

# THE CITY OF SUMMIT

N E W J E R S E Y

CITY HALL 512 SPRINGFIELD AVENUE SUMMIT, NJ 07901

[www.cityofsummit.org](http://www.cityofsummit.org)

## LIMO DRIVER LICENSE APPLICATION

### Limo Fees:

Per Driver Fee:                      \$116.00    x    \_\_\_\_\_ (# of Drivers)                      = \$ \_\_\_\_\_

*Please print clearly    All information must be filled in completely if a section does not apply mark as N/A*

### **ORGANIZATION / BUSINESS INFORMATION**

COMPANY NAME: \_\_\_\_\_

ACTUAL ADDRESS: \_\_\_\_\_

(No P.O. Box)

CITY / STATE / ZIP: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

(If Different than Actual Address)

BUSINESS PHONE: \_\_\_\_\_

OWNER NAME: \_\_\_\_\_

OWNER PHONE: \_\_\_\_\_

### **DRIVER INFORMATION (\$116.00 per driver)**

NAME: \_\_\_\_\_                      AGE: \_\_\_\_\_

HOME ADDRESS: \_\_\_\_\_

CITY / STATE / ZIP: \_\_\_\_\_

HOME PHONE: \_\_\_\_\_                      CELL PHONE: \_\_\_\_\_

EMAIL: \_\_\_\_\_

(Turn to next page)

**MUST ATTACH THE FOLLOWING:**

- Copy of Valid New Jersey Motor Vehicle Driver's License.
- Two (2) – two-by-two (2" x 2") photographs (headshot) taken within the past 60 days.
- Copy of New Jersey MVC Chauffeur Certification Letter showing current Employer.
- Authorization Letter from a City of Summit Licensed Limousine Service owner naming you, the applicant, as an authorized driver for the company. The Authorized Letter MUST list the VIN(s) of all vehicles the applicant is authorized to operate. The letter MUST also contain the City of Summit Limousine License number.
- Payment - \$116.00 per Driver Fee. Cash or Check made payable to City of Summit.

**PLEASE NOTE:**

All fees are payable upon submission of the Application to the City Clerk. License fees are non-refundable, non-transferable and shall not be prorated. Licenses are issued from April 1 or date of approval, whichever is later, through March 31 of each year and shall be effective for such time period unless sooner suspended or revoked as provided under the City Code 4-26.14 entitled "License Fees; validity of license". Renewal licenses will be issued in order of approval beginning no earlier than February 1 for the upcoming license year. No fee shall be refunded because the license applied for is denied, suspended or revoked.

**ACKNOWLEDGEMENT:**

I, \_\_\_\_\_, as the Applicant, hereby certify that the answers given herein are true and complete to the best of my knowledge. I understand that any false or misleading information or omissions in my application may disqualify me from obtaining a City of Summit Limousine License and if discovered at a later time, may result in suspension or revocation of license.

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**PLEASE REVIEW THE FOLLOWING AND KEEP FOR YOUR RECORDS**

**Ordinance Summary: The ordinance repeals and replaces Chapter IV, Section 4-26 of the Revised General Ordinances of the City of Summit regarding the licensing and operation of taxi and livery service to reflect the City's current practices and amendments to New Jersey law.**

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law, and

WHEREAS, N.J.S.A. 48:16-2 provides that no autocab, commonly called taxi, shall be operated along any street in any municipality until the owner thereof shall obtain the consent of the elective governing body or member thereof having control of the public streets in the municipality, and

WHEREAS, N.J.S.A. 48:16-22 provides that no person shall operate a limousine or livery service in any street in this State without a license to operate issued by the municipality in which the owner has his principal place of business and without otherwise complying with the provisions of this Article, and

WHEREAS, pursuant to the foregoing statutory authority, the Common Council of the City of Summit has promulgated rules for the safe use and operation of taxicabs and limousine/livery service operators which are codified Chapter VI, Section 4-26 of the Revised General Ordinances of the City of Summit ("Code")

