

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
FEBRUARY 2, 2010**

The meeting was called to order by Mayor Kievit at approximately 8:50 P.M. with the opening statement that the meeting had been duly advertised and met all the requirements of the Sunshine Law. Also present were:, Deputy Mayor Ross, Councilwoman Hamilton, Councilman Kula, Councilman Miller, Manager Marianne Smith, Clerk Jane Bakalarczyk and Township Attorney Fred Semrau.

**SALUTE THE FLAG**

**CONSENT AGENDA: ALL MATTERS LISTED BELOW ARE CONSIDERED TO BE ROUTINE IN NATURE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF ANY DISCUSSION IS DESIRED, THAT PARTICULAR ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY.**

**Agreements/Applications/Licenses:**

1. Raffle – YMCA Metropolitan of the Oranges
2. Traffic Radar Maintenance Agreement (Police Dept.) – R & R Radar, Inc.

A motion was made by Hamilton to approve the consent agenda as presented, seconded by Ross. All in favor. Motion carried.

**ORDINANCES:**

**1<sup>st</sup> READING: 2010-02**

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX,  
STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 172, VEHICLES  
AND TRAFFIC, OF THE REVISED GENERAL ORDINANCES REGARDING  
WHEATSWORTH ROAD**

**BE IT ORDAINED** by the Municipal Council of the Township of Hardyston, County of Sussex, State of New Jersey, as follows:

**SECTION 1.** Chapter 172, Vehicles and Traffic, Section 172-27, Speed Limits, of the aforesaid Revised General Ordinances is hereby amended and supplemented with respect to the speed limit on Wheatsworth Road to read as follows:

**§ 172-27. Speed Limits**

<b><u>Name of Street</u></b>	<b><u>Direction</u></b>	<b><u>Speed Limit</u></b>	<b><u>Location</u></b>
Wheatsworth Road	Both Zone 1	35mph	From the intersection of NJSH Route 94 for a distance of 0.2 miles East of Route 94
	Both Zone 2	25mph	From a point 0.2 miles East from the intersection of NJSH Route 94 to the jurisdictional border line with Hamburg Borough

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**SECTION 2.** Chapter 172, Vehicles and Traffic, Section 172-13, Stopping or Standing Prohibited During Certain Hours on Certain Streets, of the aforesaid Revised General Ordinances is hereby amended and supplemented with respect to Wheatsworth Road to read as follows:

**§ 172-17. Stopping or standing prohibited during certain hours on certain streets.**

<u>Name of Street</u>	<u>Sides</u>	<u>Hours</u>	<u>Location</u>
Wheatsworth Road	Both	All	Entire length within Hardyston Twp. from NJSH Route 94 to the jurisdictional border with Hamburg Borough

**SECTION 3.** A crosswalk shall be painted and delineated to M.U.T.C.D. standards on Wheatsworth Road located in the Township of Hardyston at the following location: From the walking path at Wheatsworth Field by the entrance to the Wheatsworth Field parking lot entrance, across Wheatsworth Road, meeting the walking path in Emerald Estates.

**SECTION 4.** All ordinances of the Township of Hardyston which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 5.** If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

**SECTION 6.** This Ordinance may be renumbered for purposes of codification.

**SECTION 7.** This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

A motion was made by Ross to approve Ordinance 2010-02 on first reading, seconded by Kula. All in favor. Motion carried.

**2010-03**

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY MAKING THE PROVISIONS OF SUBTITLE ONE OF TITLE 39 WITH VARIOUS TRAFFIC REGULATIONS APPLICABLE TO RIDGEFIELD COMMONS AND REGULATING THE USE OF SAID ROADWAYS, STREETS, DRIVEWAYS AND PARKING LOTS BY MOTOR VEHICLES**

**BE IT ORDAINED**, by the Township Council of the Township of Hardyston, County of Sussex and State of New Jersey as follows:

**SECTION 1.** The Ridgefield Commons Home Owners Association has filed a written consent dated May 28, 2009 with the Township of Hardyston that the provisions of Subtitle One of Title 39 of the revised statutes of New Jersey be made applicable to the semi-public roads, streets, driveways and parking lots located at The Ridgefield Commons development, as depicted on the attached site plan dated August, 2009 located in the Township of Hardyston, County of Sussex, State of New Jersey and that the following regulations shall be enforceable:

**REGULATIONS:**

1. General Parking:
  - A. All vehicles must park in designated areas and between the lines provided.

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- B. No person shall stop or stand a vehicle upon any of the streets or parts of streets described below, except in areas covered by other parking restrictions.

