings clause.

Should any part of this chapter be declared invalid all other parts shall remain in full force and effect.

ARTICLE II Rules and Regulations: Drivers

§ 179A-34. Rules and regulations: drivers.

The following rules shall apply to all drivers of taxicabs. Such rules, numbered sequentially below, shall be referred to by chapter, section and rule number. They are set forth below as follows:

Rule No.	Rule Specification
101	A driver shall be clean and neat in dress and person. A driver must wear hemmed or tailored trousers that are no higher than mid-thigh and have no holes. A female driver must wear hemmed or tailored trousers or skirt that is no higher than mid-thigh and that has no holes. A driver must wear closed shoes or sneakers. A driver must wear a collared shirt or blouse, without holes, which, if it has buttons, must be buttoned, except for the top two buttons. A driver may not wear as outer clothing underwear, t-shirts, tank tops, tube tops, body shirts, swim wear, bathing trunks or cut-off shorts.
102	A driver shall not smoke while carrying a passenger unless the passenger verbally consents.
103	A driver shall not operate or occupy a taxicab while his driving ability is impaired by either alcohol or drugs. While driving or occupying a taxicab, a driver shall not consume any alcoholic beverage or any drugs or narcotics which are either illegal or capable of impairing his driving ability.
104	A driver shall not operate a taxicab for more than twelve (12) consecutive hours, and a driver shall not operate more than twelve (12) total hours in any twenty-four (24) hour period. Twenty-four (24) hour periods shall be measured from 12:01 a.m. to 11:59 p.m.
105	A driver shall, at all times, cooperate with all law enforcement officers, authorized representatives of the Division of Taxi and Limousine Licensing and dispatchers at public transportation terminals and authorized group ride taxi lines and shall comply with all their reasonable requests, including but not limited to providing his name and taxicab operator's license number and exhibiting the rate card, trip record and other documents required to be in his possession.
Rule No.	Rule Specification
106	a. A driver shall not operate his taxicab in such a manner or at a speed which unreasonably endangers users of other

vehicles, pedestrians or his passengers.

- b. A driver who knows or should know that personal injury has been caused to another person or that damage has been caused to the property of another person due to an accident involving the driver's taxicab shall, before leaving the place where the damage or injury occurred, stop, exhibit to such other person his taxicab operator's license, motor vehicle driver's license and rate card and give to such other person his name, residence address, chauffeur's license number, taxicab driver's number and taxicab medallion number, as well as the name of the taxicab's insurance carrier and the insurance policy number.
- c. A driver shall operate his taxicab at all times in full compliance with all laws, rules and regulations of the Port Authority of New York and New Jersey and any regulatory body or governmental agency having jurisdiction over motor vehicles, with respect to matters not otherwise specifically covered in these rules.
- d. A driver, while operating a taxicab, shall immediately report to the owner of the vehicle any motor vehicle accident in which he is involved.

Rule No.	Rule Specification
107	A radio shall be turned on or off at the request of the passenger. The passenger shall have the right to select the radio program. Whether or not a taxicab is hired, a radio shall be played at normal volume only and comply with all noise ordinances.
108	An air conditioning and heating device in a taxicab shall be turned on or off at the request of a passenger.
109	A driver, while performing his duties and responsibilities as a driver, shall not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation or larceny or perform any willful act of, omission or commission which is against the best interests of the public, even though not specifically mentioned in these rules.
110	A driver shall not apply for or accept more than one (1) taxicab operator's license without the Division of Taxi and Limousine Licensing's

written permission.

111 A driver shall not permit any other person to use the driver's taxicab operator's license while such person is operating any vehicle.

- 112
- a. A driver shall not permit the taxicab to be operated for hire by another person who is not currently licensed by the Division of Taxi and Limousine Licensing as a taxicab driver.
 - b. During the work shift, a driver shall not allow another person to operate the taxicab or occupy the driver's seat, except in the event of an emergency.

Rule No. Rule Specification

- 113
- a. A driver shall not use or permit any person to use his taxicab for any unlawful purpose.
 - b. A driver shall not conceal any evidence of a crime nor voluntarily aid violators to escape arrest.
 - c. A driver shall report immediately to the police any attempt to use his taxicab to commit a crime or to escape from the scene of a crime.

114 A driver or any person acting on his behalf shall not offer or give any gift, gratuity or thing of value to any employee, representative or member of the office of the Division of Taxi and Limousine Licensing or any public servant or any dispatcher employed at a public transportation facility.

115 A driver shall immediately report to the Division of Taxi and Limousine Licensing and the Hoboken Police Department any request or demand for a gift, gratuity, free service or anything of value by any employee or representative of the Division of Taxi and Limousine Licensing, any member of the City Council of Hoboken, any police officer, any dispatcher or any public servant.

116 A driver shall notify the Director, in writing, of the driver's conviction of a crime or motor vehicle offense, excluding parking violations for vehicles other than a taxicab, within fifteen (15) days of such conviction, and he/she shall deliver to the Division of Taxi and Limousine Licensing a certified copy of the certificate of disposition issued by the clerk of the court

within fifteen (15) days of sentencing.

Rule No.	Rule Specification
117	A driver shall not permit more than four (4) passengers to ride in his taxicab, unless the particular vehicle in question has been rated higher by the Division of Taxi and Limousine Licensing pursuant to Section 179A-23E of this chapter. Children under the age of seven (7) seated in the lap of an adult passenger seated in the rear must be permitted and shall not count as passengers for the purposes of computing the number of passengers.
118	A handicapped passenger, unable to enter or ride in the rear passenger part of the taxicab, must be permitted to occupy the front seat alongside the driver. If a passenger's luggage occupies the rear passenger part of the taxicab, a passenger must be permitted to occupy the front seat alongside the driver.
119	a. A driver shall be courteous to passengers. b. A driver shall comply with all the reasonable requests of a passenger, including but not limited to providing, upon request, his name, his taxicab operator's license number and the city assigned taxi number.
120	A driver shall not threaten, harass or abuse any passenger, governmental officer, representative of the Division of Taxi and Limousine Licensing, public servant or any other person while performing his duties as a driver.
121	A driver shall not use or attempt to use any physical force against any passenger, governmental officer, representative of the Division of Taxi and Limousine Licensing, public servant or any other person while performing his duties as a driver.
Rule No.	Rule Specification
122	A driver shall solicit passengers only while sitting in the driver's seat of his taxicab or while standing immediately adjacent to the curbside of his taxicab and only with the words "taxi" or "cab" or "taxicab." This rule shall not be construed to allow any solicitation or conduct otherwise prohibited by this chapter.
123	A driver may not use another person, other than a dispatcher at an authorized group-ride

- taxi line, to solicit a passenger nor suggest to a passenger that an additional person be accepted as a passenger.
- 124 A driver shall not solicit passengers within fifty (50) feet of any bus stop nor stop there unless hailed.
- 125 A driver shall not pick up additional fares while the taxi continues to be employed.
- 126 A driver may not, in omnibus fashion, pick up passengers at one (1) or more locations.
- 127 A driver shall not seek to ascertain the destination of a passenger before such passenger is seated in the taxicab.
- 128 A driver shall not refuse by words, gestures or any other means to take any orderly and lawful passenger to any destination within the City of Hoboken and a twenty-five (25) mile radius thereof. This includes a person who is handicapped and any guide dog or other service animal accompanying such person.

Rule No. Rule Specification

- 129 A driver shall not induce the hire of his taxicab by giving misleading information, including but not limited to, the times of arrival and departure of trains, buses, ships, ferries, planes or other scheduled forms of transportation, the location of a building or place or the distance between two (2) points.
- 130 a. A driver shall not refuse to transport a passenger's luggage, wheelchair, crutches or other property.
b. Upon request of a passenger, the driver shall load or unload such property in or from the taxicab's interior or trunk compartment and shall secure such compartment.
- 131 A driver shall not sell, advertise or recommend any service or merchandise to any passenger without prior written approval from the Division of Taxi and Limousine Licensing.
- 132 A driver shall comply with any request of a passenger during the trip to change his destination or terminate the trip, unless it is impossible for the driver to comply with such request, and the passenger shall pay the fare at the time of termination.
- 133 A driver shall take a passenger to his

destination by the shortest reasonable route unless the passenger requests a different route or unless the driver proposes a faster alternative route to which the passenger agrees. The driver shall comply with all reasonable and lawful routing requests of the passenger.

134 A driver shall be required to accept United States currency or a Director approved group voucher.

Rule No. Rule Specification

135 A driver shall give the correct change to a passenger who has paid the fare.

136 A driver shall give a passenger a receipt for payment of the fare when requested to do so by the passenger; such a receipt shall state the date, time, city assigned taxi number, fare paid, any other charge and the Division of Taxi and Limousine Licensing's Complaint Department telephone number.

137 A driver shall not ask a passenger for a tip nor indicate that a tip is expected or required.

138 If a passenger refuses to pay the fare, the driver, with the passenger's consent, may place the meter in the off or "vacant" position, illuminate the "off-duty" light, enter on the trip record the words "off-duty" and the amount of the fare, proceed directly to the nearest police station, present the facts to the police and follow their instructions for resolving the dispute.

139 A driver shall promptly answer and comply as directed with all questions, communications, directives and summonses from the Division of Taxi and Limousine Licensing or his representative. A driver shall produce his taxicab operator's license and Motor Vehicle Commission (MVC) license, trip record or other documents whenever the Division of Taxi and Limousine Licensing or his representative requires him to do so.

140 A driver shall not knowingly operate a vehicle for hire unless such vehicle is properly licensed by the Division of Taxi and Limousine Licensing.

141 A driver shall comply with all restrictions endorsed by the Director upon his taxicab operator's license.

- 142 a. A driver shall not operate a taxicab in the City of Hoboken while his taxicab operator's license or his motor vehicle driver's license is revoked, suspended or expired.
- b. A driver shall immediately surrender his taxicab operator's license to the Division of Taxi and Limousine Licensing upon the suspension or revocation of his chauffeur's license.
- 143 A driver shall take all reasonable steps to safeguard his taxicab operator's license.
- 144 A driver shall notify the Division of Taxi and Limousine Licensing, in writing, of the loss or theft of his taxicab operator's license within seventy-two (72) hours, exclusive of weekends and holidays.
- 145 A driver shall not alter, deface, mutilate or obliterate any portion of his taxicab operator's license or the attached photograph so as to cause it to present false information or make it unreadable or unrecognizable.
- 146 A driver shall immediately surrender for replacement any unreadable or unrecognizable taxicab operator's license.
- 147 A driver shall submit four (4) prints of a new photograph to the Division of Taxi and Limousine Licensing whenever his physical appearance has substantially changed. Substantial change shall include, but not be limited to, the growth or removal of facial hair.
- 148 A driver shall report any change of mailing address to the Division of Taxi and Limousine Licensing, either in person or by registered or certified mail, return receipt requested, within seven (7) days, exclusive of weekends and holidays. Any notice from the Division of Taxi and Limousine Licensing shall be deemed sufficient if sent to the mailing address furnished by the driver.
- 149 A driver, while operating a taxicab, shall not carry a weapon without the Division of Taxi and Limousine Licensing's written authorization.
- 150 a. A driver shall keep a trip record in the taxicab, make all entries legibly in ink and include the following information:

1. The taxicab's city assigned taxi number.
 2. His name and taxicab operator's license number.
 3. The license plate number.
 4. At the start of each trip: the destination and the starting time.
 5. On completion of the trip: the date, time, specific location, the amount of fare and all other entries required by these rules.
- b. A driver shall not make erasures or obliterations or white-outs on a trip record. The driver shall correct any wrong entry only by drawing a single line through the incorrect entry. A driver shall not leave blank lines between entries.

Rule No.

Rule Specification

- c. A driver shall not rewrite a trip record, either in whole or in part, unless authorized by the Division of Taxi and Limousine Licensing.
- 151 A driver shall not operate a taxicab unless all of the following are present in the taxicab:
- a. The trip record, also known as a "trip sheet."
 - b. His taxicab operator's license in an appropriate frame on the right side of the dashboard.
 - c. The rate card assigned to the taxicab.
 - d. Receipts for passengers.
 - e. All notices required to be posted in the taxicab.
- 152 A driver shall not obstruct a passenger's view of any of the items required to be posted in a taxicab by these rules.
- 153 A driver shall not operate a taxicab having any equipment, devices or signs not specifically specified in these rules unless authorized, in writing, by the Division of Taxi and Limousine Licensing.
- 154 A driver shall not operate a taxicab without continued personal inspections and reasonable determination that all equipment, including brakes, tires, lights and signals, is

in good working order.

Rule No.	Rule Specification
155	A driver shall not operate a taxicab unless both he and the owner or his agent if the driver's vehicle is not owned by the driver, shall, at the beginning of each work shift, sign and certify on the trip record that the taxicab and its equipment are in good working order and the items required in the taxicab are present. One (1) entry for a driver who owns the vehicle he drives is sufficient for that vehicle.
156	When a taxicab taken out of service for repair has been repaired, and if the repairs were made by the driver he shall immediately make a trip record entry showing the work that was completed, the shop name and the time the work was finished. The driver shall carry the work order or receipt with him while on his work shift and deliver it to the owner at the end of that shift.
157	A driver, during his work shift, shall keep the taxicab's exterior and interior clean.
158	A driver has the right to take a position on any taxi stand having a vacancy, and no other taxicab driver may interfere with that right.
159	A driver may not occupy a taxi stand for the purpose of rest or repairing his taxicab, except for minor emergency repairs.
160	A driver shall not overcrowd, back into a front position on a taxi stand or otherwise cut the line. A driver shall take the rear position on the line formed at such a stand, unless it is a relief stand that has a vacancy.
161	A driver may occupy a taxi stand only when he is on duty.
Rule No.	Rule Specification
162	The driver of each of the first two (2) taxicabs on a taxi stand, other than a relief stand, shall remain in the driver's seat ready to accept passengers. Any other driver on such a stand shall be no more than fifteen (15) feet from his taxicab, unless he is off duty and the required "Off-Duty" light or "Relief Time" sign is visibly displayed.

- 163 The rules regarding taxi stands also apply to special taxi stands and feed lines at air, rail, bus and ship terminals.
- 164 A driver shall immediately report to the Division of Taxi and Limousine Licensing any taxi license holder who instructs any driver to violate any section of this chapter.
- 165 A driver shall not charge a fare in excess of that provided for by this chapter.

§ 179A-35. Schedule of violations and penalties.

A fine not less than the following penalties shall apply to violations of the rules set forth in Section 179A-34. The penalty schedule lists the rule number, the range of fines associated with a violation of that rule and whether the violator is required to make a personal appearance to answer such charge;

Rule	Penalty/Fine	Appearance
		Required
101	\$150.00	No
102	\$200.00	No
103	\$350.00 to \$600.00 and mandatory revocation ¹	Yes
104	\$125.00	No
105	\$150.00 to \$450.00	Yes
106a	\$200.00 to \$350.00 and/or suspension of 5 days	Yes
106b	\$200.00 to \$350.00 and/or suspension of 5 days	Yes
106c	\$150.00 to \$200.00 for a violation that governs stationary vehicles	Yes
106d	\$250.00 to \$500.00 and/or suspension of 5 days	Yes
107	\$150.00	No
108	\$150.00	No
109	\$300.00 to \$450.00	Yes

110	\$150.00 to \$250.00 and/or suspension of 20 days	Yes
111	\$350.00 to \$600.00 and/or suspension of 5 days	Yes
112a	\$250.00 to \$450.00 and/or suspension of 5 days	Yes
112b	\$150.00	No
113a, b and c	\$350.00 to \$600.00 and/or suspension of 20 days	Yes
114	\$200.00 to \$350.00 and/or suspension of 10 days	Yes
115	\$200.00	No
116	\$350.00 to \$600.00	No
117	See Section 179A-15D	No
118	\$150.00 to \$250.00	No
119a and b	\$150.00	No
120	\$350.00	No
121	\$350.00 to \$600.00	No
122	\$350.00	No
123	\$150.00 to \$200.00	No
124	See Section 179A-15D	No
125	See Section 179A-15D	No
126	\$200.00 to \$350.00	No
127	\$200.00	No
128	\$200.00	No
129	\$200.00	No
130a and b	\$150.00 to \$200.00	No
131	\$150.00 to \$200.00	No
132	\$150.00 to \$200.00	No
133	\$150.00 to \$200.00	No
134	\$150.00 to \$200.00	No
135	\$150.00 to \$200.00	No
136	\$150.00	No
137	\$150.00	No
138	No penalty attached	Not applicable
139	\$200.00	Yes
140	\$350.00 to \$600.00	Yes

141	\$150.00 to \$200.00	Yes
142a and b	\$350.00 to \$600.00	Yes
143	\$125.00	No
144	\$125.00	No
145	\$200.00	No
146	\$125.00	No
147	\$125.00	No
148	\$200.00	No
149	\$200.00	Yes
150a, b and c	\$200.00	Yes
151	\$200.00	Yes
152	\$125.00	Yes
153	\$125.00	No
154	\$150.00 to \$200.00	Yes
155	\$150.00 to \$200.00	Yes
156	\$150.00 to \$200.00	Yes
157	\$125.00	No
158	\$200.00	No
159	\$200.00	No
160	\$200.00	No
161	\$200.00	No
162	\$125.00 to \$150.00	No
163	\$125.00 to \$150.00	No
164	\$150.00 to \$250.00	No
165	\$500.00 to \$1,000.00 and/or suspension for 30 days	Yes

ARTICLE III **Rules** and Regulations: Owners

§ 179A-36. Rules and regulations: owners.