WHEREAS, it is now necessary to update the Code to reflect any amendments to the foregoing statutory authority as well as current practices.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SUMMIT IN THE COUNTY OF UNION, STATE OF NEW JERSEY, as follows:

1. Chapter VI, Section 4-26 of the Revised General Ordinances of the City of Summit is hereby repealed in its entirety.
2. There is hereby established a new Section 4.26 (Autocabs/Taxis and Limousine/Livery Service) to read as follows:

**4-26 AUTOCABS/TAXIS AND LIMOUSINE/LIVERY SERVICE**

**Autocabs/Taxis**

**4-26.1 Definitions.**

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

**AUTOCAB** - means and includes any automobile or motor car, commonly called taxi, engaged in the business of carrying passengers for hire which is held out, announced or advertised to operate or run or which is operated or run over any of the streets or public highways of this state, and particularly accepts and discharges such persons as may offer themselves for transportation from points or places to points or places within or without the state.

PERSON - means and includes any individual, copartnership, association, corporation or joint stock company, their lessees, trustees or receivers appointed by any court whatsoever.

STREET - means and includes any street, avenue, park, parkway, highway or other public place.

#### **4-26.2 Vehicle license required; number of taxi vehicle licenses to be issued.**

It shall be unlawful for any autocab/taxi to operate or be operated along any street in in the City of Summit without first obtaining an annual vehicle license issued by the City of Summit as provided herein.

The number of taxi vehicle licenses available for issuance by the City of Summit at any one time shall not exceed fifteen (15) active licenses. Licenses will be issued for an April 1 to March 31 license year.

Upon issuing the number of available licenses for any year, the City Clerk shall maintain a waiting list by date of receipt of application for taxi vehicle licenses. If the number of available licenses have been issued in any April 1 through March 31 license year, when a license becomes available through revocation, surrender, failure to renew, or failure to comply with any federal, state or local law, the City Clerk shall notify the first person on the waiting list of the available license and shall process the application.

#### **4-26.3 Application for vehicle license; qualifications of applicant.**

Every person applying for an autocab/taxi vehicle license or a renewal must be at least 18 years of age. If a corporation, such corporation must be organized and existing under the laws of the State of New Jersey. In the event the corporation is not incorporated under the State of New Jersey then said corporation must submit proof that it is authorized to transact business in the State of New Jersey. The application for a license shall be filed with the City Clerk upon forms provided by the Clerk's Office. It shall be verified under oath and shall include, but not limited to, the following information:

##### **A. Owner/Operator Information**

1. Name, address and age of the applicant.
2. The year, vehicle identification number, make, model, color of the vehicle to be licensed.
3. The location of proposed depots and terminal points for the licensed vehicle.
4. Trade name, address and phone number of principal place of business and email address.
5. A schedule of rates to be charged by the applicant.
6. City license number and date of issuance (if previously issued).

##### **B. Driver Information**

1. Driver's name, address and signature.
2. Copy of valid New Jersey Motor Vehicle Commission driver's license.
3. Two (2) two by two (2" x 2") photographs.
4. Copy of current N.J. Motor Vehicle Commission driver's license abstract.
5. Consent to a criminal history background check. All costs associated with administering and processing the background check(s) shall paid by the applicant. An applicant shall be disqualified from operating and shall not be issued a license if a criminal history record background check reveals a record of conviction of any of the following crimes as having been committed by the applicant in New Jersey or elsewhere, or a record of conviction of a crime in another jurisdiction in the world which, in that jurisdiction, is comparable to any of the following crimes:
  - a. Aggravated assault
  - b. Arson
  - c. Burglary
  - d. Escape;

- e. Extortion;
- f. Homicide
- g. Kidnapping
- h. Robbery;
- i. Aggravated Sexual assault
- j. Sexual assault
- k. Endangering the welfare of a child pursuant to N.J.S.A. 2C:24-4, whether or not armed with or having in his possession any weapon enumerated in subsection “r.” of N.J.S.A. 2C:39-1; or
- l. A crime pursuant to the provisions of N.J.S.A. 2C:39-3, N.J.S.A. 2C:39-4 or N.J.S.A. 2C:39-9, or other than a disorderly persons or petty disorderly persons offense for the unlawful use, possession or sale of a controlled dangerous substance as defined in N.J.S.A. 2C:35-2.