<u>Name of Street</u>	<u>Sides</u>	<u>Hours</u>	<u>Location</u>
All Roads	Both	All	Entire Length

2. Through Streets and Stop Intersections:

- A. Through Streets:

The following streets or parts of streets are hereby designated as Through Streets. Stop signs shall be installed on the near right side of each street intersecting the through street.

<u>Name of Street</u>	<u>Limits</u>
Ridgefield Road	Entire length
Winding Way	Entire length

- B. Stop Intersections:

The following described intersections are hereby designated as Stop Intersections. Stop signs shall be installed as provided therein.

<u>Intersection</u>	<u>Stop Sign(s) on:</u>
Crestmont Court & Virginia Drive	Crestmont Court
Crestmont Court & Highview Knoll	Crestmont Court

3. Speed Limits:

- A. The speed limit for both directions of travel on the following roadways are:

<u>Name of Roadway</u>	<u>M.P.H.</u>	<u>Limits</u>
Ridgefield Road	25	Entire length
Winding Way	25	Entire length
All other roads	15	Entire length

- B. Regulatory and warning signs shall be erected and maintained to effect the above designated speed limits authorized by the Department of Transportation.

4. Tow-Away Zones:

Any vehicle parked or standing as to obstruct or impede a normal flow of traffic, block entrances or exit ways, loading zones, oil fills, any grassy area, pedestrian walkway, or are deemed by a Township police officer to present in any way a safety or traffic hazard may be removed by towing the vehicle at the owners or operators expense.

Recommendations:

That all signs, posts, or other necessary materials be installed and paid for by the applicant. All signing shall conform to the current Manual on Uniform Traffic Control Devices, pursuant to N.J.S.A. 39:4-198 and N.J.S.A. 39:4-183.27.

Unless another penalty is expressly provided for by the New Jersey Statute, every person convicted of a violation of this ordinance or any supplement thereto shall be liable to a penalty of not more than \$50.00 dollars or imprisonment for a term not exceeding (15) days or both.

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**SECTION 2.** All ordinances of the Township of Hardyston, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 4.** This Ordinance shall take effect upon publication and as required by law and upon the posting of appropriate signs.

A motion was made by Hamilton to approve Ordinance 2010-03 on first reading, seconded by Kula. All in favor. Motion carried.

**2010-04**

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, AND  
STATE OF NEW JERSEY CREATING CHAPTER 113, TAXICABS, AUTOCABS AND  
LIMOUSINES, OF THE REVISED GENERAL ORDINANCES**

**BE IT ORDAINED**, by the Township Council of the Township of Hardyston, County of Sussex and State of New Jersey as follows:

**SECTION 1.** The aforesaid Revised General Ordinances are hereby amended and supplemented with the addition of Chapter 113, Licensing of Autocabs and Limousines, to read as follows:

**CHAPTER 113 LICENSING OF LIMOUSINES**

**§ 113-1. Definitions.**

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

**DRIVER** — Any person who drives a limousine within this Township.

**LIMOUSINE** — A motor vehicle used 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 14 passengers, not including the driver, provided that such a vehicle shall not have a seating capacity in excess of four passengers, not including the driver, beyond the maximum passenger seating capacity of the vehicle, not including the driver, at the time of manufacture. Nothing in this definition shall be construed to include taxicab, hotel buses or buses regulated by the New Jersey Department of Transportation.

**LIMOUSINE SERVICE** — Includes the business of carrying passengers for hire by limousine.

**OWNER** — Includes any individual, copartnership, association, corporation or joint-stock company, their lessees, trustees or receivers appointed by any court whatsoever.

**STREET** — Includes any street, avenue, park, parkway, highway, boulevard or other public place.

**TOWNSHIP** — The Township of Hardyston, Sussex County, New Jersey.

**§ 113-2. License required; expiration.**

No person shall operate a limousine or engage in the limousine business within the Township without first obtaining a license from the Township Council. The license shall expire March 31 of the year in which it was issued, unless sooner suspended or revoked by the Township Council.