The following rules shall apply to all owners of taxicabs. Such rules, numbered sequentially below, shall be referred to by chapter, section and rule number. They are set forth below as follows:

Rule No.	Rule Specification
201	An owner shall not dispatch a taxicab or for-hire vehicle not currently licensed by the city.
202	An owner who is not currently licensed shall not advertise or hold himself out as doing

- business as a taxi or taxicab or any name that would tend to confuse the public as to the owner's license status.
- 203 An owner shall not cause to be dispatched a taxicab or for-hire vehicle unless the driver thereof has a current taxi operator's license.
- 204 An owner, while performing his duties and responsibilities as a taxicab or for-hire vehicle owner, shall not commit or attempt to commit, alone or in concert with another, any fraud, misrepresentation or larceny or perform any willful act or omission which is against the best interests of the public, although not specifically prohibited in these rules.
- 205 An owner shall not use or permit any other person to use any of his taxicabs or for-hire vehicles, his garage or his office of record for any unlawful purpose.
- 206 An owner shall not conceal any evidence of crime connected with his taxicabs or for-hire vehicles, garage or office of record.

Rule

- 207 An owner shall report immediately to the police any attempt to use any of his taxicabs or for-hire vehicles to commit a crime or flee from the scene of a crime.
- 208 The owner shall inspect or cause to be inspected the interior of the taxicab or for-hire vehicle immediately after the termination of each work shift.
- 209 Property found shall be taken without delay to the Police Department, unless it can be returned to its rightful owner sooner than being brought to the Police Department.
- 210 An owner shall not dispatch or cause to be dispatched any taxicab or for-hire vehicle from a public street or other public area if such dispatch will prevent the flow of pedestrians and/or vehicular traffic or cause inconvenience or annoyance to the public.
- 211 No owner of a vehicle shall permit a person to operate that vehicle as a livery or a limousine who does not possess a valid limousine or livery operator's license issued by the City of

Hoboken.

212 No owner shall aid, assist, counsel, require, order, mandate, suggest or in any other way knowingly cause a driver to violate any rule or rules of this chapter.

§ 179A-37. Schedule of violations and penalties.¹

A fine of not less than the following penalties shall apply to violations of the rules set forth in Section 179A-36. The penalty schedule lists the rule number, the range of fines associated with a violation of that rule and whether the violator is required to make a personal appearance to answer such charge.

Rule	Penalty/Fine	Appearance
		Required
201	\$350.00 to \$600.00 and/or suspension of 20 days	Yes
202	\$350.00 to \$600.00 and/or suspension of 20 days	Yes
203	\$350.00 to \$600.00 and/or suspension of 5 days	Yes
204	\$500.00 to \$1,000.00 and/or suspension of 20 days	Yes
205	\$500.00 to \$1,000.00 and/or suspension of 20 days	Yes
206	\$500.00 to \$1,000.00 and/or suspension of 20 days	Yes
207	\$500.00 to \$1,000.00 and/or suspension of 20 days	Yes
208	\$150.00 to \$250.00	No
209	\$150.00 to \$250.00	No
210	\$150.00 to \$250.00	No
211	\$350.00 to \$500.00	Yes
212	\$750.00 to \$1,000.00 and suspension or revocation	Yes

SECTION FOUR:

All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

SECTION FIVE:

This Ordinance shall take effect as provided by law.

---Council President Cunningham moved that the ordinance pass its first reading as read and be laid on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **JUNE 16, 2010** at 7:00 PM.

---Motion duly seconded by Councilman Giacchi

---Adopted by the following vote: YEAS: 8 - NAYS: 1

---Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mason Mello, and President Cunningham.

---Nays: Russo.

10-456

Z-44

AN ORDINANCE TO AMEND CHAPTER 180A OF THE ADMINSTRATIVE CODE OF THE CITY OF HOBOKEN, ENTITLED “ LIMOUSINES AND LIVERIES”

WHEREAS, Chapter 180A of the current Code of the City of Hoboken is at variance with the recently amended State statutes regarding limousines; and,

WHEREAS, the language, rules and regulations of Chapter 180A of the current Code of the City of Hoboken have become antiquated and outdated; and,

WHEREAS, it is in the City’ s best interest, to support the safety, health and welfare of the residents of the City of Hoboken to update the City Code to reflect modern issues and comply with State statutes.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Hoboken as follows:

SECTION ONE:

Chapter 180A of the City Code of the City of Hoboken is hereby amended in its entirety as follows:

ARTICLE I

General Provisions

§ 180A-1. Definitions.

§ 180A-2. Compliance with state law; insurance requirement.

§ 180A-3. Limousine license required.

§ 180A-3.1. Leased vehicles.

§ 180A-3.2 Livery Licenses Converted to Limousine Licenses

- § 180A-4. Limousine license application procedure; renewal.
- § 180A-5. Issuance of limousine license.
- § 180A-6. Transfer of limousine license.
- § 180A-6.1. Temporary transfer of vehicles.
- § 180A-7. Suspension and revocation of limousine license.
- § 180A-8. Limousine driver's license required.
- § 180A-9. Limousine driver's license application procedure.
- § 180A-10. Investigation of applicant for limousine license.
- § 180A-11. Consideration of application; appeal of denial.
- § 180A-11.1. Temporary licenses.
- § 180A-12. Issuance of limousine driver's license; term of license; renewal.
- § 180A-13. Suspension and revocation of limousine operator's license.
- § 180A-14. Compliance with other laws.
- § 180A-15. Vehicle equipment and maintenance.
- § 180A-15.1. Reporting of accidents; other reports required.
- § 180A-16. Use for illegal or immoral purposes prohibited.
- § 180A-17. Solicitation of passengers; maximum number of passengers.
- § 180A-17.1. Operation of noncertified limousine or livery vehicle.
- § 180A-17.2. Limousine rates.
- § 180A-18. Register of license holders.
- § 180A-19. Standing in certain locations prohibited.
- § 180A-20. Behavior of drivers.
- § 180A-21. Operation by unlicensed drivers prohibited.
- § 180A-22. Restrictions on operations.
- § 180A-23. Lost articles.

- § 180A-24. Enforcement.
- § 180A-25. Hearings.
- § 180A-26. Promulgation of rules and regulations; distribution.
- § 180A-27. Violations and penalties.

ARTICLE II

Limousine Drivers'

Rules and Regulations

- § 180A-28. Table of drivers' rules and regulations.
- § 180A-28.1. Fines for violation of drivers' rules and regulations.

ARTICLE III

Limousine Owners'

Rules and Regulations

- § 180A-29. Table of owners' rules and regulations.
- § 180A-29.1. Fines for violations of owners' rules and regulations.

GENERAL REFERENCES

Parking permits —See Ch. 141.

Taxicabs —See Ch. 179A.

Shuttle Buses —See Ch. 180

Vehicles and traffic —See Ch. 190.

ARTICLE I General Provisions

§ 180A-1. Definitions.

The following words and phrases when used in this chapter have the meanings as set out herein:

CRUISING —The driving of any limousine vehicle on the streets, alleyways or other public places of the city in search of or soliciting prospective passengers for hire.

DIRECTOR —The Director of the Department of Administration.

DIVISION OF TAXI AND LIMOUSINE LICENSING —The Division Head of the Division of Taxi and Limousine Licensing shall be the person designated by the Director of Transportation and Parking Utility of the City of Hoboken to act as Division Head of the Division of Taxi and Limousine Licensing.

HEARING —A public hearing at which the licensee shall be given an opportunity to appear personally and be represented by his chosen counsel and be heard and to present evidence on his behalf or otherwise answer the charges against him.

HOLDER —A person to whom a limousine license has been issued.

INSPECTOR —The person or persons empowered or designated by the Transportation and Parking Utility to perform inspections pursuant to this chapter.

LIMOUSINE OPERATOR —Any person holding a valid current New Jersey commercial driver's license Class C or above with passenger endorsement to operate a motor vehicle carrying eight (8) or more passengers.

LIMOUSINE VEHICLE —Any automobile or motor car which is issued special registration plates bearing the word "limousine" pursuant to section 12 of P.L. 1979, c.224 (C.39:3-19.5) and is engaged in the business of carrying passengers for hire to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route and with a seating capacity in no event of more than fourteen (14) passengers, not including the driver, provided, that such a motor vehicle shall not have a seating capacity in excess of four (4) passengers, not including the driver, beyond the maximum passenger seating capacity of the vehicle, not including the driver, at the time of manufacture. A limousine shall not include a vehicle owned and operated directly or indirectly by a business engaged in the practice of mortuary science when that vehicle is used exclusively for providing transportation related to the provision of funeral services.

LIVERY VEHICLE —Any vehicle which has been issued omnibus or livery license plates by the State of New Jersey is engaged in the business of carrying passengers for hire to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route and with a seating capacity in no event of more than five (5) passengers, not including the driver. Pursuant with N.J.S.A. 48:16-13.1, all vehicles within the City previously defined as livery vehicles shall hereinafter be defined as limousines. Wherever the term livery vehicle is used in this Chapter it shall have the same meaning and be subject to the same requirements as a limousine.

PERSON —Any individual, a corporation or other legal entity, a partnership or any incorporated association but does not include a child of less than six (6) years of age.

TRANSFER —To sell, transfer or in any other manner dispose of a limousine license. Where the license is in the name of a corporation or other legal entity, any change in ownership or control of the corporate entity holding the license shall constitute a "transfer" of the license

held in the name of said corporation or other legal entity. The Division of Taxi and Limousine Licensing shall determine what constitutes a change in control.

§ 180A-2. Compliance with state law ; insurance requirement.

A. In order to ensure the safety of the public, it shall be unlawful for the holder to operate or cause to permit a limousine vehicle to be operated, nor shall any license be issued hereunder, until and unless the applicant shall have complied with the provisions of N.J.S.A. 48:16-13 to -22.7 and the Acts amendatory or supplemental thereto, which includes, but is not limited to the purchase of an insurance policy from a company duly licensed to transact business under the insurance laws of this state in the sum of one million five hundred thousand dollars (\$1,500,000.) against loss by reason of the liability imposed by law upon every limousine owner for damages on account of bodily injury or death suffered by any person as a result of an accident occurring by reason of ownership, maintenance or use of the limousine vehicle.

B. The owner shall furnish the Division of Taxi and Limousine Licensing with evidence of compliance with this section and that the premium for the full period of the licensing year has been paid. Each policy shall contain an endorsement providing for thirty (30) days written notice from the insurance company to the City of Hoboken in the event of any change in the policy or cancellation of the policy. Each limousine (or livery) license shall become effective and operation thereunder shall be permitted only so long as the insurance policy shall remain in force to the full and collectible amounts specified herein.

C. In the event that the aforementioned insurance is canceled, the license shall terminate on the date of the cancellation, unless the insurance has been reinstated and a withdrawal of the cancellation or a new policy of insurance has been submitted to the Clerk of the City and to the Division of Taxi and Limousine Licensing within two (2) business days of any change. As a condition of obtaining a City of Hoboken taxicab license, the taxicab license holder agrees to provide the Division Head with the authority to communicate directly with the taxicab license holder's insurance companies.

§ 180A-3. Limousine license required.

A. No person shall operate or permit to be operated a limousine providing service on an intra-municipal, point to point basis within the City without having first obtained a license from the Division of Taxi and Limousine Licensing. This requirement is in addition to the requirement that a limousine owner, whose principal place of business is within the City, obtain a license from the Division of Taxi and Licensing in accordance with N.J.S.A. 48:16-17.

B. No license to operate shall be issued or renewed unless the holder thereof has paid the annual license fee of fifty dollars (\$50.) for each limousine service and ten dollars (\$10.) for each limousine. Said license shall be for the year ending on March 31 and shall be in addition to any other fees or charges established by proper authorities and applicable to said holder for the vehicle or vehicles under his operation and control.

C. Each limousine licensed by the City of Hoboken shall be required to pay an annual administrative fee of seven hundred dollars (\$700.) to cover administrative costs including, but not limited to, City vehicle inspections and limousine law enforcement.

D. Each person issued a limousine operator's license by the City of Hoboken shall, as a condition to continue maintenance of such license, submit each of his limousine vehicles for a full mechanical and vehicle inspection once a year during the one-year period of his license pursuant to a schedule established by the City of Hoboken. Such inspection shall be conducted by an Inspector of the Division of Taxi and Limousine Licensing and/or New Jersey Motor Vehicle Commission. In the event that city inspectors report that any vehicle is in need of repair, the licensee shall repair the same within thirty (30) days of the inspection and shall resubmit the vehicle for reinspection, plus submit a written report or invoice specifying the services performed and parts furnished to correct the condition noted in the prior inspection report. The term "in need of repair" shall include but is not limited to the following:

- (1) That the glass (windows and/or windshield) is cracked, chipped or scratched or that the glass in the mirrors is cracked.
- (2) That the horn does not function properly so as to produce a sound audible for two hundred (200) feet.
- (3) That the emergency brake does not hold the vehicle when parked on a grade.
- (4) That the foot brake does not hold the vehicle when parked on a grade and that it does not have sufficient reserve pedal.
- (5) That the headlights, taillights, stoplights and directional lights do not turn on and off when operated by the control in the vehicle or are otherwise broken or defective.
- (6) That the windshield wipers do not rotate back and forth with sufficient pressure when turned on and do not stop when turned off by the control in the vehicle.
- (7) That the tires have damage, ply separation, breaks or cuts and do not have at least two thirty-seconds (2/32) inch of tire tread.
- (8) That a defroster does not function properly so as to produce a temperature in excess of fifty degrees Fahrenheit (50° F.).
- (9) That any door for entering into or out of the vehicle is damaged to the extent that it does not fully swing for convenient passenger ingress or egress.

§ 180A-3.1. Leased vehicles.

Any license for a vehicle leased, rented or held under any similar legal arrangement may be licensed as a limousine, subject to the following conditions:

- A. The vehicle, owner, and lessee must meet all the terms of this chapter.
 - B. The lease rental agreement or legal documents evidencing the arrangement under which the vehicle is held must be submitted to the Division of Taxi and Limousine Licensing prior to a license being issued.
 - C. The vehicle must be held under the exclusive control of the lessee for the entire lease period, which must be at least as long as the license period. There shall be no sharing of
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vehicles between partnerships, corporations, organizations, associations or any combination thereof during the period of a license. Any such sharing will immediately void the Hoboken limousine license granted for that vehicle.