Additionally, if a person who has been convicted of one of the crimes listed above can produce a certificate of rehabilitation issued pursuant to N.J.S.A. 2A:168A-8 or, if the criminal offense occurred outside of New Jersey, an equivalent certificate from the jurisdiction where the criminal offense occurred, then the criminal offense shall not disqualify the applicant from operating or driving a taxicab within the City.

- 6. Medical examination report evidencing driver fitness or CDL medical card
- 7. Authorization letter from vehicle owner naming the applicant as an authorized driver. The authorization letter must list the VIN’s of the vehicles the applicant is authorized to operate.

C. Insurance or bond requirements; exemption from insurance:

- 1. In accordance with N.J.S.A. 48:16-3, evidence of coverage of an insurance policy which shall be issued by an admitted insurance company duly licensed to transact business under the insurance laws of this State or a company registered to do business in this State, the policy providing for not less than \$35,000.00 of motor vehicle liability insurance coverage or the amount of motor vehicle liability insurance coverage required pursuant to section 1 of P.L.1972, c. 197 (C.39:6B-1), whichever is greater, to satisfy all claims for damages, by reason of bodily injury to, or the death of, any person or persons, resulting from, or on account of, an accident, by reason of the ownership, operation, maintenance, or use of such autocab upon any public street, and to satisfy any claim for damages to property of any person or persons, resulting from, or on account of, an accident, by reason of the ownership, operation, maintenance, or use of such autocab upon any public street.
- 2. Nothing contained in this subsection shall prohibit the owner of an autocab from obtaining any additional amount of motor vehicle liability insurance coverage from a company licensed outside the State of New Jersey.
- 3. The license shall be effective and operation thereunder shall be permitted only so long as the insurance policy shall remain in force to the full and collectible amounts as aforesaid.
- 4. If such owner operates more than one autocab, in lieu of the policy required under N.J.S.A. 48:16-3, an owner may submit a bond or insurance policy of a company duly licensed to transact business under the insurance laws of this state, in the sum of \$50,000.00, which shall be a blanket insurance covering all cabs operated by such owner which shall provide for the payment of any final judgment recovered by any person on account of the ownership, maintenance and use of any such autocabs or any fault in respect thereto, and shall be for the benefit of every person suffering loss, damage or injury as aforesaid.

5. As provided for under N.J.S.A. 48:16-8, in lieu of the insurance policy or bond required herein, any corporation organized under the laws of this state having a paid up cash capital of not less than \$150,000.00 may carry its own liability insurance, if it can reasonably satisfy the commissioner of banking and insurance as to the permanence and financial standing of its business. The use of this exception shall be in accordance with New Jersey law.
6. The owner of the autocab shall execute and deliver to the clerk of the municipality concurrently with the filing of a policy or bond referred to in sections 48:16-3 and 48:16-4 of this title, a power of attorney, wherein and whereby the owner shall appoint the chief fiscal officer of the City of Summit 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 or bond filed.
7. Where an autocab operates in more than one municipality, the insurance policy or bond required under this section shall be filed with the clerk of the municipality in which the owner has his principal place of business and certificates, in such number as may be necessary, certifying that the owner has complied with all the provisions of this article shall, by the clerk of the municipality, be delivered to the owner, who shall file the certificate with the clerk of each municipality in which such operation takes place.
8. Evidence of coverage shall list the vehicle identification numbers of all covered vehicles, and the covered drivers' names and drivers' license numbers.

#### **4-26.4 License Fees; validity of license.**

- A. The annual license fee shall be as follows:
  1. \$50.00 application fee for each vehicle; plus
  2. \$116.00 for each driver listed per year.
- B. All fees shall be payable upon submission of the application to the City Clerk. License fees are non-refundable, non-transferable and will not be prorated.
- C. Licenses shall be issued from April 1 or date of approval, whichever is later, through March 31 of each year and shall be effective for such time period unless sooner suspended or revoked as provided under this Article. Renewal licenses will be issued in order of approval beginning no earlier than February 1 for the upcoming license year.
- D. No fee shall be refunded because the license applied for is denied, suspended or revoked.