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**§ 113-3. Circumstances under which a License is Issued.**

- A. Principal Place of Business in Hardyston. Whenever the owner of a Limousine has its Principal Place of Business located within the Township of Hardyston, said owner shall annually file for a license for each such owned Limousine to be issued by the Township in accordance with N.J.S.A. 48:16-17. The Township of Hardyston shall issue such license upon the owner's satisfaction of all of the requirements set forth in this article.
- B. Foreign Limousine Registration with Business Address in Hardyston. Whenever the owner of a Limousine: (1) maintains a Business Address in the Township of Hardyston, and (2) owns a Limousine that is registered in another state or in the District of Columbia, and (3) satisfied all of the requirements set forth in this article; and (4) desires to obtain a license for each such Limousine from the Township of Hardyston; said owner shall annually file for a license for each such owned Limousine to be issued by the Township in accordance with N.J.S.A. 48:16-22.4.a. The Township of Hardyston shall issue such license upon the owner's satisfaction of all of the requirements set forth in this article.
- C. Intra-Municipal Service. Whenever a Limousine Service provides intra-municipal service on a point-to point basis within the Township of Hardyston, the owner of the Limousine or Limousine Service shall annually file for a license for each Limousine providing said service, to be issued by the Township as permitted by N.J.S.A. 48:16-18.1. The Township of Hardyston shall issue such License upon the owner's satisfaction of all of the requirements set forth in this article.

**§ 113-4. Types of licenses.**

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

- A. Driver's license. The holder of a limousine driver's license shall be entitled to operate within the Township any limousine whose owner has been licensed under this chapter. There shall be no limit to the number of limousine driver's licenses issued by the Township.
- B. Owner's license. The holder of a limousine owner's license shall be entitled to operate a limousine owned by him within the Township, provided that the person driving the limousine holds a valid limousine driver's license. There shall be no limit to the number of limousine owner's licenses issued by the Township.

**§ 113-5. Licensing of limousine owners.**

- A. Application for license.
  - (1) No limousine owner's license shall be issued for any vehicle required to be licensed until the owner files an application for a limousine owner's license setting forth the character of the vehicle proposed (including VIN number) to be licensed, the correct name of the owner and all majority shareholders thereof, identification of all other business interests of the owner and all majority shareholders thereof, the residence and address of the principal place of business of such owner, a statement confirming the applicant's United States Citizenship, a statement as to whether the applicant has been convicted of a crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed and a complete schedule of the rates proposed to be charged and such other facts as the Township Council may require. The application for license shall be made in duplicate to the Township Clerk on forms provided by the municipality.
  - (2) All applicants must complete and sign Form SBI-212B, Request for Criminal History Record Information for a Noncriminal Justice Purpose, for a criminal history name search identification check pursuant to N.J.S.A. 53:1-20.5 et seq. In addition, the applicant must submit a cashier's check, certified check or money order drawn on a United States bank in the amount required by the Division of State Police, payable to Division of State Police-SBI, for the criminal history name search. If the applicant is a corporation, then this requirement shall apply to the officers

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of the corporation. The fully executed form and the applicant's check or money order must be submitted along with the application for a limousine owner's license.

- (3) All applicants must submit a letter of clearance issued by the MVC or other applicable authority as proof of having satisfactorily complied with the fingerprint requirement as established by N.J.S.A. 48:16-22.3a before a license will be issued.
- (4) Where a limousine owner's license has previously been issued, the approval of the Township Council shall not be required as a condition for issuance of additional vehicle licenses.

B. Investigation of applicant. When the aforesaid application is properly filled out and signed by the applicant, the original and duplicate thereof shall be filed with the Township Clerk. The Clerk shall refer the duplicate, Form SBI-212B and the criminal history name search fee to the Chief of Police, who shall make, or cause to be made, such investigation of the applicant's business responsibility and moral character as he deems necessary for the protection of the public good. The duplicate shall be kept on file in the Police Department upon completion of the investigation. The investigation shall include a criminal history name search identification check pursuant to N.J.S.A. 53:1-20.5 et seq. The criminal history check results shall be kept confidential. For the purposes of this check, the Hardyston Township Police Department is hereby authorized to have access to the Criminal History Record Information file through the State Bureau of Investigation.

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

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

[1] Conviction of a crime adverse to the operation of a limousine. In determining whether a conviction relates adversely to the operation of a limousine, the following factors shall be considered:

- [a] Nature of the limousine business.
- [b] Nature and seriousness of the crime.
- [c] Circumstances under which the crime occurred.
- [d] Date of the crime.
- [e] Age of the person when the crime was committed.
- [f] Whether the crime was an isolated or repeated incident.
- [g] Social conditions which may have contributed to the crime.
- [h] Any evidence of rehabilitation.

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

[3] Conclusive evidence that the applicant has within four months of the application been addicted to the habitual use of drugs or intoxicating liquors.

(b) In the absence of such findings, the Chief of Police shall recommend that the license be granted.

- (2) The Township Clerk shall present the completed application to the Township Council, who shall, at the next regularly scheduled public meeting after receipt of the recommendation of the Chief of Police, determine, based on the recommendation of the Chief of Police and application of the factors set forth in § 113-5B(1), whether the license shall issue.