§ 180A-3.2 Livery Licenses Converted to Limousine Licenses

Pursuant to the definition of N.J.S.A. 48:16-13.1, all autocabs within the City of Hoboken currently designated as livery vehicles shall be redesignated as limousines. The City of Hoboken shall convert all current livery licenses to limousine licenses and all current livery operator's licenses to limousine operator's licenses to comply with N.J.S.A. 48:16-13.1. Upon the next renewal after this subsection takes effect, any livery license or livery operator's license shall be converted to a limousine license or limousine operator's license. The holder of such livery license or livery operator's license shall be obligated to meet all requirements for obtaining a limousine license and/or limousine operator's license under this Chapter prior to conversion by the City of Hoboken. As of the date of enactment of this subsection, no new or renewal livery license or livery operator's licenses shall be granted by the City of Hoboken.

§ 180A-4. Limousine license application procedure; renewal.

A. In addition to the requirements of N.J.S.A. 48:16-17, application for a license shall be filed with the Division of Taxi and Limousine Licensing upon forms provided by the City of Hoboken, and said application shall be verified under oath and shall furnish the following information:

- (1) The name and address of the applicant; where the applicant is not a natural person, the name and address of all owners or participants in the ownership of the legal entity and all officers, directors or others of like position whatever their title.
- (2) The year, type and model of the vehicle for which the license is desired.
- (3) The number of persons the vehicle is capable of carrying.
- (4) Such further information as the Division of Taxi and Limousine Licensing of the City of Hoboken may require.

B. The annual application for renewal of limousine licenses and limousine operator's licenses shall be filed not later than thirty (30) days prior to the expiration date. Late filing of applications shall be subject to a fifty dollar (\$50) late filing fee.

§ 180A-5. Issuance of limousine license.

The Division of Taxi and Limousine Licensing is hereby created. The head of this division shall be designated by the Director of Transportation and Parking Utility of the City of Hoboken to serve at a commensurate salary. The division head of the Division of Taxi and Limousine Licensing shall be responsible for the enforcement of this section and Chapter 179A of the ordinances of the City of Hoboken pertaining to Taxi and Limousine service.

If the Division Head of the Division of Taxi and Limousine Licensing finds that the applicant is fit, willing and able to perform such public transportation in accordance with the provisions of this chapter, the Division of Taxi and Limousine Licensing shall issue a license

stating the name and address of the applicant, the date of issuance and the year, type and model of the vehicle; otherwise, the application shall be denied. In making the above findings, the Division of Taxi and Limousine Licensing shall take into consideration the character, experience and responsibility of the applicant.

A. Until March 31, 2011, the number of outstanding livery licenses shall be limited to a total of twenty-five (25) liveries. As of March 31, 2011 all outstanding livery licenses shall be converted to limousine licenses. Any outstanding livery licenses that have not been converted by the holder as of March 31, 2011 shall be revoked, and the holder thereof shall not be entitled to conversion to a limousine license.

B. The number of outstanding limousine licenses shall be limited to a total of fifty (50) limousines. The number of outstanding limousine license shall be limited to a total of seventy-five (75). In the event a livery license holder shall fail to obtain a limousine license on or before March 31, 2011 the City reserves the right to, but shall not be obligated to sell the remaining available limousine licenses in accordance with the New Jersey Public Contract Law.

§ 180A-6. Transfer of limousine license.

A. No limousine license may be sold, assigned or otherwise transferred without the prior written consent of the City Council. No limousine license shall be mortgaged, pledged or otherwise transferred to secure a debt, loan, advance or other financial transaction.

B. No limousine or livery license shall be transferred unless the holder has paid a transfer fee of seven hundred fifty dollars (\$750.).

C. A limousine license holder shall at no time drive a limousine licensed by a different limousine license holder. Such conduct shall result in both limousine licenses being suspended, or, after a hearing, revoked.

§ 180A-6.1. Temporary transfer of vehicles.

It shall be unlawful for any person licensed under the provisions of this chapter to voluntarily permit any other person to drive or operate a limousine under such license.

§ 180A-7. Suspension and revocation of limousine license.

A. Licenses issued under the provisions of this chapter may be suspended or, after hearing, revoked by the Division of Taxi and Limousine Licensing if the holder thereof has:

- (1) Violated any of the provisions of this chapter.
- (2) Violated any ordinance of the City of Hoboken or the laws of New Jersey, the violation of which reflects unfavorably on the fitness of the holder to offer public transportation.
- (3) Discontinued operation of a limousine license for more than thirty (30) days;

B. A holder of a license shall be entitled to notice and a hearing before a Hearing Officer selected by the Corporation Counsel, if requested in writing within five (5) business days after receipt of notice of alleged violations. The license holder shall be entitled to

representation by counsel and may present evidence in defense of the charges. The Division of Taxi and Limousine Licensing shall present evidence in support of the charges. At the conclusion of a hearing, the Hearing Officer may either revoke or suspend the license, or dismiss the charges. Any appeal of the decision of the Hearing Officer shall be made to a court of competent jurisdiction.

§ 180A-8. Limousine operator' s license required.

A. No person shall operate a limousine for hire upon the streets of the City of Hoboken and no person who owns or controls a limousine shall permit it to be so driven and no limousine licensed by the City of Hoboken shall be so driven at any time for hire unless the driver of said limousine shall have first obtained and shall have then in force the limousine operator's license under the provisions of this chapter and provided, further, that said driver shall be a holder or servant, employee or agent of such holder.

B. Every person applying for a limousine operator' s license must furnish satisfactory evidence that he has received a limousine under the New Jersey State Motor Vehicle Law.¹

C. Each applicant for a limousine operator' s license under the terms of this chapter must conform to the following regulations:

- (1) Be of the age of twenty-one (21) years or over and be a resident of the State of New Jersey for one (1) year or more.
- (2) Be able to read and write the English language and be a citizen of the United States.

§ 180A-9. Limousine operator' s license application procedure.

A. An application for an operator' s license shall be filed with the Division of Taxi and Limousine Licensing on forms provided by the City of Hoboken. Any documentation submitted in support of an application shall be original documents or legible certified copies of same. The application shall contain the following:

- (1) The full name and address of the applicant.
- (2) Places of residence for the preceding five (5) years.
- (3) Age, height and color of eyes and hair.
- (4) Place of birth and whether married or single.
- (5) Previous employment and whether he has ever been convicted of a high misdemeanor, misdemeanor, violation of the Disorderly Persons Act or a violation of this chapter.
- (6) Whether a driver's license, issued by any state or political subdivision thereof, ever held by him has been suspended or revoked and for what cause.
- (7) Fingerprint impressions taken for the Hoboken Department of Police to conduct State and Federal background checks. The applicant shall bear any and all costs for fingerprinting.

(8) The successful completion of a 5 Panel Drug & Alcohol Test administered by a third party selected by the City of Hoboken, which results shall indicate no positive test results for any controlled dangerous substance or alcohol. The cost of this test shall be at the applicant's expense.

(9) Authorization to the City of Hoboken, permitting the release of the applicant's criminal background check to the City of Hoboken.

(10) A motor vehicle services record abstract indicating a driver's history from New Jersey Motor Vehicle Commission which shall be no more than thirty (30) days old.

B. The applicant shall furnish four (4) passport-type photographs of himself taken within thirty (30) days of the application, front view, two by two (2 x 2) inches in size.

C. Each application must be accompanied by a certificate from a licensed and practicing physician of the State of New Jersey, certifying that the applicant has been examined on a certain date and that, in his opinion, the applicant is of sound physique, 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 or livery vehicle. The examination shall be within thirty (30) days prior to the filing of the application. At the time the application is filed, the applicant shall pay to the Division of Taxi and Limousine Licensing the sum of seventy-five dollars (\$75.).

D. The annual application for renewal of limousine licenses and limousine operator' s licenses shall be filed not later than thirty (30) days prior to the expiration date. Late filing of applications shall be subject to a fifty dollar (\$50) late filing fee.

§ 180A-10. Investigation of applicant for limousine license.

A. The Division of Taxi and Limousine Licensing or his designee shall conduct an investigation of each applicant for a taxicab operator's license. A report of such investigation and a copy of the police criminal history background check and traffic record of the applicant, if any, shall be attached to the application for consideration. The procedure for compiling the application which shall be used by the Division to conduct the investigation shall be found in the Division' s Rules and Regulations.

B. Authorization for fingerprinting based access to the Interstate Identification Index for the purpose of conducting non-criminal justice licensing is found in New Jersey State Annotated 40:48-1.4. All applicants seeking a license under this ordinance shall submit to a fingerprint criminal history record and background investigation by the Hoboken Police Department.

B. The Division of Taxi and Limousine Licensing shall consider the application, the police investigation report, any other documentation required to be attached thereto, and any other relevant facts whatsoever and shall approve or reject the application. No taxi operator's license shall be issued until a written police investigation report is received from the Hoboken Police Department's Bureau of Record and Identification showing the result of the investigation of the applicant's prior criminal history, if any, through an examination of the fingerprints.

C. The Bureau of Record and Identification shall conduct a criminal history background check investigation of the applicant by submitting necessary documents to the New Jersey

State Police and any other appropriate law enforcement agency having the capability of determining whether a person has a criminal record by cross-referencing that person's name and fingerprints with those on file with the Federal Bureau of Investigation, Identification Division, and the State Bureau of Identification of the New Jersey Division of State Police.

D. The Hoboken Police Department shall refer the applicant to the designated fingerprint vendor for processing. Upon receipt of the results of the criminal history background check the Bureau of Record and Identification shall provide the Division of Taxi and Limousine Licensing with the results of the criminal background check within five business days of receipt of same.

E. Convictions of crimes shall not be considered when considering the application, except that convictions for the following crimes less than ten (10) years prior to the date of application shall result in summary denial of an application:

- (1) Driving under the influence of drugs or alcohol; or
- (2) Any offense involving danger to the person as defined by N.J.S.A. 2C:11-1 et. seq, N.J.S.A. 2C:12-1 et. seq, N.J.S.A. 2C:13-1 et. seq, N.J.S.A. 2C:14-1 et. seq, or N.J.S.A. 2C:15-1; or,
- (3) Crimes and disorderly persons offense set forth in N.J.S.A. 2C:24-4, N.J.S.A. 2C:24-5, N.J.S.A. 2C:24-7, N.J.S.A. 2C:24-8, N.J.S.A. 2C:24-9, or N.J.S.A. 2C:33-4; or,
- (4) Any crime involving controlled dangerous substance or controlled substance analog set forth in Chapter 35 of Title 2C of the New Jersey Statutes, except N.J.S.A. 2C:35-10(a)(4); or
- (5) A conviction for any crime or offense less than ten (10) years prior to the date of application, in any other state or jurisdiction, the conduct of which, if committed in New Jersey, would constitute any of the crimes or offenses listed in subsections 1 through 4 of this section.

§ 180A-11. Consideration of application; appeal of denial.

The Division Head of the Division of Taxi and Limousine Licensing, upon consideration of the application and the reports and certificate required to be attached thereto, shall approve or reject the application. If the application is rejected, the applicant may request a hearing to offer evidence why his application should be reconsidered.

§ 180A-11.1. Temporary licenses.

The Division of Taxi and Limousine Licensing may issue a temporary license to any applicant who has fully completed the licensing application process, has been approved by the Director of Transportation and Parking Utility and is awaiting City Council approval of his or her license. Such temporary license shall be valid for a period of time to be determined by the Division of Taxi and Limousine Licensing and for not longer than thirty (30) days from the date of its issuance.

§ 180A-12. Issuance of limousine operator's license; term of license; renewal.

A. Upon approval of the application for an operator's license by the Division of Taxi and Limousine Licensing, the Division Head shall issue a license to the applicant which shall bear the name, signature and photograph of the applicant.

B. Such license shall be in effect for the remainder of the fiscal year ending March 31. The fee for such license shall be seventy-five dollars (\$75.), and the license for every year thereafter shall be issued upon payment of seventy-five dollars (\$75.).

C. The license shall also contain the city license number and a notice that, in case of any complaint, the Division of Taxi and Limousine Licensing shall be notified of the license number of the driver. The license shall bear the signature of the Division Head of the Division of Taxi and Licensing.

§ 180A-13. Suspension and revocation of limousine operator's license.

The Division of Taxi and Limousine Licensing is hereby given the authority to suspend any operator's license issued under this chapter upon justified complaint of any person, including a holder, for a driver failing or refusing to comply with the provisions of this chapter; provided, however, that a holder's first suspension shall not exceed twenty (20) days. The Division of Taxi and Limousine Licensing is also given the authority to revoke any driver's license for failure to comply with the provision of this chapter; provided, however, that a license may not be revoked unless the driver has received notice and a copy of the charges against him and has been given a hearing. Notwithstanding the use of the words "suspend or, after a hearing, revoke" in this chapter, the Division of Taxi and Limousine Licensing may suspend and, after a hearing, revoke any such license.

A holder of a license shall be entitled to notice and a hearing before a Hearing Officer selected by the Corporation Counsel, if requested in writing within five (5) business days after receipt of notice of alleged violations. The license holder shall be entitled to representation by counsel and may present evidence in defense of the charges. The Division of Taxi and Limousine Licensing shall present evidence in support of the charges. At the conclusion of a hearing, the Hearing Officer may either revoke or suspend the license, or dismiss the charges. Any appeal of the decision of the Hearing Officer shall be made to a court of competent jurisdiction.

§ 180A-14. Compliance with other laws.

Every driver licensed under this chapter shall comply with all city, state and federal laws, the violation of which reflects unfavorably on the fitness of such driver to engage in public transportation; failure to do so will justify the Division of Taxi and Limousine Licensing in suspending or, after a hearing, revoking the license. If, at any time within the license year, a driver has been found guilty of a high misdemeanor or misdemeanor or has permitted his vehicle to be used for any illegal or immoral purpose, the Division of Taxi and Limousine Licensing may immediately suspend or, after a hearing, revoke the driver's license.

§ 180A-15. Vehicle equipment and maintenance.

A. No license shall be issued until said limousine has been thoroughly inspected and found to be in a safe condition for the transportation of passengers and of good appearance.

- B. Every vehicle operating under this chapter shall be periodically inspected, at such intervals as the Division of Taxi and Limousine Licensing may direct, to ensure the continued maintenance of safe operating conditions.
- C. Every vehicle operating under this chapter shall be kept in a clean and sanitary condition in accordance with the rules and regulations promulgated by the Division of Taxi and Limousine Licensing.
- D. Any vehicle on the streets of the City of Hoboken in violation of this section may be removed from the street by the Hoboken Police Department. If the vehicle is not returned to service in accordance with the provisions of this section within ninety (90) days, the Division of Taxi and Limousine Licensing may suspend or, after a hearing, revoke the limousine license.
- E. Color scheme of limousine. A limousine may be of any color other than one that will represent a taxi/hack (yellow).
- F. Vehicles used as a limousine shall be of a four-door model and shall not be more than four (4) years old. Thereafter, said vehicle must be replaced.
- G. Upon written request, the Division of Taxi and Limousine Licensing may permit a vehicle smaller than a four-door model or more than four (4) years old to be licensed. Such a request shall only be granted where the vehicle is a classic, antique, vintage or otherwise unusual and rare automobile. Furthermore, such requests shall only be granted where the vehicle in question is capable of safely performing the tasks for which it is licensed.

§ 180A-15.1. Reporting of accidents; other reports required.

- A. All accidents arising from or in connection with the operation of a limousine which result in death or injury to any person or in damage to any vehicle or to any property in an amount exceeding five hundred dollars (\$500.) shall be reported to the Division of Taxi and Limousine Licensing within forty-eight (48) hours from the time of the occurrence in the form of a report to be furnished by the Division of Taxi and Limousine Licensing. Copies of any police report filed or prepared as a result of the accident must also be provided to the Division of Taxi and Limousine Licensing within forty-eight (48) hours. Failure to report said accidents shall be grounds for suspension and/or revocation of the limousine license. Such reports are to be used by the Division of Taxi and Limousine Licensing in developing useful information in the prevention of transportation accidents.
- B. Whenever a limousine registered to a City of Hoboken limousine license is out of service for five (5) or more days, the limousine license holder shall report the same in writing to the Division of Taxi and Limousine Licensing with the reason therefore, the date of decommission, and the expected date of return. Prior to returning the taxicab to service, the taxicab license holder shall provide the Division with a written letter from a mechanic, on the mechanics official letterhead, stating the vehicle is safe for operation as a limousine, and the date the vehicle may return to operation.
- C. Whenever the registration and/or license plates for a limousine licensed by the City of Hoboken shall change the limousine license holder shall provide the City of Hoboken with written verification, from the State of New Jersey Department Motor Vehicle Commission,

indicating the change of license plate and/or change of registration for the vehicle prior to use of the vehicle under the City of Hoboken limousine license.