#### **4-26.5 Issuance or renewal of vehicle licenses.**

- A. No taxi license shall be issued or renewed until the following items have been submitted:
  1. Copy of driver's license of all persons to operate licensed vehicle.
  2. Copy of vehicle registration (or vehicle title for newly purchased vehicles) for all vehicles listed on the application.
  3. Copy of Corporation Code (corpcode) letter from N.J. Motor Vehicle Commission.
  4. Copy of N.J. Business Registration Certificate.
  5. A certification from the Zoning Officer of the City of Summit that the holder of said license may maintain a autocab/taxi service depot conforming to zoning regulations of the City.
  6. A notarized statement from the owner of the property authorizing the applicant to depot cars on said property.

7. If the principal place of business is in Summit, but the depot for vehicle(s) is in another municipality, then a copy of the zoning permit or letter from that municipality indicating that said vehicles are permitted to be in depot in their municipality is required.

#### **4-26.6 Certificate of vehicle compliance; contents; filing and posting.**

- A. The City Clerk, upon the filing of the required insurance policy or bond, shall issue a certificate in duplicate showing that the owner of the autocab/taxi has complied with the terms and provisions of this article.
- B. The certificate shall recite the name of the insurance company, the number and date of expiration of the policy or bond, a description of the autocab/taxi insured thereunder, and the registration number of the same.
- C. The duplicate certificate shall be filed with the department of motor vehicles before any such car is licensed as an autocab/taxi.
- D. The original certificate shall be posted in a conspicuous place within the autocab/taxi.

#### **4-26.7 Taxi Driver's License.**

No person shall drive a taxi upon the public streets of this City unless he/she shall first obtain a City of Summit license for such purpose as provided herein. Such license shall include the following:

1. Vehicle owner's name and driver's name, one (1) two-by two (2"x2") inch photograph (to be provided by the driver) and driver's signature.
2. City license number and date of issuance.

#### **4-26.8 Public Taxi Stands.**

- A. The Common Council may designate as taxi spaces on the public streets where and in such number as it may consider necessary to the public welfare and also designate the number of taxis to occupy each such stand. Every taxicab, while occupying space on a public stand, shall be immediately available for hire. No owner or driver shall leave his or her vehicle unattended or in any other manner to render such vehicle unready for immediate use while such vehicle is occupying space within any public taxi stand.
- B. The regulation of such designated taxi stands shall be under the jurisdiction of the Police Department.
- C. Only a taxi licensed by the City may occupy or deliver a passenger to a taxi stand, or otherwise conduct business from said stand.
- D. Taxi stands shall be regulated under Chapter VII (Traffic), Section 7-16 (Taxi Stands).

#### **4-26.9 Regulation of Fares.**

The owner of each taxi licensed pursuant to this section shall file the current company rates annually with the City Clerk's office as well as displayed in the vehicle in such a manner as to be in full view of all passengers.

#### **4-26.10 Compliance with other laws.**

Nothing contained in this chapter shall exempt any person owning or operating any autocab/taxi from complying with the provisions of N.J.S.A. 48:16-1 et seq. or any other law relating to the ownership, registration and operation of automobiles in this state.

#### **4-26.11 Complaints, Revocation or Suspension, Penalties and Appeals.**

A license granted under this chapter may be revoked by the Common Council of the City of Summit, after notice and hearing, whenever it shall appear that the person to whom the license was granted has failed to furnish or keep in force the insurance policy or bond and power of attorney required by this article, or to comply with any terms or conditions imposed by the board or body granting the consent, or any law of this state.

### **Limousine/Livery Service**

#### **4-26.12 Definitions.**

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

DRIVER - Means the driver of any limousine.

