

**ORDINANCE 2011- 23 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 107 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED “TAXICABS”**

**WHEREAS**, Chapter 107 of the Code of the Township of Berlin (“Township”) provides rules and regulations governing taxicabs; and

**WHEREAS**, sundry changes have been made to the taxicab laws pursuant to P.L. 2011, c. 135, which was approved on September 30, 2011; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law; and

**NOW THEREFORE**, be it Ordained by the Mayor and Township Council of the Township of Berlin, County of Camden, State of New Jersey, as follows:

**SECTION 1:** Section 107-3 of the Code of the Township of Berlin is hereby amended, revised and supplemented as follows:

**§ 107-3. Conditions for issuance of owner’s license.**

A. No taxi owner’s license shall be issued for any vehicle herein required to be licensed until the owner thereof shall have filed an application for the same, addressed to the Mayor and Council, setting forth the character of the vehicle proposed to be licensed, the correct name of the owner thereof, the residence or address of the principal office of such owner, a complete schedule of the fares proposed to be charged and such other facts as the said Mayor and Council may require; until the vehicle proposed to be licensed shall have been inspected and approved, in writing, by the Chief of Police of the Township of Berlin; until there shall have been paid to the Township Clerk the license fee hereinafter provided; and until there shall have been submitted to the Township Attorney and approved by him as to both form and sufficiency, and filed with the Township Clerk, a policy of insurance, with the premium prepaid thereon, an insurance policy which shall be issued by an admitted insurance company duly licensed to transact business under the insurance laws of the State of New Jersey or a company registered to do business in the State, the policy providing for not less than \$35,000 of motor vehicle liability insurance coverage or the amount of motor vehicle liability insurance coverage required pursuant to section 1 of P.L.1972, c. 197 (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.

B. Nothing contained herein 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.

C. A license issued under this Chapter 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.

D. 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 autocab or any fault in respect thereto, and shall be for the benefit of every person suffering loss, damage or injury as aforesaid.

**SECTION 2:** Chapter 107 of the Code of the Township of Berlin is hereby amended, revised and supplemented by including a new Section 107-6.1, which shall provide as follows:

**§ 107-6.1. Criminal history record background check.**

A. Each operator or driver of an autocab for which the owner thereof is seeking the consent to operate in the Township of Berlin shall submit to the performance of a criminal history record background check. The cost for the criminal history record background check, including all costs of administering and processing the check, shall be borne by the operator or driver of the autocab.

B. A person shall be disqualified from operating or driving an autocab if a criminal history record background check required pursuant to this section reveals a record of conviction of any of the following crimes:

(1) In New Jersey or elsewhere any crime as follows: aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, aggravated sexual assault, sexual assault or endangering the welfare of a child pursuant to N.J.S.2C:24-4, whether or not armed with or having in

his possession any weapon enumerated in subsection r. of N.J.S. 2C:39-1, a crime pursuant to the provisions of N.J.S. 2C:39-3, N.J.S. 2C:39-4, or N.J.S. 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. 2C:35-2.

(2) In any other state, territory, commonwealth, or other jurisdiction of the United States, or any country in the world, as a result of a conviction in a court of competent jurisdiction, a crime which in that other jurisdiction or country is comparable to one of the crimes enumerated in paragraph B(1) above.

C. If a person who has been convicted of one of the crimes enumerated in Section B(1) and/or (2) above can produce a certificate of rehabilitation issued pursuant to N.J.S. 2A:168A-8 or, if the criminal offense occurred outside New Jersey, an equivalent certificate from the jurisdiction where the criminal offense occurred, the criminal offense shall not disqualify the applicant from operating or driving an autocab.

D. The provisions of this Section 260-5.1 shall not apply to an operator or driver of an autocab who has received the consent to operate in the Township of Berlin prior to November 29, 2011.

**SECTION 3:** Section 107-7 of the Code of the Township of Berlin is hereby amended, revised and supplemented as follows:

**§ 107-7. Issuance of licenses.**

A. There shall be available for issuance 2 taxi licenses in the Township of Berlin, which shall be issued to the highest qualified bidder therefor at a sale for public auction for that purpose conducted or supervised by the Township Clerk.

1. A minimum bid of \$1000.00 shall be required.

2. The Township reserves the right to reject all bids where the highest bid is not accepted.

3. In addition to the fees provided for in Section 107-8, the recipient of a license shall reimburse the Township for any costs incurred in connection with the public notice requirements established pursuant to N.J.S.A. 48:16-2.1. In the event more than one license is issued at the same public auction, the recipients thereof shall equally split the costs of such reimbursement.

B. The license herein provided for shall be signed by the Township Clerk and shall have the Township seal affixed thereto. The Township Clerk shall not issue any license until the application therefor has been approved by the Mayor and Council and the conditions precedent, to wit: the payment of the license fees, the criminal history background check and, in the case of a taxi owner's license, the filing of the policy of insurance herein provided for, approved by the Mayor and Council, together with the power of attorney, shall have been complied with.

**SECTION 4:** Section 107-19 of the Code of the Township of Berlin is hereby amended, revised and supplemented as follows:

**§ 107-19. Posting and display of owner's license and fares.**

A. No vehicle as provided for in this chapter shall hereafter be operated in this Township unless and until there is prominently displayed in the interior thereof, within the full view and access of any passengers therein, a copy of the taxi owner's license and a complete list of fares, charges or tariff rates charged for transportation of passengers, which fares, charges or tariff rates so displayed, and no other, shall be those charged any passenger so transported.

B. Every owner of an auto cab shall cause to be displayed on the body of the vehicle the taxi license number issued to that vehicle, which shall be three inches in height and located in the center of the rear quarter panels on both the driver and passenger sides and the rear center line of the trunk of the vehicle.

C. Each autocab shall display on each rear door the name of the Township of Berlin and any other municipality which has issued a taxi license to the owner in letters three inches in height.

**SECTION 5:** Chapter 107 of the Code of the Township of Berlin is hereby amended, revised and supplemented by including a new Section 107-23, which shall provide as follows:

**§ 107-23. Definitions.**

The following terms as used in this Chapter shall have the meaning set forth below unless the context within which the term is used clearly provides for a different meaning:

“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, co-partnership, 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.

**SECTION 6:** The Table of Contents of Chapter 107 shall be amended to add a new Section 107-6.1 – “Criminal history record background check” and Section 107-23 – “Definitions.”

**SECTION 7:** Except as set forth in Sections 1 and 2 above, the balance of Chapter 107 shall not be affected by this Ordinance.

**SECTION 8:** All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 9:** If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

**SECTION 10:** This Ordinance shall take effect immediately upon final passage and publication in accordance with law, but no earlier than November 29, 2011.

Introduced: November 21, 2011

Notice is hereby given that the foregoing Ordinance was introduced and passed upon first reading at a meeting of the Mayor and Council of the Township of Berlin, Camden County, New Jersey on November 21, 2011 and the same was ordered published pursuant to statute. Said ordinance will be further considered for final adoption at a meeting of the Mayor and Council of the Township of Berlin on December 12, 2011 at 6:30 p.m. at the Berlin Township Municipal Hall, 135 Route 73 South, West Berlin, NJ.

Catherine Underwood  
Township Clerk