§ 180A-16. Use for illegal or immoral purposes prohibited.

No holder or driver shall knowingly permit his vehicle to be used for any illegal or immoral purposes, under penalty of suspension or, after hearing, revocation of the holder or driver's license, or both, and such other penalty as may be provided.

§ 180A-17. Solicitation of passengers; maximum number of passengers.

A. Prohibited solicitation. No driver shall solicit passengers on any city street, parking lot, taxi stand or other location where vehicles may enter or stand, nor shall any driver engage in "cruising" as defined in this chapter. Furthermore, no driver shall pick up any passenger in response to a signal, hail, gesture or call, except telephone calls, made from a passenger on a city street, parking lot, taxi stand or other location where vehicles may enter or stand. A driver shall only be permitted to respond to a telephone request for a pickup. A violation of this subsection shall result in a fine of five hundred dollars (\$500.) for the first offense and/or up to one hundred eighty (180) days imprisonment to be determined by the Municipal Court, and not less than seven hundred fifty dollars (\$750.) and/or up to one hundred eighty (180) days imprisonment to be determined by the Municipal Court for the second offense; and not more than one thousand dollars (\$1000.) and/or one (1) year imprisonment to be determined by the Municipal Court for the third or subsequent offense and revocation of the owner's license for that particular vehicle.

B. Receipt and discharge of passengers on a sidewalk. Drivers shall not receive or discharge passengers in the roadway but shall pull up to the right-hand side as nearly as possible or, in the absence of a sidewalk, to the extreme right-hand side of the road and there receive or discharge passengers, except upon one-way streets, where passengers may be discharged at either the right-or left-hand sidewalk or side of the roadway, in the absence of a sidewalk.

C. Restrictions on the number of passengers. No driver shall permit more than four (4) passengers to be carried in a limousine. Upon written application to the Division of Taxi and Limousine Licensing requesting an inspection of a particular vehicle, the Division of Taxi and Limousine Licensing may, at his discretion, rate particular vehicles or classes of vehicles at a higher occupancy level.

§ 180A-17.1. Operation of noncertified limousine or livery vehicle.

A. It shall be unlawful for a non licensed limousine or livery vehicle to pick up or accept a passenger within the city for a destination within the city limits. Upon written request of a prospective passenger, the Division of Taxi and Limousine Licensing may, at his discretion, waive this rule in particular instances.

B. Limousines and livery vehicles licensed in other jurisdictions may discharge passengers at a destination within the city, provided that said passenger has been picked up by the limousine or livery vehicle outside the city.

C. Livery cars, and limousines licensed in other jurisdictions shall not cruise within the city limits to seek non-prearranged passengers. Livery cars, and limousines may only pick up a passenger within the city to be taken to a place or destination outside the city provided the

passenger had personally, or through an agent, previously arranged by telephone or other means with the owner or driver of the noncertified taxicab for such a trip to the destination outside the city. Livery cars, and limousines shall be specifically prohibited from picking up fares unless they have been prearranged.

D. Any person found to be guilty of violating any provision of this section shall be punishable by a fine of not less than five hundred dollars (\$500.) and/or one hundred eighty (180) days imprisonment to be determined by the Municipal Court and notice of the offense shall be sent to the owner of the taxi license for the first (1st) offense; And not less than seven hundred fifty dollars (\$750.) and/or up to one hundred eighty (180) days imprisonment to be determined by the Municipal Court and notice of the offense shall be sent to the owner of the taxi license for the second (2nd) offense; And not more than one thousand dollars (\$1000.) and/or up to one (1) year imprisonment to be determined by the Municipal Court and notice of the offense shall be sent to the owner of the taxi license for the third (3rd) or subsequent offense.

§ 180A-17.2. Limousine rates.

A limousine shall charge either an hourly or a daily rate for all services. Any rate may be charged, provided that:

A. The rate schedule is on file with the Division of Taxi and Limousine Licensing of the City of Hoboken. The rate schedule must conform to the rules of this section. A rate schedule may be changed only once in a calendar month.

B. An hourly or daily rate schedule must be posted conspicuously in the passenger compartment of the vehicle, be printed on the written contract pursuant to which the limousine was hired and be on file with the Division of Taxi and Limousine Licensing of the City of Hoboken. No fee that differs, either higher or lower, from the fee set forth in the fee schedule on file with the Division of Taxi and Limousine Licensing may be charged for any trip less than four (4) hours in duration.

C. No fee charged at an hourly rate may be less than one-half (1/2) the hourly fee applicable to the first hour of any trip, regardless of the length or duration of the trip.

D. No subsequent hour in any trip lasting more than one (1) hour may be charged at a rate higher than that charged for the first hour. Nothing herein shall be construed to prohibit the reduction in the hourly rate for subsequent hours for trips greater than one (1) hour in duration.

E. No daily rate charged for any limousine may be less than four (4) times the rate for the first hour in the hourly rate posted in that vehicle. Any daily rate passenger is entitled to at least four (4) hours of continuous limousine service.

F. All rates for limousine services shall be charged on a vehicle-per-hour or vehicle-per-day basis, regardless of the number of passengers transported. No driver shall charge a separate hourly or daily fee based on the number of passengers transported. The practice of sharing of limousines, whereby the driver is paid more than one (1) fare for the same travel or portion thereof, is hereby prohibited. Any driver who violates this subsection shall be subject to a license suspension for a period not less than one (1) day and not to exceed five (5) days.

§ 180A-18. Register of license holders.

The Division of Taxi and Limousine Licensing shall keep a register of the name of each holder licensed under this chapter, together with the license number and the make and description of the vehicle licensed, with the date and record of inspections made of it.

§ 180A-19. Standing in certain locations prohibited.

It shall be unlawful for any limousine to stand in any restricted area or any area which is controlled by parking meters or at the curb within fifteen (15) feet of the entrance to any theater, hotel, restaurant or other public place.

§ 180A-20. Behavior of drivers.

The driver, while engaged in the operation of a limousine, shall behave himself in a gentlemanly manner, and he shall not use any indecent, profane or insulting language while engaged in such operation.

§ 180A-21. Operation by unlicensed drivers prohibited.

It shall be unlawful for any person owning or operating any limousine in the City of Hoboken, licensed under the provisions of this chapter, to permit such vehicle to be operated by any person who does not hold a valid driver's license as required by this chapter.

§ 180A-22. Restrictions on operations.

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

§ 180A-23. Lost articles.

Every driver of a limousine, immediately after the termination of any hiring or employment, must carefully search such vehicle for any property lost or left therein, and any such property, unless sooner claimed or delivered to the owners, must be reported, in writing, by the driver or holder to the Division of Taxi and Limousine Licensing, with brief particulars and a description of the property, within twenty-four (24) hours after the finding thereof.

§ 180A-24. Enforcement.

The Division of Taxi and Limousine Licensing and Police Division of the City of Hoboken are hereby given the authority and are instructed to watch and observe the condition of holders and drivers operating under this chapter. Upon discovering a violation of the provisions of this chapter, the Police Division shall report the same to the Division of Taxi and Limousine Licensing, in addition to issuing any required summons to the offending licensee the Division of Taxi and Limousine Licensing who shall order or take appropriate action.

§ 180A-25. Hearings.

All hearings under this chapter shall be conducted by the Division Head of the Division of Taxi and Limousine Licensing, and/or his or her designee.

§ 180A-26. Promulgation of rules and regulations; distribution.

The Division of Taxi and Limousine Licensing shall promulgate reasonable rules and regulations to implement this chapter and to carry out its intendments, which shall be filed with the City Clerk of the City of Hoboken. The Division of Taxi and Limousine Licensing shall cause the rules and regulations as promulgated, together with this chapter and any amendments or additions thereto, to be printed and distributed to the holders of limousine or livery licenses and to all those who in the future shall obtain such license or licenses.

§ 180A-27. Violations and penalties.

Any person found guilty of violating any of the provisions of this chapter for which no penalties have been specified may, in addition to the suspension or revocation of the license as heretofore provided, be fined not less than five hundred dollars (\$500.) and/or up to one hundred eighty (180) days imprisonment to be determined by the Municipal Court and notice of the offense shall be sent to the owner of the taxi license for the first (1st) offense; and not less than seven hundred fifty dollars (\$750.) and/or up to one hundred eighty (180) days imprisonment to be determined by the Municipal Court and notice of the offense shall be sent to the owner of the taxi license for the second (2nd) offense; and not more than one thousand dollars (\$1000.) and/or one (1) year imprisonment to be determined by the Municipal Court and notice of the offense shall be sent to the owner of the taxi license for the third (3rd) or subsequent offense.

ARTICLE II Limousine Drivers' Rules and Regulations

§ 180A-28. Table of drivers' rules and regulations.

The following rules shall apply to all drivers of limousine vehicles. Such rules, numbered sequentially below, shall be referred to by chapter, section and rule number. They are set forth below as follows:

Rule No. Rule Specification

- | | |
|-----|---|
| 101 | A driver shall be clean and neat in dress and person. A driver must wear hemmed or tailored trousers that are no higher than mid-thigh and that have no holes. A female driver must wear hemmed or tailored trousers or a skirt that is no higher than mid-thigh and that has no holes. A driver must wear closed shoes or sneakers. A driver must wear a collared shirt or blouse, without holes, which, if it has buttons, must be buttoned, except for the top 2 buttons. A driver may not wear as outer clothing any of the following: underwear, tank tops, tube tops, body shirts, swim wear, bathing trunks or cut-off shorts. |
| 102 | A driver shall not smoke while carrying a passenger unless the passenger verbally consents. |

Rule No. Rule Specification

- 103 A driver shall not operate or occupy a limousine while his driving ability is impaired by either alcohol or drugs, nor while driving or occupying such limousine or livery vehicle shall he consume any alcoholic beverage or any drugs or narcotics which are either illegal or capable of impairing his driving ability.
- 104 A driver shall not operate a limousine for more than twelve (12) consecutive hours.
- 105 A driver shall at all times cooperate with all law enforcement officers and authorized representatives of the Division of Taxi and Limousine Licensing and shall comply with all their reasonable requests, including but not limited to providing his name and limousine operator' s license number and other documents required to be in his possession.
- 106 a. A driver shall not operate his limousine in such a manner or at a speed which unreasonably endangers users of other vehicles, pedestrians or his passengers.
- b. A driver who knowingly or having cause to know that personal injury has been caused to another person or that damage has been caused to the property of another person due to an accident involving the driver's limousine shall, before leaving the place where said damage or injury occurred, stop, exhibit to such other person his limousine operator' s license and rate card and give to such other person his name, residence address, limousine operator' s number, as well as the name of the vehicle's insurance carrier and the insurance policy number.

Rule No. Rule Specification

- c. A driver shall operate his limousine at all times in full compliance with all laws, rules and regulations of the Port Authority of New York and New Jersey and any regulatory body or governmental agency having jurisdiction over motor vehicles, with respect to matters not otherwise specifically covered in these rules.
- d. A driver, while operating a limousine, shall immediately report to the owner of the vehicle any motor vehicle accident in which he is involved.
- 107 A radio shall be turned on or off at the request of

the passenger. The passenger shall have the right to select the radio program. Whether or not a limousine is hired, a radio shall be played at normal volume only, and all noise ordinances shall be complied with.

- 108 An air-conditioning and heating device in a limousine shall be turned on or off at the request of a passenger.
- 109 A driver, while performing his duties and responsibilities as a driver, shall not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation or larceny or perform any willful act of omission or commission which is against the best interests of the public, even though not specifically mentioned in these rules.
- 110 A driver shall not apply for or accept more than 1 limousine operator' s license without the Division of Taxi and Limousine Licensing's written permission.

Rule No. Rule Specification

- 111 A driver shall not permit any other person to use limousine operator' s license while such person is operating any vehicle.
- 112
- a. A driver shall not permit the limousine to be operated for hire by another person who is not currently licensed by the Division of Taxi and Licensing as a limousine or livery driver.
 - b. During the work shift, a driver shall not allow another person to operate the limousine or occupy the driver's seat, except in the event of an emergency.
- 113
- a. A driver shall not use or permit any other person to use his limousine for any unlawful purpose.
 - b. A driver shall not conceal any evidence of a crime nor voluntarily aid violators to escape arrest.
 - c. A driver shall report immediately to the police any attempt to use his limousine to commit a crime or to escape from the scene of a crime.
- 114 A driver or any person acting on his behalf shall not offer or give any gift, gratuity or thing of value to any employee, representative or member of the office of the Division of Taxi and Licensing or any public servant or any dispatcher employed at a public transportation facility.

- | Rule No. | Rule Specification |
|-----------------|---|
| 115 | A driver shall immediately report to the Division of Taxi and Licensing and the Hoboken Police Division any request or demand for a gift, gratuity, free service or anything of value by any employee or representative of the Division of Taxi and Licensing, any member of the City Council of Hoboken, any police officer, any dispatcher or any public servant. |
| 116 | A driver shall notify the Division of Taxi and Licensing, in writing, of the driver's conviction of a crime or motor vehicle offense, excluding parking violations for vehicles other than a limousine or livery vehicle, within fifteen (15) days of such conviction, and he shall deliver to the Division of Taxi and Licensing a certified copy of the certificate of disposition issued by the Clerk of the Court within fifteen (15) days of sentencing. |
| 117 | A driver shall not permit more than four passengers to ride in his limousine or livery unless the particular vehicle in question has been approved for more passengers by the Division of Taxi and Licensing or his designee pursuant to Section 180A-15F of this chapter. Children riding in any vehicle shall be considered a passenger and must comply with all car seat requirements as provided by State law. |
| 118 | A handicapped passenger, unable to enter or ride in the rear passenger part of the limousine must be permitted to occupy the front seat alongside the driver. If a passenger's luggage occupies the rear passenger part of the vehicle, a passenger must be permitted to occupy the front seat alongside the driver. |
| 119 | a. A driver shall be courteous to passengers. |

Rule No. Rule Specification

- | | |
|-----|--|
| 120 | <p>b. A driver shall comply with all the reasonable requests of a passenger, including but not limited to providing, upon request, his name and his limousine license number.</p> <p>A driver shall not threaten, harass or abuse any passenger, governmental officer, representative of the Division of Taxi and Licensing, public servant or any other person while performing his duties as a driver.</p> |
|-----|--|

- 121 A driver shall not use or attempt to use any physical force against any passenger, governmental officer, representative of the Division of Taxi and Licensing, public servant or any other person while performing his duties as a driver.
- 122 A driver may not use another person to solicit a passenger nor suggest to a passenger that an additional person be accepted as a passenger.
- 123 A driver shall not pick up additional paying passengers while the limousine continues to be employed.
- 124 A driver may not, in omnibus fashion, pick up paying passengers at one (1) or more locations.
A driver shall not refuse by words, gestures or any other means to take any orderly and lawful passenger to any destination within the City of Hoboken and a 25-mile radius thereof. This includes a person who is handicapped and any guide dog accompanying such person.
- 126 A driver shall not induce the hire of his vehicle by giving misleading information, including but not limited to the times of arrival and departure of trains, buses, ships, ferries, planes or other scheduled forms of transportation, the location of a building or place or the distance between two (2) points.