LIMOUSINE - In addition to that contained in N.J.S.A. 48:16-13 shall mean and include any automobile or motor vehicle licensed to engage in the business of carrying one (1) or more passengers on prearranged or prior notice hire, and which does not solicit passengers for hire at any public taxi stand upon the public streets of the City of Summit.

LIMOUSINE OR LIVERY SERVICE - Means and includes the business of carrying passengers for hire by limousines.

PERSON - Means and includes any individual, co-partnership, association, corporation or joint stock company, their lessees, trustees or receivers appointed by any court whatsoever.

PRINCIPAL PLACE OF BUSINESS - Means, in reference to a municipality, the location of the main place of business of the limousine service in the municipality where limousine service is conducted, where limousines are dispatched, or where limousine drivers reports for duty.

STREET - Means and includes any street, avenue, park, parkway, highway, or other public place.

#### **4-26.13 Vehicle license required; exception.**

It shall be unlawful for any person owning a limousine or livery service in which the principal place of business is located in the City of Summit to operate or cause to be operated any limousine or livery service within the City of Summit without first obtaining a license issued by the City.

The requirements of this Article shall not apply to a limousine/livery service duly licensed by another municipality while such limousine/livery service is being operated in the City of Summit solely in response to a call to pick up a passenger or passengers or for the purpose of delivering to a destination or destinations within the City. No limousine/livery service shall be permitted to cruise in the City of Summit for the purpose of engaging passengers.

#### **4-26.14 Application for vehicle license; qualifications of applicant.**



Every person applying for a limousine/livery service vehicle license, or a renewal thereof, must be at least 21 years of age. If a corporation, such corporation must be organized and existing under the laws of the State of New Jersey and shall maintain a principal place of business in the City of Summit. In the event the corporation is not incorporated under the State of New Jersey then said corporation must submit proof that it is authorized to transact business in the State of New Jersey. The application for a license shall be filed with the City Clerk upon forms provided by the Clerk's Office. It shall be verified under oath and shall include, but not limited to, the following information:

A. Owner/Operator Information

1. Name, address and age of the applicant.
2. The year, vehicle identification number, make, model, color of the vehicle or vehicles to be licensed.
3. The number of vehicles to be operated or controlled by the applicant and the location of proposed depots and terminal points.
4. Trade name, address and phone number of principal place of business and email address.

B. Driver Information

1. Driver's name, address and signature.
2. Copy of valid New Jersey Motor Vehicle driver's license.
3. Two (2) two-by two (2" x 2") photographs.
4. Copy of New Jersey Motor Vehicle Commission Chauffeur Certification Letter showing current employer.
5. Authorization letter from vehicle owner naming the applicant as an authorized driver. The authorization letter must list the VIN's of the vehicles the applicant is authorized to operate.

C. Insurance requirements

1. In accordance with N.J.S.A. 48:16-14, evidence of coverage of an insurance policy of a company duly licensed to transact business under the insurance laws of the State of New Jersey and rated "A-" or better by A.M. Best Rating in the sum of \$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 the result of an accident occurring by reason of the ownership, maintenance or use of the limousine upon any public street.
2. Such operation shall be permitted only so long as the insurance policy shall remain in force to the full and collectible amount of \$1,500,000.
3. The 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 limousine or any fault in respect thereto, and shall be for the benefit of every person suffering loss, damage or injury as aforesaid.
4. Evidence of coverage shall include the vehicle identification numbers of all covered vehicles and covered drivers' names and drivers' license numbers.

**4-26.15 License Fees; validity of license.**

A. As provided for under N.J.S.A. 48:16-17 and as may be amended from time to time, the annual license fee shall be as follows:

1. \$50.00 application fee for each limousine service; plus
2. \$10.00 for each limousine which is covered under the required insurance policy; plus

3. \$116.00 for each driver listed per year.
- B. All fees shall be payable upon submission of the application to the City Clerk. License fees are non-refundable, non-transferable and will not be prorated.
- C. There shall be no limit on the number of limousine licenses issued and outstanding at any one time.
- E. Licenses shall be issued from April 1 or date of approval, whichever is later, through March 31 of each year and shall be effective for such time period unless sooner suspended or revoked as provided under this Article. Renewal licenses will be issued in order of approval beginning no earlier than February 1 for the upcoming license year.
- D. No fee shall be refunded because the license applied for is denied, suspended or revoked.