Rule No. Rule Specification

- 127 a. A driver shall not refuse to transport a passenger's luggage, wheelchair, crutches or other property.
b. Upon request of a passenger, the driver shall load or unload such property in or from the vehicle's interior or trunk compartment and shall secure such compartment.
- 128 A driver shall not sell, advertise or recommend any service or merchandise to any passenger without prior written approval from the Division of Taxi and Limousine Licensing.
- 129 A driver shall take a passenger to his destination by the shortest reasonable route, unless the passenger requests a different route or unless the driver proposes a faster alternative route to which the passenger agrees. The driver shall comply with all reasonable and lawful routing requests of the passenger.
- 130 A driver shall be required to accept United States

currency or a Director-approved group voucher.

131 A driver shall give the correct change to a passenger who has paid the hourly or daily charge.

132 A driver shall give a passenger a receipt for payment of the charge when requested to do so by the passenger; such a receipt shall state the date, time, fee paid and the Division of Taxi and Licensing's Complaint Department telephone number.

133 A driver shall not ask a passenger for a tip nor indicate that a tip is expected or required.

Rule No. Rule Specification

134 A driver shall promptly answer and comply as directed with all questions, communications, directives and summonses from the Division of Taxi and Licensing or his representative. A driver shall produce his limousine operator's license and Motor Vehicle Commission (MVC) license or other documents whenever the Division of Taxi and Licensing or his representative requires him to do so.

135 A driver shall not knowingly operate a vehicle for hire unless such vehicle is properly licensed by the Division of Taxi and Licensing.

136 A driver shall comply with all restrictions endorsed by the Division of Taxi and Licensing upon his limousine license.

- 137
- a. A driver shall not operate a limousine in the City of Hoboken while his limousine operator's license or his motor vehicle driver's license is revoked, suspended or expired.
 - b. A driver shall immediately surrender his limousine operator's license to the Division of Taxi and Licensing upon the suspension or revocation of his chauffeur's license.

138 A driver shall take all reasonable steps to safeguard his limousine operator's license.

139 A driver shall notify the Division of Taxi and Licensing, in writing, of the loss or theft of his limousine and livery driver's license within seventy-two (72) hours, exclusive of weekends and holidays.

Rule No. Rule Specification

140 A driver shall not alter, deface, mutilate or obliterate any portion of his limousine operator's license or the attached photograph so as to cause it

to present false information or make it unreadable or unrecognizable.

- 141 A driver shall immediately surrender for replacement any unreadable or unrecognizable limousine license.
- 142 A driver shall submit four (4) prints of a new photograph to the Division of Taxi and Licensing whenever his physical appearance has substantially changed. Substantial change shall include, but not be limited to, the growth or removal of facial hair.
- 143 A driver shall report any change of mailing address to the Division of Taxi and Licensing, either in person or by registered or certified mail, return receipt requested, within seven (7) days, exclusive of weekends and holidays. Any notice from the Division of Taxi and Licensing shall be deemed sufficient if sent to the mailing address furnished by the driver.
- 144 A driver, while operating a limousine, shall not carry a weapon without the Division of Taxi and Licensing's written authorization.
- 145 A driver shall not operate a limousine having any equipment, devices or signs not specifically specified in these rules, unless authorized, in writing, by the Division of Taxi and Licensing.

Rule No. Rule Specification

- 146 A driver shall not operate a limousine without continuing personal inspection and reasonable determination that all equipment, including brakes, tires, lights and signals, is in good working order.
- 147 When a limousine taken out of service for repair has been repaired, and if the repairs were made by the driver, the driver shall carry the work order or receipt with him while on his work shift and deliver it to the owner at the end of that shift.
- 148 A driver, during his work shift, shall keep the vehicle's exterior and interior clean.
- 149 No driver shall charge a fee that differs from the fee schedule on file with the Division of Taxi and Licensing.
- 150 No driver shall leave the scene of any accident contrary to the laws of the State of New Jersey.
- 151 No driver shall cause his vehicle horn to sound for the purposes of signaling a passenger between the hours of 8:00 p.m. and 8:00 a.m.

§ 180A-28.1. Fines for violation of drivers' rules and regulations.

The following penalty schedule shall be in force for the violation of the rules set forth in Section 180A-28. The penalty schedule lists the rule number, the range of fines associated with a violation of that rule and whether the violator is required to make a personal appearance to answer such charge.

Schedule of Violations and Penalties

Rule No.	Penalty/Fine (minimum to maximum)	Personal Appearance Required
101	\$50.00	No
102	\$100.00	No
103	\$250.00 to \$500.00	Yes
(N.J.S.A. 39:4-50)		
104	\$25.00	No
105	\$50.00 to \$350.00	Yes
106a	\$100.00 to \$250.00 and/or suspension of 5 days	Yes
106b	\$100.00 to \$250.00 and/or suspension of 5 days	Yes
106c	\$50.00 to \$100.00 for a violation that governs stationary vehicles	Yes
106d	\$250.00 to \$500.00 and/or suspension of 5 days	Yes
107	\$50.00	No
108	\$50.00	No
109	\$200.00 to \$350.00	Yes
110	\$50.00 to \$150.00 and/or suspension of 20 days	Yes
111	\$250.00 to \$500.00 and/or suspension of 5 days	Yes
112a	\$150.00 to \$350.00 and/or suspension of 5 days	Yes
112b	\$50.00	No
Rule No.	Penalty/Fine (minimum to maximum)	Personal Appearance Required

113a, b and c	\$250.00 to \$500.00 and/or suspension of 20 days	Yes
114	\$100.00 to \$250.00 and/or suspension of 10 days	Yes
115	\$100.00	No
116	\$250.00 to \$500.00	No
117	\$250.00 to \$500.00	No
118	\$50.00 to \$150.00	No
119	\$50.00	No
120	\$250.00	No
121	\$250.00 to \$500.00	No
122	\$250.00	No
123	\$150.00 to \$250.00	No
124	\$250.00 to \$500.00	No
125	\$250.00	No
126	\$100.00	No
127a and b	\$50.00 to \$100.00	No
128	\$50.00 to \$100.00	No
129	\$50.00 to \$100.00	No
130	\$50.00 to \$100.00	No
131	\$50.00 to \$100.00	No
132	\$50.00	No
133	\$50.00	No
134	\$100.00	Yes
135	\$250.00 to \$500.00	Yes
	Penalty/Fine	Personal Appearance Required
Rule No.	(minimum to maximum)	
136	\$50.00 to \$100.00	Yes
137a and b	\$250.00 to \$500.00	Yes
138	\$25.00	No
139	\$25.00	No
140	\$100.00	No
141	\$25.00	No
142	\$25.00	No

143	\$100.00	No
144	\$100.00	Yes
145	\$25.00	No
146	\$50.00 to \$100.00	Yes
147	\$50.00 to \$100.00	Yes
148	\$25.00	No
149	\$250.00 to \$500.00	Yes
150	\$500.00 to \$1,000.00 and/or suspension of 30 days	Yes
151	\$100.00	No

ARTICLE III Limousine Owners' Rules and Regulations

§ 180A-29. Table of owners' rules and regulations.

The following rules shall apply to all owners of limousines. Such rules, numbered sequentially below, shall be referred to by chapter, section and rule number. They are set forth below as follows:

Rule No.	Rule Specification
201	An owner shall not dispatch a limousine not currently licensed by the city.
202	An owner who is not currently licensed shall not advertise or hold himself out as doing business as a limousine or any name that would tend to confuse the public as to the owner's license status.
203	An owner shall not cause to be dispatched a limousine unless the driver thereof has a current limousine operator's license.
204	An owner, while performing his duties and responsibilities as a limousine owner, shall not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation or larceny or perform any willful act or omission which is against the best interests of the public, although not specifically prohibited in these rules.
205	An owner shall not use or permit any other person to use his limousine, his garage or his office of record for any unlawful purpose.
206	An owner shall not conceal any evidence of crime connected with his limousine, garage or office of record.

- 207 An owner shall report immediately to the police any attempt to use any of his limousine to commit a crime or flee from the scene of a crime.
- 208 The owner shall inspect or cause to be inspected the interior of the limousine immediately after the termination of each work shift.
- Rule No. Rule Specification**
- 209 Property found shall be taken without delay to the Police Division, unless it can be returned to its rightful owner within a reasonable time.
- 210 An owner shall not dispatch or cause to be dispatched any limousine from a public street or other public area if such dispatch will prevent the flow of pedestrians and/or vehicular traffic or cause inconvenience or annoyance to the public.
- 211 No owner of a vehicle shall permit a person to operate that vehicle as a livery or a limousine who does not possess a valid limousine operator's license issued by the Division of Taxi and Licensing of City of Hoboken.
- 212 No owner shall aid, assist, counsel, require, order, mandate, suggest or in any other way knowingly cause a driver to violate any rule of this chapter. The fines for such an offense shall be triple the maximum fine allowable for the offense committed by the driver.

§ 180A-29.1. Fines for violations of owners' rules and regulations.

The following penalty schedule shall be in force for the violation of the rules set forth in Section 180A-29. The penalty schedule lists the rule number, the range of fines associated with a violation of that rule and whether the violator is required to make a personal appearance to answer such charge.

Schedule of Violations and Penalties

Rule No.	Penalty/Fine (minimum to maximum)	Personal Appearance Required
201	\$250.00 to \$500.00 and/or suspension of 20 days	Yes
202	\$250.00 to \$500.00 and/or suspension of 20 days	Yes
203	\$250.00 to \$500.00 and/or suspension of 5 days	Yes
204	\$500.00 to \$1,000.00 and/or	Yes

	suspension of 5 days	
205	\$500.00 to \$1,000.00 and/or suspension of 5 days	Yes
206	\$500.00 to \$1,000.00 and/or suspension of 5 days	Yes
207	\$500,00 to \$1,000.00 and/or suspension of 5 days	Yes
208	\$50.00 to \$150.00	No
209	\$50.00 to \$150.00	No
210	\$50.00 to \$150.00	No
211	\$250.00 to \$500.00	Yes
212	Triple fine allowed for driver offense	Yes

SECTION TWO:

All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

SECTION THREE:

This Ordinance shall take effect as provided by law.

---Council President Cunningham moved that the ordinance pass its first reading as read and be laid on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **JUNE 16, 2010** at 7:00 PM.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 8 - NAYS: 1

---Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mason Mello, and President Cunningham.

---Nays: Russo.

10-456

Z-45

AN ORDINANCE TO CREATE CHAPTER 180 OF THE ADMINSTRATIVE CODE OF THE CITY OF HOBOKEN, ENTITLED “ SHUTTLE BUSES”

WHEREAS, the City of Hoboken is empowered to license and permit Shuttle Buses which operate within the City’ s borders; and,

WHEREAS, regulating Shuttle Buses within the City limits will allow the City of Hoboken to increase the safety of commuters, pedestrians and residents of the City of Hoboken; and,

WHEREAS, licensing Shuttle Bus operators will allow the City of Hoboken more oversight as to the individuals who transverse the City's streets, which will increase pedestrian, commuter and resident safety; and,

WHEREAS, the City of Hoboken, as a pedestrian friendly commuter City, wishes to increase safety on its streets, sidewalks and public ways in an attempt to enhance the general welfare, safety, and health of the City's residents and visitors.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Hoboken as follows:

SECTION ONE:

Chapter 180 of the City Code of the City of Hoboken is hereby created follows:

Article I
Shuttle Bus Provisions

§ 180-1.1. Purpose

§ 180-1.2. Definitions.

§ 180-2. Shuttle Bus license required; unlimited number of licenses available.

§180-2.1 Shuttle Bus Permit required.

§ 180-3. Shuttle Bus license application.

§ 180-4. Insurance requirements and power of attorney.

§180-5 Filing and approval of current Shuttle Bus route

§ 180-6. Shuttle Bus license application fee; annual license fee; amount.

§ 180-7. Transfer of Shuttle Bus license; fee.

§ 180-8. Shuttle Bus operator's license required.

§ 180-9. Shuttle Bus operator's license application; requirements; content.

§ 180-10. Investigation of Shuttle Bus operator's license applicants.

§ 180-11. Application for Shuttle Bus operator's license; approval or rejection.

§ 180-12. Prohibition on transfer of Shuttle Bus operator's license.

§ 180-13. Shuttle Bus operator's license application fee.

§ 180-14. Operation of non-licensed Shuttle Bus within the city.

§ 180-15. Violations; revocation or suspension of license or operator's license; reasons for; notice and hearing.

§ 180-16. Shuttle Bus operator's license and approved route; display.

§ 180-17. Shuttle Bus drivers to comply with federal and state laws and city ordinances.

§ 180-18. Designated Shuttle Bus pick-up and drop-off locations; establishment and use.

§ 180-19. Advertising.

§ 180-20. Division of Taxi and Limousine Licensing is to enforce chapter.

§ 180-21. Violations and penalties.

§ 180-22. Repeal of previous ordinance.

§ 180-23. Savings clause.

ARTICLE II Rules and Regulations; Drivers

§ 180-24. Rules and regulations: drivers.

§ 180-25. Schedule of violations and penalties.

ARTICLE III Rules and Regulations: Owners

§ 180-26. Rules and regulations: owners.

§ 180-27. Schedule of violations and penalties.

GENERAL REFERENCES

Taxicabs – See Ch. 180.

Limousines and liveries — See Ch. 180A.

Vehicles and traffic —See Ch. 190.

Article I
Shuttle Bus Provisions

§ 180-1.1. Purpose

Pursuant to N.J.S.A. 40:52-1(b), the City of Hoboken is empowered to license shuttle busses and shuttle bus drivers, for revenue. It is in the City's best interest to know which shuttle busses and shuttle bus drivers are operating within the city limits, and to regulate said operations. It is in the best interest of the general welfare for the city to assess the character of each shuttle bus applicant and shuttle bus operator applicant as an added measure to minimize unsafe and unhealthy transportation operations within the city. Shuttle Bus licensing and regulation shall be enforced by the Department of Transportation and Parking through the Division of Taxi and Limousine Licensing. The Division Head of the Division of Taxi and Limousine Licensing shall be responsible for enforcement of this Chapter.

§ 180-1.2. Definitions.

Director: when used in this Chapter shall mean the Director of Transportation and Parking

Division: when used in this Chapter shall mean the Division of Taxi and Limousine Licensing

Division Head: when used in this chapter shall mean the Division Head of the Division of Taxi and Limousine Licensing who shall be designated by the Director of the Department of Transportation and Parking to act as the authority for the Division of Taxi and Limousine Licensing

Inspector: The person or persons empowered or designated by the Department of Transportation and Parking to perform inspections pursuant to this chapter.

Shuttle Bus: any automobile, autobus, or motor bus, commonly called jitney which carries passengers along a scheduled route within the city limits of the City of Hoboken.

Shuttle Bus Activity Form: a form designated by the Division which specifically demonstrates the current shuttle bus route and approved stops for the licensed shuttle bus, one of which shall be on file with the Division of Taxi and Limousine Licensing for each licensed shuttle bus. It shall be the responsibility of the license holder to provide the Division with a new form within five (5) business days of any change in route. It shall be the responsibility of the license holder to provide a new form each year prior to receiving license renewal.

Shuttle Bus License: an official document of the City of Hoboken which permits the holder to operate a shuttle bus for hire on a regular route within the city limits, subject to the restrictions found in the Division of Taxi and Limousine's Rules and Regulations, the Hoboken City Code, and state and federal laws.

Shuttle Bus Operator License: the official document of the City of Hoboken which grants the individual license holder nontransferable permission to drive a shuttle bus upon the streets of the City of Hoboken. This term shall not be construed to mean a driver's license issued by

the State of New Jersey Motor Vehicle Commission. When used throughout this chapter, the term "operator's license" shall mean the definition as stated herein. The term "driver's license" shall mean a driver's license issued by the State of New Jersey Motor Vehicle Commission.

Trip Record: a daily record prepared by a shuttle bus driver of all trips made by the driver, showing time and place of origin, destination, number of passengers and the amount of fare of each trip. The trip record or "sheet" shall also contain the driver's name, and the time he or she reported on and off duty.

§ 180-2. Shuttle Bus license required; unlimited number of licenses available.

No shuttle bus with a carrying capacity of not more than 13 passengers, which must be licensed and operated under municipal consent of the City of Hoboken, upon a route established wholly within the limits of the City of Hoboken, or with a carrying capacity of not more than 20 passengers operated, which must be licensed and operated under municipal consent of the City of Hoboken, upon a route established wholly within the limits of not more than four contiguous municipalities which includes the City of Hoboken shall be operated wholly or partly along any street in the City until the owner or owners thereof shall obtain a license from the Division for the right to operate said shuttle bus over any street or streets of the city limits.

The City will provide a shuttle bus license to any owner or owners of shuttle buses operating within the City. There shall be no limit on the number of shuttle bus licenses approved and provided by the City.

§180-2.1 Shuttle Bus Permit Required.

- A. For any shuttle bus which does not fall within Section 180-2 of this chapter, a permit shall be required in order for the shuttle bus to make use of the benefits of Section 180-18 of this Chapter.
- B. The Division of Taxi and Limousine Licensing shall require Sections 180-3, 180-4, and 180-5 of this chapter to be satisfied before a shuttle bus permit will be issued.
- C. Shuttle bus permits are nontransferable.
- D. Shuttle bus permits must be renewed annually.
- E. No shuttle bus permit application shall be considered and no shuttle bus permit shall be issued or renewed unless the applicant or holder thereof has paid the annual fee of one hundred fifty dollars (\$150.) for each vehicle permitted by the City. The permit fee shall be for the period of April 1 through March 31, of the succeeding year and be in addition to any other license fee or charges established by proper authority and applicable to the holder of the vehicle or vehicles under his operation and control.
- F. Permit holders shall be subject to the rules and regulations, and violations and penalties of this chapter, including but not limited to suspension and revocation of the City issued permit, to the same extent as a licensed shuttle bus.

§ 180-3. Shuttle Bus license application.

A. Application requirements. A separate application is required for each vehicle operating as a shuttle bus pursuant to this chapter. The applicant must be the primary owner of the shuttle bus. An application for a shuttle bus license shall be filed with the Division of Taxi and Limousine Licensing upon forms provided by the city. The application shall be verified under oath and shall contain the following information:

- (1) The name, address, date of birth, social security number, telephone number, and motor vehicle operator license number of the applicant;
- (2) The financial status of the applicant, including any liens or judgments against the applicant, and the nature of any transaction or acts giving rise to any existing liens or judgments;
- (3) The experience of the applicant in the transportation of passengers;
- (4) Any facts which the applicant believes tend to prove that a license is warranted;
- (5) The number of vehicles to be operated or controlled by the applicant, the daily route of each vehicle to be operated by the applicant, and the location where the vehicles will be primarily garaged;
- (6) Copies of all leases, mortgages or other material pertaining to the financial or ownership status of the shuttle bus license and any vehicles covered under the license;
- (7) A criminal history background check form supplied by the city;
- (8) An applicant shall also submit fingerprint impressions taken by the Hoboken Police Department, and the applicant shall bear any and all costs for fingerprinting;
- (9) Such other information as the city may require; and
- (10) For each requirement listed in 1 through 9 of this section, in any case where the primary owner of a shuttle bus is a corporate entity, any individual holding a 20% or greater share in the corporate entity will be required to provide their personal information in addition to the corporate information in order to satisfy this section.

B. The Division of Taxi and Limousine Licensing is hereby authorized and empowered to establish rules and regulations governing the issuance of shuttle bus licenses and shuttle bus operator's licenses not inconsistent herewith, and as may be necessary and reasonable.

§ 180-4. Insurance requirements and power of attorney.

A. Insurance requirements

- (1) No shuttle bus license shall be awarded and no shuttle bus operation shall be permitted until the owner of such shuttle bus shall have filed with the Division an insurance policy of a company duly licensed to transact business under the insurance laws of this State in the sum of \$10,000.00 against loss from the liability imposed by law upon the shuttle bus owner for damages on account of bodily injury or death suffered by any one person and in the sum of \$100,000.00 on account of bodily injury or death suffered by more than one person, and in the sum of \$5,000.00 against loss on account of property damage suffered by any person or

persons as a result of an accident occurring by reason of the ownership, maintenance or use of such shuttle bus upon the public streets of the City.

(2) Such insurance policy shall provide for the payment of any final judgment recovered by any person on account of the ownership, maintenance and use of such autobus or any fault in respect thereto and shall be for the benefit of any person suffering loss, damage or injury as aforesaid.

(3) Failure to maintain insurance to the full and collectible amount of \$10,000.00 for one person and \$100,000.00 for more than one person for bodily injuries or death and \$5,000.00 for property damage shall remain in force, shall result in summary cancellation of the shuttle bus license.

(4) In the alternative to proving subsections 1-3, above, a licensee may provide the Division with a written exemption from the Commission of Insurance pursuant to N.J.S.A. 48:4-13.

B. Power of Attorney

(1) A power of attorney shall be executed and delivered to the Division concurrently with the filing of the insurance policy hereinbefore referred to, wherein and whereby the said owner shall nominate, constitute and appoint the City his true and lawful attorney for the purpose of acknowledging service of any process out of a court of competent jurisdiction to be served against the insured by virtue of the indemnity granted under the insurance policy filed.

(2) The shuttle bus license may be revoked by the Division after notice and hearing whenever it shall appear that the person to whom such license was granted has failed to furnish and keep in force the insurance and the power of attorney herein required, or to comply with any terms or conditions imposed by the Division or any laws of this City, State or Country.

§180-5 Filing and approval of current Shuttle Bus Activity Form

Each holder of a shuttle bus license shall have the most current shuttle bus route and approved stops on file with the Division of Taxi and Limousine Licensing. It shall be the responsibility of the shuttle bus license holder to provide the most current shuttle bus route to the Division via the Shuttle Bus Activity Form, and to update the shuttle bus route via a Shuttle Bus Activity Form whenever there is a change to the route, whether temporary or permanent. Use of a shuttle bus along a route not on file with the Division of Taxi and Limousine Licensing shall be considered a violation of this section. Any person found guilty of violating the provisions of §180-5 shall be subject to a fine of not less than one thousand dollars (\$1000.) and/or one hundred eighty (180) days imprisonment to be determined by the Municipal Court and notice of the offense shall be sent to the owner of the shuttle bus license for the first (1st) offense; and not less than one thousand five hundred dollars (\$1500.) and/or one hundred eighty (180) days imprisonment to be determined by the Municipal Court and notice of the offense shall be sent to the owner of the shuttle bus license for the second (2nd) offense; and not more than two thousand dollars (\$2000.) and/or one (1) year imprisonment to be determined by the Municipal Court and notice of the offense shall be sent to the owner of the shuttle bus license for the third (3rd) or subsequent offense(s). The approved route and stops shall not compete with the city's community shuttle bus service.

§ 180-6. Shuttle Bus license application fee; annual license fee; amount.

No shuttle bus license application shall be considered and no shuttle bus license shall be issued or renewed unless the applicant or holder thereof has paid the annual fee of seven hundred fifty dollars (\$750.) for each vehicle licensed by the City. The license fee shall be for the period of April 1 through March 31, of the succeeding year and be in addition to any other license fee or charges established by proper authority and applicable to the holder of the vehicle or vehicles under his operation and control.

§ 180-7. Transfer of Shuttle Bus license; fee.

A. No shuttle bus license may be transferred, assigned, sold or otherwise encumbered, in whole or in part, without the prior written consent of the City Council.

B. No transfer application may be forwarded to the City Council until the transferee has satisfied all other requirements of this chapter, including but not limited to all initial application requirements.

C. The fee for a license transfer shall be seven hundred fifty dollars (\$750.), payable by the transferee to the City of Hoboken. This fee is in addition to any annual shuttle bus licensing fees applicable to the license. No transfers shall be permitted in the month of March.

D. No shuttle bus license shall be renewed or transferred until all outstanding tickets, summonses, judgments and tax liens of the City against the holder(s) are satisfied.

§ 180-8. Shuttle Bus operator's license required.

No person shall operate a shuttle bus upon the streets of the City of Hoboken without a shuttle bus operator's license. No person who owns or controls a shuttle bus license from the City shall permit a person without a shuttle bus operator's license to operate under their shuttle bus license within the City. In the event an operator misplaces his or her operator's license, he or she must:

A. Report it to the Hoboken Police Department;

B. Provide the Division of Taxi and Limousine Licensing with a copy of the police report and two (2) passport pictures; and,

C. Pay twenty-five dollars (\$25.) to the City of Hoboken to reimburse the city for its administrative cost to issue a replacement license.

§ 180-9. Shuttle Bus operator's license application; requirements; content.

A. Every applicant for an operator's license must meet the following requirements:

(1) Be at least eighteen (18) years of age and have at least one (1) year of driving experience;

(2) Obtain a certificate from a medical doctor licensed in the State of New Jersey which certifies the operator is of sound physique, with good eyesight, not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might cause the applicant to be unfit to safely operate a shuttle bus. Upon renewal application, a certificate shall only be required every even year;

(3) Be able to speak, read, and write the English language and have a basic knowledge of Hudson County roadways and landmarks;

(4) Be a citizen of the United States or present valid documentation from the United States government of authorization to work within the United States;

(5) Possess a valid New Jersey driver's license with not more than eight (8) points (provisional licenses will not be accepted); and

(6) Be clean in dress and habits as to be able to provide adequate and appropriate service to the public;

B. Every applicant for an operator's license shall comply with the Division of Taxi and Limousine Licensing's Rules and Regulations in preparing their application. Every application for an operator's license shall contain the following:

(1) Name, address, date of birth, social security number, and New Jersey motor vehicle operator's number;

(2) The applicant's experience in the transportation of passengers;

(3) A record of the applicant's employment history for the previous three (3) years;

(4) Proof of residence in the State of New Jersey for a period of at least ninety (90) days;

(5) Four (4) photographs of the applicant measuring two (2) inches by two (2) inches of a front view of the applicant's face and shoulders without head covering;

(6) A motor vehicle services record abstract indicating a driver's history from New Jersey Motor Vehicle Commission which shall be no more than thirty (30) days old;

(7) Fingerprint impressions taken for the Hoboken Police Department to conduct State and Federal background checks for which the applicant shall bear any and all costs;

(8) Certificate from a licensed and practicing physician of the State of New Jersey certifying that the applicant was examined on a certain date not more than sixty (60) days before the filing of the application. The certificate shall state that, in the physician's opinion, the applicant is of sound physique, with good eyesight, not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might cause the applicant to be unfit to safely operate a taxi. Upon renewal application, a certificate shall only be required every odd year;

(9) An affidavit of the applicant's good character from two (2) reputable sources who have known the applicant personally and observed the applicant's conduct for a period of not less than one (1) year prior to application;

(10) A reference from the applicant's last employer. This requirement may be waived at the option of the Division Head for good cause;

(11) The successful completion of a 5 Panel Drug & Alcohol Test administered by a third party to be selected by the Division Head. The results shall indicate no positive test results for any substance, or the application will be summarily denied. The cost of this test shall be at the applicant's sole cost and expense.

(12) Authorization to the Police Department of the City of Hoboken, to obtain a state and federal criminal background check of the applicant.

(13) Such other information that the city may require.

C. Every applicant for an operator's license must attend on an annual basis from the date of issuance a driver safety and shuttle bus rules course, if provided by the City of Hoboken.

§ 180-10. Investigation of Shuttle Bus operator's license applicants.

A. The Division of Taxi and Limousine Licensing or his designee shall conduct an investigation of each applicant for an operator's license. A report of such investigation and a copy of the police criminal history background check and traffic record of the applicant, if any, shall be attached to the application for consideration. The procedure for compiling the application which shall be used by the Division to conduct the investigation shall be found in the Division's Rules and Regulations.

B. Authorization for fingerprinting based access to the Interstate Identification Index for the purpose of conducting non-criminal justice licensing is found in New Jersey State Annotated 40:48-1.4. All applicants seeking a license under this ordinance shall submit to a fingerprint criminal history record and background investigation by the Hoboken Police Department.

C. The Division of Taxi and Limousine Licensing shall consider the application, the police investigation report, any other documentation required to be attached thereto, and any other relevant facts whatsoever and shall approve or reject the application. No shuttle bus operator's license shall be issued until a written police investigation report is received from the Hoboken Police Department's Bureau of Record and Identification showing the result of the investigation of the applicant's prior criminal history, if any, through an examination of the fingerprints.

D. The Bureau of Record and Identification shall conduct a criminal history background check investigation of the applicant by submitting necessary documents to the New Jersey State Police and any other appropriate law enforcement agency having the capability of determining whether a person has a criminal record by cross-referencing that person's name and fingerprints with those on file with the Federal Bureau of Investigation, Identification Division, and the State Bureau of Identification of the New Jersey Division of State Police.

E. The Hoboken Police Department shall refer the applicant to the designated fingerprint vendor for processing. Upon receipt of the results of the criminal history background check the Bureau of Record and Identification shall provide the Division of Taxi and Limousine Licensing with the results of the criminal background check within five business days of receipt of same.

F. Convictions of crimes shall not be considered when considering the application, except that convictions for the following crimes less than ten (10) years prior to the date of application shall result in summary denial of an application:

(1) Driving under the influence of drugs or alcohol; or

(2) Any offense involving danger to the person as defined by N.J.S.A. 2C:11-1 et. seq, N.J.S.A. 2C:12-1 et. seq, N.J.S.A. 2C:13-1 et. seq, N.J.S.A. 2C:14-1 et. seq, or N.J.S.A. 2C:15-1; or,

(3) Crimes and disorderly persons offense set forth in N.J.S.A. 2C:24-4, N.J.S.A. 2C:24-5, N.J.S.A. 2C:24-7, N.J.S.A. 2C:24-8, N.J.S.A. 2C:24-9, or N.J.S.A. 2C:33-4; or,

(4) Any crime involving controlled dangerous substance or controlled substance analog set forth in Chapter 35 of Title 2C of the New Jersey Statutes, except N.J.S.A. 2C:35-10(a)(4); or

(5) A conviction for any crime or offense less than ten (10) years prior to the date of application, in any other state or jurisdiction, the conduct of which, if committed in New Jersey, would constitute any of the crimes or offenses listed in subsections 1 through 4 of this section.

§ 180-11. Application for Shuttle Bus operator's license; approval or rejection.

A. If an applicant fails to meet the criteria of any section of Chapter 180 where such failure expressly requires summary denial, the Division Head must summarily deny the application.

B. In all instances other than §180-10F, if the Division Head of the Division of Taxi and Limousine Licensing after examination of the completed application finds that the applicant is fit, willing and able to perform such public transportation in accordance with the provisions of this chapter, the Division of Taxi and Limousine Licensing shall issue a license stating the name and address of the applicant, the date of issuance and the year, type and model of the vehicle; otherwise, the application shall be denied. In making the above findings, the Division of Taxi and Limousine Licensing shall take into consideration the character, experience and responsibility of the applicant.

C. If the Division Head of the Division of Taxi and Limousine Licensing upon consideration of the application determines that the applicant is unfit or unable to perform the duties of a shuttle bus driver, or if the applicant demonstrates behavior that is abusive, hostile or otherwise inconsistent with the manner in which a person with regular contact with the public should act, the Division of Taxi and Limousine Licensing may deny or reject the application.

D. If the application is denied or rejected, the applicant may, within 10 days of the date of denial, request a personal appearance before the Division of Taxi and Limousine Licensing to offer evidence in support of a request to reconsider his/her application. Such personal appearance shall occur within 30 days of the date of request by the applicant.

§ 180-12. Prohibition on transfer of Shuttle Bus operator's license.

A. No shuttle bus operator's license shall be transferred, assigned or sold to any other person in whole or in part. Nor shall the license be defaced, obliterated or mutilated.

B. No shuttle bus operator's license shall be renewed unless all outstanding tickets, summonses, judgments or tax liens of the holder are satisfied in full.

§ 180-13. Shuttle Bus operator' s license application fee.

A nonrefundable shuttle bus operator' s license application fee of seventy-five dollars (\$75) must be paid directly to the Division of Taxi and Limousine Licensing before any application documents will be distributed or considered by the Division of Taxi and Limousine Licensing.