**4-26.16 Issuance or renewal of licenses.**

- A. No limousine/livery service vehicle license shall be issued or renewed until the following items have been submitted:
  1. Copy of driver's license of all persons to operate licensed vehicle.
  2. Copy of vehicle registration (or vehicle title for newly purchased vehicles) for all vehicles listed on the application.
  3. Copy of Corporation Code (corp. code) letter from N.J. Motor Vehicle Commission.
  4. Copy of letter of qualification from N.J. Motor Vehicle Commission for all drivers, (if applicable).
  5. Copy of N.J. Business Registration Certificate.
  6. A certification from the Zoning Officer of the City of Summit that the holder of said license may maintain a limousine/livery service depot conforming to zoning regulations of the City.
  7. A notarized statement from the owner of the property authorizing the applicant to depot cars on said property.
  8. If the principal place of business is in Summit, but the depot for vehicle(s) is in another municipality, then a copy of the zoning permit or letter from that municipality indicating that said vehicles are permitted to be in depot in their municipality is required.

**4-26.17 Consideration of application; content of license.**

- A. The City Clerk shall review all applications for limousine/livery service licenses. If the Clerk finds that the limousine/livery service applicant meets all the requirements of this chapter, then the Clerk may issue a license to operate, in duplicate, showing that the owner of the limousine has complied with the terms and provisions of this Article.
- B. All licenses shall be numbered, stating the date of issuance, the name and address of the principal place of business of the licensee, the name of the insurance company, the number and date of expiration of the policy, a description of every limousine insured thereunder, and the registration number of the same, and any other information as may be required by State law and/or the City of Summit.
- C. The duplicate license shall be filed with the commission before any such car is registered as a limousine.
- D. The original license or a copy thereof shall be retained within the limousine and shall be available for inspection by any law enforcement officer in the State. In addition to the recital of insurance information required on the license pursuant to this section, the owner of a limousine shall attach to

the original license or copy thereof retained within the limousine a notarized letter from an insurance company containing the same insurance information required in the recital and the Vehicle Identification Number (VIN) or a notarized certificate of insurance for the particular limousine showing the VIN as well as the limits of insurance coverage, and available insurance card, which shall constitute proof of insurance coverage, and which shall also be available for inspection by any law enforcement officer in the State. A copy of the notarized letter or notarized certificate of insurance shall constitute proof to the chief administrator that the applicant has complied with the insurance provisions of this section.

#### **4-26.18 Limousine/Livery Service Driver's License.**

No person shall drive a limousine upon the public streets of this City unless he/she shall first obtain a City of Summit license for such purpose as provided herein. Such license shall include the following:

1. Vehicle owner's name and driver's name, one (1) two-by two (2"x2") inch photographs (to be provided by the driver) and driver's signature.
2. City license number and date of issuance.

#### **4-26.19 Compliance with other laws.**

Notwithstanding anything contained in this Article to the contrary, limousine/livery service applicants shall comply with the provisions of N.J.S.A 48:16-13 through N.J.S.A 48:16-22.6. Moreover, nothing contained in this Article shall exempt any person owning or operating any limousine or livery service from complying with the law relating to the ownership, registration and operation of automobiles in this State.