§ 180-14. Operation of non-licensed Shuttle Bus within the city.

A. It shall be unlawful for a non licensed shuttle bus to pick up or accept a passenger within the city for a destination within the city limits.

B. Shuttle busses licensed in other jurisdictions shall not discharge passengers at a destination within the city unless the regular route of the shuttle bus canvasses more than three other municipalities. It is the responsibility of the owner and driver of such shuttle bus to provide proof of the regular route acceptable to the Division of Taxi and Limousine Licensing.

C. Any person found to be guilty of violating any provisions of §180A-14 shall be subject to a fine of not less than one thousand dollars (\$1000.) and/or one hundred eighty (180) days imprisonment to be determined by the Municipal Court and notice of the offense shall be sent to the owner of the shuttle bus license for the first (1st) offense; and not less than one thousand five hundred dollars (\$1500.) and/or one hundred eighty (180) days imprisonment to be determined by the Municipal Court and notice of the offense shall be sent to the owner of the shuttle bus license for the second (2nd) offense; and not more than two thousand dollars (\$2000.) and/or one (1) year imprisonment to be determined by the Municipal Court and notice of the offense shall be sent to the owner of the shuttle bus license for the third (3rd) or subsequent offense(s).

§ 180-15. Violations; revocation or suspension of shuttle bus license or operator's license; reasons for; notice and hearing.

A. In addition to any summons(s) issued for a violation of this chapter, a license issued under the provisions of this chapter may be revoked or suspended for any of the following reasons:

- (1) Violation of any of the provisions of this chapter;
- (2) Discontinued operation for more than thirty (30) days;
- (3) Violation of any provisions of this Code or of the laws of the United States or of this state which reflect unfavorably on the fitness of the holder to offer public transportation; or,
- (4) Violation of any rule or regulation provided for by Articles II and III of this chapter.

B. A holder of a license shall be entitled to notice and a hearing before a Hearing Officer selected by the Corporation Counsel, if requested in writing within five (5) business days after receipt of notice of alleged violations. The license holder shall be entitled to representation by counsel and may present evidence in defense of the charges. The Division of Taxi and Limousine Licensing shall present evidence in support of the charges. At the

conclusion of a hearing, the Hearing Officer may either revoke or suspend the license, or dismiss the charges. Any appeal of the decision of the Hearing Officer shall be made to a court of competent jurisdiction.

C. Any notice from the Division of Taxi and Limousine Licensing shall be deemed sufficient if sent via certified and regular mail to the mailing address furnished by the license holder to the Division of Taxi and Limousine Licensing pursuant to this chapter. In the event a licensee changes their mailing address, it is the licensee's responsibility to notify the Division of Taxi and Limousine Licensing.

D. Unless otherwise provided for within this chapter a violation of a provision of this chapter shall be punishable as follows:

(1) For a first offense, a minimum fine of two hundred fifty dollars (\$250.) upon the driver with a maximum fine of five hundred dollars (\$500.), and notice of the offense shall be sent to the owner of the shuttle bus license;

(2) For a second offense, a minimum fine of five hundred dollars (\$500.) with a maximum fine of seven hundred fifty dollars (\$750.) upon the driver, and/or suspension of the driver's shuttle bus operator's license; and a minimum fine of two hundred fifty dollars (\$250.) with a maximum fine of five hundred dollars (\$500.) upon the owner of the shuttle bus license;

(3) For a third offense, a minimum fine of seven hundred fifty dollars (\$750.) with a maximum fine of one thousand dollars (\$1000.) upon the driver, and a mandatory suspension of the shuttle bus operator's license for thirty (30) days, with the option to revoke the driver's shuttle bus operator's license; and a minimum fine of five hundred dollars (\$500.) with a maximum fine of seven hundred fifty dollars (\$750.) upon the owner of the shuttle bus license, and/or suspension of the shuttle bus license;

(4) For a fourth offense, a minimum fine of one thousand dollars (\$1000.) with a maximum fine of two thousand dollars (\$2,000.) and mandatory revocation of the driver's shuttle bus operator's license for a period of not less than five (5) years; and a minimum fine of seven hundred fifty dollars (\$750.) with a maximum fine of one thousand dollars (\$1,000.) upon the owner of the shuttle bus license and mandatory permanent revocation of the shuttle bus license.

§ 180-16. Shuttle Bus operator's license, shuttle bus license and approved route; display.

Every shuttle bus driver licensed under this chapter shall post his or her operator's license, the shuttle bus license and the shuttle bus's current activity form in a glass or plastic enclosed bracket within eye level of seated rear passengers and in a manner as to be readily identifiable and legible. The Hoboken shuttle bus license number shall also be displayed on a placard no less than 8" x 10" in size with lettering covering no less than 80 percent of the placard so that the license number is clearly visible through a window of the front or passenger side of the vehicle but does not obstruct the view of the driver.

§ 180-17. Shuttle Bus drivers to comply with federal and state laws and city ordinances.

Every shuttle bus driver licensed and every shuttle bus license holder under provisions of this chapter shall comply with all federal and state laws and regulations and all city ordinances relating to the use, operation and occupancy of motor vehicles and shuttle busses. The failure to do so will be cause for suspension, revocation, or other penalty as the Director determines.

§ 180-18. Designated Shuttle Bus pick-up and drop-off locations; establishment and use.

(1) The City of Hoboken shall designate and identify by way of posted signs official “ Permitted Shuttle Bus Only” zones that shall be occupied only by licensed shuttle buses properly displaying a Hoboken shuttle bus license number and Hoboken permitted autobuses properly displaying a Hoboken shuttle bus permit placard. All other on-street pick-up and drop-off locations other than those described in this section are prohibited.

(2) On-street pick-up and drop-off locations not officially designated by the City of Hoboken as described in § 180-18 (1) shall only be established with approval from the Division of Taxi and Limousine Licensing, after request by way of a notarized letter from the private property owner immediately adjacent to the proposed location for approval.

(3) Licensed shuttle buses shall not park on city streets, shall not be left unattended at any time, and shall not receive a parking permit of any kind from the City of Hoboken.

§ 180-19. Advertising.

A. Subject to the provision of this chapter and the rules and regulations of the Division of Taxi and Limousine Licensing, shuttle busses may display advertising on or above the rear bumper of the shuttle bus and on the rear panel of the passenger side provided that such advertising is properly framed and does not obstruct the driver’ s vision or passenger windows.

B. Shuttle bus companies not properly licensed to provide shuttle bus service within the city shall not cause to be displayed any type of placard, poster, sign, sticker or card advertising its transportation services in public telephone booths, taverns, restaurants or other public places in this city.

§ 180-20. Division of Taxi and Limousine Licensing is to enforce chapter.

A. The Division of Taxi and Limousine Licensing is hereby given the authority and is instructed to watch and observe the conduct of holders and drivers operating under this chapter. Upon discovering a violation of this chapter, the Division of Taxi and Limousine Licensing shall file a complaint with the Municipal Court and take any other action consistent with this chapter.

B. A vehicle owner who has been issued a shuttle bus license shall be responsible for having said vehicle inspected at a State of New Jersey inspection station pursuant to the laws of this state. Authorized personnel of the City of Hoboken under the Division of Taxi and Limousine Licensing may conduct on street inspections of such vehicles. The inspector may order the vehicle owner to repair or take the vehicle out of service until such vehicle is repaired.

§ 180-21. Violations and penalties.

Unless otherwise specified herein, any person violating any provision of this chapter shall, upon conviction thereof before the Municipal Court, be subject to a fine not exceeding one thousand dollars (\$1,000.) or to imprisonment for a period not exceeding one (1) year, or both, the amount of such fine and imprisonment subject to the above limitation, to be determined by the sound discretion of the Municipal Judge. In addition to the aforementioned penalties, and as provided for herein, violations of this chapter may subject the license to suspension or revocation as provided for herein.

§ 180-22. Repeal of previous ordinance.

Any ordinances adopted concerning shuttle busses and shuttle bus drivers previously adopted by the City of Hoboken are hereby specifically repealed.

§ 180-23. Savings clause.

Should any part of this chapter be declared invalid all other parts shall remain in full force and effect.

**ARTICLE II
Rules and Regulations; Drivers**

§ 180-24. Rules and regulations: drivers.

The following rules shall apply to all drivers of shuttle busses. Such rules, numbered sequentially below, shall be referred to by chapter, section and rule number. They are set forth below as follows:

Rule No.	Rule Specification
101	A driver shall be clean and neat in dress and person. A driver must wear hemmed or tailored trousers that are no higher than mid-thigh and have no holes. A female driver must wear hemmed or tailored trousers or skirt that is no higher than mid-thigh and that has no holes. A driver must wear closed shoes or sneakers. A driver must wear a collared shirt or blouse, without holes, which, if it has buttons, must be buttoned, except for the top two buttons. A driver may not wear as outer clothing underwear, t-shirts, tank tops, tube tops, body shirts, swim wear, bathing trunks or cut-off shorts.
102	A driver shall not smoke while carrying a passenger unless the passenger verbally consents.
103	A driver shall not operate or occupy a shuttle bus while his driving ability is impaired by either alcohol or drugs. While driving or occupying a shuttle bus, a driver shall not

consume any alcoholic beverage or any drugs or narcotics which are either illegal or capable of impairing his driving ability.

104 A driver shall not operate a shuttle bus for more than twelve (12) consecutive hours, and a driver shall not operate more than twelve (12) total hours in any twenty-four (24) hour period. Twenty-four (24) hour periods shall be measured from 12:01 a.m. to 11:59 p.m.

105 A driver shall, at all times, cooperate with all law enforcement officers, authorized representatives of the Division of Taxi and Limousine Licensing and dispatchers at public transportation terminals and authorized group ride taxi lines and shall comply with all their reasonable requests, including but not limited to providing his name and shuttle bus operator's license number, the shuttle bus' s regular route sheet, and exhibiting any other documents required to be in his possession.

106 a. A driver shall not operate his shuttle bus in such a manner or at a speed which unreasonably endangers users of other vehicles, pedestrians or his passengers.

b. A driver who knows or should know that personal injury has been caused to another person or that damage has been caused to the property of another person due to an accident involving the driver's shuttle bus shall, before leaving the place where the damage or injury occurred, stop, exhibit to such other person his shuttle bus operator's license, motor vehicle driver's license and give to such other person his name, residence address, chauffeur's license number, shuttle bus driver's number and shuttle bus license number, as well as the name of the shuttle bus' s insurance carrier and the insurance policy number.

c. A driver shall operate his shuttle bus at all times in full compliance with all laws, rules and regulations of the Port Authority of New York and New Jersey and any regulatory body or governmental agency having jurisdiction over motor vehicles, with respect to matters not otherwise specifically covered in these rules.

d. A driver, while operating a shuttle bus, shall immediately report to the owner of the vehicle any motor vehicle accident in which

he is involved.

- 107 A radio shall be turned on or off at the request of the passenger. The passenger shall have the right to select the radio program. Whether or not a shuttle bus is hired, a radio shall be played at normal volume only and comply with all noise ordinances.
- 108 An air conditioning and heating device in a shuttle bus shall be turned on or off at the request of a passenger.
- 109 A driver, while performing his duties and responsibilities as a driver, shall not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation or larceny or perform any willful act of, omission or commission which is against the best interests of the public, even though not specifically mentioned in these rules.
- 110 A driver shall not apply for or accept more than one (1) shuttle bus operator's license without the Division of Taxi and Limousine Licensing's written permission.
- 111 A driver shall not permit any other person to use the driver's shuttle bus operator's license while such person is operating any vehicle.
- 112
- a. A driver shall not permit the shuttle bus to be operated for hire by another person who is not currently licensed by the Division of Taxi and Limousine Licensing as a shuttle bus driver.
 - b. During the work shift, a driver shall not allow another person to operate the shuttle bus or occupy the driver's seat, except in the event of an emergency.
- 113
- a. A driver shall not use or permit any person to use his shuttle bus for any unlawful purpose.
 - b. A driver shall not conceal any evidence of a crime nor voluntarily aid violators to escape arrest.
 - c. A driver shall report immediately to the police any attempt to use his shuttle bus to commit a crime or to escape from the scene of a crime.
- 114 A driver or any person acting on his behalf shall not offer or give any gift, gratuity or thing of value to any employee, representative or

- member of the office of the Division of Taxi and Limousine Licensing or any public servant or any dispatcher employed at a public transportation facility.
- 115 A driver shall immediately report to the Division of Taxi and Limousine Licensing and the Hoboken Police Department any request or demand for a gift, gratuity, free service or anything of value by any employee or representative of the Division of Taxi and Limousine Licensing, any member of the City Council of Hoboken, any police officer, any dispatcher or any public servant.
- 116 A driver shall notify the Director, in writing, of the driver's conviction of a crime or motor vehicle offense, excluding parking violations for vehicles other than a shuttle bus, within fifteen (15) days of such conviction, and he/she shall deliver to the Division of Taxi and Limousine Licensing a certified copy of the certificate of disposition issued by the clerk of the court within fifteen (15) days of sentencing.
- 117 A driver shall not permit more than thirteen (13) passengers to ride in his shuttle bus, unless the particular vehicle in question has been rated higher by the Division of Taxi and Limousine Licensing pursuant to the definition in Section 180-1 of this chapter. Children under the age of seven (7) seated in the lap of an adult passenger seated in the rear must be permitted and shall not count as passengers for the purposes of computing the number of passengers.
- 118 A handicapped passenger must be permitted to occupy whichever seat they may occupy comfortably, including the front seat alongside the driver, should such a seat be available on the shuttle bus. If passenger luggage occupies the rear passenger part of a shuttle bus, a passenger must be permitted to occupy the front seat alongside the driver.
- 119 a. A driver shall be courteous to passengers.
b. A driver shall comply with all the reasonable requests of a passenger, including but not limited to providing, upon request, his name, his shuttle bus operator's license number and the city assigned shuttle bus number.
- 120 A driver shall not threaten, harass or abuse

- any passenger, governmental officer, representative of the Division of Taxi and Limousine Licensing, public servant or any other person while performing his duties as a driver.
- 121 A driver shall not use or attempt to use any physical force against any passenger, governmental officer, representative of the Division of Taxi and Limousine Licensing, public servant or any other person while performing his duties as a driver.
- 122 A driver shall not solicit passengers while sitting in the driver's seat of his shuttle bus or while standing immediately adjacent to the curbside of his shuttle bus. This rule shall not be construed to allow any solicitation or conduct otherwise prohibited by this chapter.
- 123 A driver may not use another person to solicit a passenger nor suggest to a passenger that an additional person be accepted as a passenger.
- 124 A driver shall not solicit passengers within fifty (50) feet of any bus stop nor stop there.
- 125 A driver shall not pick up additional fares while the shuttle is employed on its regular route.
- 126 A driver may not, in omnibus fashion, pick up passengers at one (1) or more locations, unless such locations are listed and approved as stops on the shuttle bus' s regular route.
- 127 A driver shall not seek to ascertain the destination of a passenger before such passenger is seated in the shuttle bus.
- 128 A driver shall not refuse by words, gestures or any other means to take any orderly and lawful passenger to their destination upon the regular route of the shuttle bus so long as said passenger is entitled to such service and the destination is included in the approved shuttle bus activity form on file with the City. This includes a person who is handicapped and any guide dog or other service animal accompanying such person.
- 129 A driver shall not induce the hire of his shuttle bus by giving misleading information, including but not limited to, the times of arrival and departure of trains, buses, ships, ferries, planes or other scheduled forms of transportation, the location of a building or place or the distance

- between two (2) points.
- 130 a. A driver shall not refuse to transport a passenger's luggage, wheelchair, crutches or other property.
- b. Upon request of a passenger, the driver shall load or unload such property in or from the shuttle bus's interior or trunk compartment and shall secure such compartment.
- 131 A driver shall not sell, advertise or recommend any service or merchandise to any passenger without prior written approval from the Division of Taxi and Limousine Licensing.
- 132 A driver shall not comply with any request of a passenger during the trip to change his destination if doing so would change the shuttle bus' s route or conflict with the approved routes and stops on file with the City; a driver shall allow any passenger to terminate their trip, unless it is impossible for the driver to comply with such request.
- 133 A driver shall take a passenger to his destination by the regular route as filed with the Division of Taxi and Limousine Licensing.
- 134 A driver shall be required to accept United States currency or a Director approved group voucher.
- 135 A driver shall give the correct change to a passenger who has paid the fare at the termination of their trip.
- 136 A driver shall give a passenger a receipt for payment of the fare when requested to do so by the passenger; such a receipt shall state the date, time, city assigned shuttle bus number, fare paid, any other charge and the Division of Taxi and Limousine Licensing's Complaint Department telephone number.
- 137 A driver shall not ask a passenger for a tip nor indicate that a tip is expected or required.
- 138 If a passenger refuses to pay their fare, when such is due at the termination of the trip, the shuttle bus driver may proceed directly to the nearest police station, present the facts to the police and follow their instructions for resolving the dispute.
- 139 A driver shall promptly answer and comply as directed with all questions, communications,

directives and summonses from the Division of Taxi and Limousine Licensing or its representative. A driver shall produce his shuttle bus operator's license and Motor Vehicle Commission (MVC) license, and any other documents required to be held by the shuttle bus driver, whenever the Division of Taxi and Limousine Licensing or its representative requires him to do so.

- 140 A driver shall not knowingly operate an autobus for hire unless such vehicle is properly licensed by the Division of Taxi and Limousine Licensing.
- 141 A driver shall comply with all restrictions endorsed by the Director upon his shuttle bus operator's license.
- 142 a. A driver shall not operate a shuttle bus in the City of Hoboken while his shuttle bus operator's license or his motor vehicle driver's license is revoked, suspended or expired.
- b. A driver shall immediately surrender his shuttle bus operator's license to the Division of Taxi and Limousine Licensing upon the suspension or revocation of his chauffeur's license.
- 143 A driver shall take all reasonable steps to safeguard his shuttle bus operator's license.
- 144 A driver shall notify the Division of Taxi and Limousine Licensing, in writing, of the loss or theft of his shuttle bus operator's license within seventy-two (72) hours, exclusive of weekends and holidays.
- 145 A driver shall not alter, deface, mutilate or obliterate any portion of his shuttle bus operator's license or the attached photograph so as to cause it to present false information or make it unreadable or unrecognizable.
- 146 A driver shall immediately surrender for replacement any unreadable or unrecognizable shuttle bus operator's license.
- 147 A driver shall submit four (4) prints of a new photograph to the Division of Taxi and Limousine Licensing whenever his physical appearance has substantially changed. Substantial change shall include, but not be limited to, the growth or removal of facial hair.

- 148 A driver shall report any change of mailing address to the Division of Taxi and Limousine Licensing, either in person or by registered or certified mail, return receipt requested, within seven (7) days, exclusive of weekends and holidays. Any notice from the Division of Taxi and Limousine Licensing shall be deemed sufficient if sent to the mailing address furnished by the driver.
- 149 A driver, while operating a shuttle bus, shall not carry a weapon without the Division of Taxi and Limousine Licensing's written authorization.
- 150
- a. A driver shall keep a trip record in the shuttle bus, make all entries legibly in ink and include the following information:
 1. The shuttle bus's city assigned shuttle bus license number.
 2. His name and shuttle bus operator's license number.
 3. The license plate number.
 4. At the start of each trip: the destination and the starting time.
 5. On completion of the trip: the date, time, specific location, the amount of fare and all other entries required by these rules.
 - b. A driver shall not make erasures or obliterations or white-outs on a trip record. The driver shall correct any wrong entry only by drawing a single line through the incorrect entry. A driver shall not leave blank lines between entries.
 - c. A driver shall not rewrite a trip record, either in whole or in part, unless authorized by the Division of Taxi and Limousine Licensing.
 - d. A driver shall, upon request, immediately make available all trip sheets for up to the past three (3) years of operation in the city, and shall submit said trip sheets on a regular basis if so request by the Division of Taxi and Limousine Licensing.
- 151 A driver shall not operate a shuttle bus unless all of the following are present in the shuttle bus:
- a. The trip record, also known as a "trip

sheet."

- b. His shuttle bus operator's license in an appropriate frame on the right side of the dashboard.
- c. Receipts for passengers.
- d. All notices required to be posted in the shuttle bus.
- e. A notice indicating the maximum number of passengers legally permitted on the bus

152 A driver shall not obstruct a passenger's view of any of the items required to be posted in a shuttle bus by these rules.

153 A driver shall not operate a shuttle bus having any equipment, devices or signs not specified in these rules unless authorized, in writing, by the Division of Taxi and Limousine Licensing.

154 A driver shall not operate a shuttle bus without continued personal inspections and reasonable determination that all equipment, including brakes, tires, lights and signals, is in good working order.

155 A driver shall not operate a shuttle bus unless both he and the owner, or his agent if the driver's vehicle is not owned by the driver, shall, at the beginning of each work shift, sign and certify on the trip record that the shuttle bus and its equipment are in good working order and the items required in the shuttle bus are present. One (1) entry for a driver who owns the vehicle he drives is sufficient for that vehicle.

156 When a shuttle bus taken out of service for repair has been repaired, and if the repairs were made by the driver he shall immediately make a trip record entry showing the work that was completed, the shop name and the time the work was finished. The driver shall carry the work order or receipt with him while on his work shift and deliver it to the owner at the end of that shift.

157 A driver, during his work shift, shall keep the shuttle bus's exterior and interior clean and not idle his vehicle for longer than 3 minutes in violation of New Jersey State idling laws.

158 A driver licensed under this Chapter has the right to take a position at any shuttle bus

- zone having a vacancy, and no other shuttle bus driver may interfere with that right.
- 159 A driver may not occupy a shuttle bus zone for the purpose of rest or repairing his shuttle bus, except for minor emergency repairs.
- 160 A driver shall not overcrowd or back into a front position on a shuttle bus zone. A driver shall take the rear position on the line formed at such a zone, unless it is a relief stand that has a vacancy.
- 161 A driver may occupy a shuttle bus zone only when he is on duty, when the zone is not already fully occupied by other shuttle buses, and during designated times as indicated on posted signage.
- 162 The driver of each of a shuttle bus at a shuttle bus zone shall remain in the driver's seat ready to accept passengers with the engine off unless it is idling for less than 3 minutes in compliance with New Jersey State idling laws.
- 163 The rules regarding shuttle bus lines also apply to special feed lines at air, rail, bus and ship terminals.
- 164 A driver shall immediately report to the Division of Taxi and Limousine Licensing any shuttle bus license holder who instructs any driver to violate any section of this chapter.
- 165 A driver shall not accept more passengers than the legally allowed maximum for that vehicle.

§ 180-25. Schedule of violations and penalties.

A fine not less than the following penalties shall apply to violations of the rules set forth in Section 180-28. The penalty schedule lists the rule number, the range of fines associated with a violation of that rule and whether the violator is required to make a personal appearance to answer such charge;

Rule	Penalty/Fine	Appearance Required
101	\$150.00	No
102	\$200.00	No
103	\$350.00 to \$600.00 and mandatory revocation ¹	Yes
104	\$125.00	No

105	\$150.00 to \$450.00	Yes
106a	\$200.00 to \$350.00 and/or suspension of 5 days	Yes
106b	\$200.00 to \$350.00 and/or suspension of 5 days	Yes
106c	\$150.00 to \$200.00 for a violation that governs stationary vehicles	Yes
106d	\$250.00 to \$500.00 and/or suspension of 5 days	Yes
107	\$150.00	No
108	\$150.00	No
109	\$300.00 to \$450.00	Yes
110	\$150.00 to \$250.00 and/or suspension of 20 days	Yes
111	\$350.00 to \$600.00 and/or suspension of 5 days	Yes
112a	\$250.00 to \$450.00 and/or suspension of 5 days	Yes
112b	\$150.00	No
113a, b and c	\$350.00 to \$600.00 and/or suspension of 20 days	Yes
114	\$200.00 to \$350.00 and/or suspension of 10 days	Yes
115	\$200.00	No
116	\$350.00 to \$600.00	No
117	\$200.00	No
118	\$150.00 to \$250.00	No
119a and b	\$150.00	No
120	\$350.00	No
121	\$350.00 to \$600.00	No
122	\$350.00	No
123	\$150.00 to \$200.00	No
124	\$200.00	No
125	\$200.00	No
126	\$200.00 to \$350.00	No
127	\$200.00	No

128	\$200.00	No
129	\$200.00	No
130a and b	\$150.00 to \$200.00	No
131	\$150.00 to \$200.00	No
132	\$150.00 to \$200.00	No
133	\$150.00 to \$200.00	No
134	\$150.00 to \$200.00	No
135	\$150.00 to \$200.00	No
136	\$150.00	No
137	\$150.00	No
138	No penalty attached	Not applicable
139	\$200.00	Yes
140	\$350.00 to \$600.00	Yes
141	\$150.00 to \$200.00	Yes
142a and b	\$350.00 to \$600.00	Yes
143	\$125.00	No
144	\$125.00	No
145	\$200.00	No
146	\$125.00	No
147	\$125.00	No
148	\$200.00	No
149	\$200.00	Yes
150a, b and c	\$200.00	Yes
151	\$200.00	Yes
152	\$125.00	Yes
153	\$125.00	No
154	\$150.00 to \$200.00	Yes
155	\$150.00 to \$200.00	Yes
156	\$150.00 to \$200.00	Yes
157	\$125.00	No
158	\$200.00	No
159	\$200.00	No
160	\$200.00	No
161	\$200.00	No
162	\$125.00 to \$150.00	No

163	\$125.00 to \$150.00	No
164	\$150.00 to \$250.00	No
165	\$500.00 to \$1,000.00 and/or suspension for 30 days	Yes

ARTICLE III

Rules and Regulations: Owners

§ 180-26. Rules and regulations: owners.

The following rules shall apply to all owners of shuttle bus licenses. Such rules, numbered sequentially below, shall be referred to by chapter, section and rule number. They are set forth below as follows:

Rule No.	Rule Specification
201	An owner shall not dispatch a shuttle bus or for-hire autobus not currently licensed by the city.
202	An owner who is not currently licensed shall not advertise or hold himself out as doing business as a shuttle bus owner or any name that would tend to confuse the public as to the owner's license status.
203	An owner shall not cause to be dispatched a shuttle bus or for-hire autobus unless the driver thereof has a current shuttle bus operator's license.
204	An owner, while performing his duties and responsibilities as a shuttle bus or for-hire autobus owner, shall not commit or attempt to commit, alone or in concert with another, any fraud, misrepresentation or larceny or perform any willful act or omission which is against the best interests of the public, although not specifically prohibited in these rules.
205	An owner shall not use or permit any other person to use any of his shuttle busses or for-hire auto busses, his garage or his office of record for any unlawful purpose.
206	An owner shall not conceal any evidence of crime connected with his shuttle busses or for-hire auto busses, garage or office of record.
207	An owner shall report immediately to the police any attempt to use any of his shuttle busses or for-hire auto busses to commit a

- crime or flee from the scene of a crime.
- 208 The owner shall inspect or cause to be inspected the interior of the shuttle bus or for-hire autobus immediately after the termination of each work shift.
- 209 Property found shall be taken without delay to the Hoboken Police Department, unless it can be returned to its rightful owner sooner than being brought to the Police Department.
- 210 An owner shall not dispatch or cause to be dispatched any shuttle bus or for-hire autobus from a public street or other public area if such dispatch will prevent the flow of pedestrians and/or vehicular traffic or cause inconvenience or annoyance to the public.
- 211 No owner of an autobus shall permit a person to operate that autobus as a limousine or taxicab. No owner shall permit a person to operate a vehicle licensed to said owner without a valid shuttle bus operator's license issued by the City of Hoboken.
- 212 No owner shall aid, assist, counsel, require, order, mandate, suggest or in any other way knowingly cause a driver to violate any rule or rules of this chapter.

§ 180-27. Schedule of violations and penalties.

A fine of not less than the following penalties shall apply to violations of the rules set forth in Section 180-30. The penalty schedule lists the rule number, the range of fines associated with a violation of that rule and whether the violator is required to make a personal appearance to answer such charge.

Rule	Penalty/Fine	Appearance Required
201	\$350.00 to \$600.00 and/or suspension of 20 days	Yes
202	\$350.00 to \$600.00 and/or suspension of 20 days	Yes
203	\$350.00 to \$600.00 and/or suspension of 5 days	Yes
204	\$500.00 to \$1,000.00 and/or suspension of 20 days	Yes
205	\$500.00 to \$1,000.00 and/or suspension of 20 days	Yes
206	\$500.00 to \$1,000.00 and/or	Yes

	suspension of 20 days	
207	\$500.00 to \$1,000.00 and/or suspension of 20 days	Yes
208	\$150.00 to \$250.00	No
209	\$150.00 to \$250.00	No
210	\$150.00 to \$250.00	No
211	\$350.00 to \$500.00	Yes
212	\$750.00 to \$1,000.00 and suspension or revocation	Yes

SECTION TWO:

All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

SECTION THREE:

This Ordinance shall take effect as provided by law.

---Council President Cunningham moved that the ordinance pass its first reading as read and be laid on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **JUNE 16, 2010** at 7:00 PM.

---Motion duly seconded by Councilman Bhalla.

---Adopted by the following vote: YEAS: 8 - NAYS: 1

---Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mason Mello, and President Cunningham.

---Nays: Russo.

10-457
Z-46

ORDINANCE RESCINDING MUNICIPAL ETHICS BOARD AND LOCAL ETHICS ADMINISTRATION, IN FAVOR OF STATE STATUTORY ETHICS ADMINISTRATION BY LOCAL FINANCE BOARD OF NJ DEPARTMENT OF COMMUNITY AFFAIRS, DIVISION OF LOCAL GOVERNMENT SERVICES.

WHEREAS, the Local Government Ethics Law, adopted in 1991, offering municipalities the option of establishing their own ethics boards and codes of ethics on the local level; and

WHEREAS, by Ordinance No. V-25.1, adopted November 20, 1985, a Municipal Ethics Board was created, but no code of ethics was ever adopted (see Chapter 29 of the Hoboken Code); and no appointments to that Board were ever made, nor has the local process been used; and

WHEREAS, in the absence of a municipality choosing the option of establishing its own ethics board and its own code of ethics on the local level, the Local Government Ethics Law confers general responsibility for implementing its provisions upon the Local Finance

Board in the Division of Local Government Services in the Department of Community Affairs;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Hoboken, as follows:

SECTION 1. REPEALER. Chapter 29 of the Hoboken City Code hereby repealed, in favor of the administration of ethics grievances and advisory opinions related to the City of Hoboken and its local government officers and officials by the Local Finance Board, in the Division of Local Government Services, in the Department of Community Affairs.

SECTION 2. INCONSISTENCY. All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION 3. SEVERABILITY. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect after final adoption and approval thereof on June 16, 2010 or as provided by law, whichever occurs later.

---Motion duly seconded by Councilwoman Marsh

---Adopted by the following vote: YEAS: 8 - NAYS: 0 ABSTAIN -1

---Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mason, Mello, and President Cunningham.

---Nays: None.

---Abstain: Russo

All regular business concluded the following members of the public spoke at the "Public Portion" of the meeting: Audrey Goldstein, Perry Belfiore, Nick Calicchio, Patricia Waiters, Darren Sasso, Maurice De Gennaro, John Fazzio, Richard Tremitedi, Brian Murray, Anthony Falabella, Stephanie Rhodes, Andy Ky, Ron Simoncini, Allison Tradenburg, Brad Tradenburg, Mary Ondrejka, Lane Bajardi, Dan Tumpson, Cheryl Fallick, Mudar Abdulah, Holly Kay, Chris Woronka Curtis Crystal, Nick Staroff, Joe Peluso, Dawn Delorenzo, Tim Occipinti, Tom Greeney Helen Hirsch, John Leper.

President Cunningham then adjourned the meeting at 1:23 A.M.

PRESIDENT OF THE COUNCIL

CITY CLERK