### **Operation of Vehicles**

#### **4-26.20 Conduct of Driver.**

- A. A driver shall have a good driving record.
- B. A driver shall not operate a vehicle while under the influence of drugs or intoxicating liquors or with the smell of alcohol on his/her person or in his/her vehicle.
- C. Smoking while carrying passengers is prohibited, except with the permission of the passenger.
- D. A driver shall be polite to patrons. Disrespectful conduct or use of abusive or insulting language to passengers is prohibited.
- E. A driver shall not solicit patronage for restaurants, night clubs, cabarets, dance halls, hotels, or like places, nor solicit for any place maintained in violation of the law.
- F. A driver shall not refuse service to any orderly person unless he is previously engaged.
- G. A driver shall thoroughly search the interior of the vehicle immediately after the termination of each trip and note if the passenger has left any article therein. Any property so found shall be taken to Police Headquarters and turned into the officer in charge within twenty-four (24) hours.
- H. A taxi driver shall solicit fares only from the driver's seat or in a position within five (5) feet of his vehicle parked in a public taxi stand.
- I. A driver of a taxi entering a taxi stand shall do so by taking his position at the rear of any taxis already on the stand.

## **Complaints, Revocation or Suspension Procedures**

### **4-26.21 Complaints, Revocation or Suspension, Penalties and Appeals.**

#### **A. Complaints.**

1. Each written complaint received by the City Clerk's office against an autocab/taxi or limousine owner or vehicle driver, shall be recorded and shall be immediately forwarded to the owner and or driver who shall reply, within seven (7) calendar days of receipt, to the City Clerk's office.
2. If repeated, serious and/or safety complaints are received, the owner and, if appropriate, driver shall be served with a written complaint from the City Clerk's Office along with a notice to appear before the City Clerk and Chief of Police or designee for a suspension or revocation hearing. Such service shall be made by personal service or regular and certified mail, return receipt requested at least 10 days before the hearing date.

#### **B. Revocation or Suspension.** Every license granted under this Chapter may be suspended or revoked by the City Clerk of the City of Summit for a violation of any provision of this section. In addition, any license may be suspended or revoked after a hearing upon a finding that the operation of the limousine/livery service is detrimental to the preservation of the health, safety and welfare of the public.

#### **C. Penalties.** For owners and/or drivers, at the discretion of the hearing officers, penalties shall be:

1. Written warning;
2. Probation;
3. License suspension or license revocation depending on the number and gravity of bona fide complaints and/or violations of this section.

#### **D. Appeal.**

1. Any person aggrieved by any action of the City Clerk or Chief of Police or designee, in the denial or suspension of a license, or imposition of other penalty shall have the right of appeal to the City Administrator. The appeal shall be taken by filing with the City Clerk, within thirty (30) days after the notice of the action complained of has been mailed to the person's last known address, a written statement setting forth fully the grounds for appeal. The City Administrator shall conduct a hearing and affirm, modify or reverse the action appealed from.
2. An appeal may be made to the Common Council of the City of Summit by any person aggrieved by a decision of the City Administrator. Such appeal shall be taken by filing with the City Clerk, within twenty (20) days after notice of said decision has been made, a written statement setting forth fully the grounds of the appeal, along with a fee of two hundred (\$200.00) dollars. The City Clerk shall set a time and place of hearing for the appeal, at which time the Common Council of the City of Summit shall conduct a hearing and affirm, modify or reverse the decision appealed from.

### **4-26.22 Violations and penalties.**

Any person who violates any provision of this section shall, in addition to suspension or revocation of license, shall upon conviction pay a fine for first offense of not more than one hundred (\$100.00) dollars and for each subsequent offense, shall upon conviction, pay a fine not to exceed two hundred (\$200.00) dollars and be liable to imprisonment in the County Jail for a term not to exceed thirty (30) days.

### **4-26.23 Severability.**

N.J.S.A. 48:16-1 et seq. and the amendments and supplements thereto are hereby adopted and operative within the City and shall govern the licensing, conduct and operation of autocabs and taxis, and liveries and limousines as described herein. If any portion of this Ordinance is found to be inconsistent with any portion of N.J.S.A. 48:16-1 et seq., or any other regulatory statute, by the final judgment of a Court of competent jurisdiction, the governing statute shall prevail and such portion shall not affect the validity of the remaining provisions of this Ordinance, which shall be severed therefrom.

**4-26.24 Repeal of Inconsistent Provisions.**

All ordinances or parts thereof in conflict or inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

**4-26.25 Codification.**

This Ordinance shall be a part of the Code of the City of Summit 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 City Solicitor are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Summit 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.