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- C. Approval of application. The Township Clerk shall not issue any limousine owner's license until the application therefor is approved by the Township Council and the applicant has demonstrated satisfactory compliance with the provisions of N.J.S.A. 48:16-13 to 48:16-22 and with all other conditions precedent to issuance of the license set forth in this chapter.
- D. License fee. A separate license application shall be filed and a separate license fee shall be paid for each vehicle. The annual license fee per vehicle shall be \$50.00.
- E. Verification Fee. The Applicant shall annually pay to the Township of Hardyston a non-refundable, non-transferable fee for verification of the accuracy of its license application information as follows:
- (1) Whenever the Applicant represents that its Principal Place of Business is located within the Township of Hardyston, the Township shall conduct its own investigation to confirm whether such a Principal Place of Business exists within the Township of Hardyston. The Verification Fee for this investigation shall be \$100.00 for each such Limousine and each such Business Address each License Year.
  - (2) Whenever the Applicant represents that it maintains a Business Address in the Township of Hardyston and owns a Limousine that is registered in another state or the District of Columbia, the Township shall conduct its own investigation to confirm both the Hardyston Business Address and the validity of the foreign registration of each Limousine. The Verification fee shall be \$100.00 for each such Limousine and each such Business Address each License Year.
  - (3) Whenever the Applicant seeks an intra-municipal license for the Township of Hardyston, and represents that its Principal Place of Business is located in another New Jersey municipality, there shall be no verification fee required, provided that the Applicant presents a valid license for each such Limousine from the New Jersey municipality in which the Applicant's Principal Place of Business is located.
- F. Posting of license. Each limousine owner's license issued shall bear a number and shall state the name of the person to whom it is issued. It shall briefly describe the vehicle licensed and indicate the motor vehicle license number, year, make and vehicle identification number (VIN). It shall state the name of the company supplying insurance coverage, the policy number and the name, address and telephone number of the insurance agent. Each license shall be signed by the Township Clerk and shall have the Township Seal affixed thereto. The license shall be placed in a conspicuous location in the limousine.
- G. Additional rules and regulations. The Township Council may, by resolution, make such rules and regulations in relation to the operation of limousines and the conduct of operators thereof as it may determine to be necessary and proper in the best interests of the township. A certified copy of any such resolution shall be forwarded to all licensees within 10 days following adoption.

**§ 113-6. Insurance: operation of limousines.**

- A. Insurance requirements.
- (1) No limousine shall be operated wholly or partly along any street in this Township until the owner of the limousine shall have filed with the Township Clerk, in which the owner has his/her principal place of business within this Township, a certificate of insurance, by a company duly licensed to transact business under the insurance laws of this state, in the sum of \$1.5 million against loss by reason of the liability imposed by law upon every limousine for damages on account of bodily injury or death suffered by a person as result of an accident occurring by reason of the ownership, maintenance or use of the limousine upon any public street. A current copy shall always be kept on file with the Township Clerk throughout the duration of the license(s).
  - (2) The operation shall be permitted only so long as the insurance policy remains in full force and effect as to the full and collectible amount of \$1.5

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million. Limousine owners, or anyone on its behalf, shall not undertake to cancel or have canceled any such policy without giving the Township Clerk 10 days' notice of the intention to do so. No such policy shall be filed by the Township Clerk unless such policy shall contain a provision to the effect that the Township Clerk shall be afforded at least 10 days' notice of the intention of the insurance company which issued such policy to cancel same.

- (3) The insurance policy shall provide for a payment of any final judgment recovered by any person on account of the ownership, maintenance and use of such limousine upon any public street or any fault in respect thereto and shall be for the benefit of every person suffering loss, damage or injury as aforesaid.
- B. Every person operating a limousine, whether an owner and/or driver, who is transporting a child on roadways, streets or highways of this Township, shall be responsible for the protection of the child by properly using a child passenger restraint system that complies with federal vehicle safety standards.
- C. Availability of license for inspection; minimum equipment standards.
- (1) The original license shall be retained within the limousine and shall be available for inspection by any police officer of the state.
  - (2) No limousine shall operate on the highways of this state unless it has a license issued and the limousine is equipped, in accordance with minimum standards established by the Director of the Division of Motor Vehicles in the Department of Transportation, with:
    - (a) A two-way communications system, which, at a minimum, shall provide for communication to a person outside the vehicle for a distance of not less than 100 miles and which requirement may be satisfied by a mobile telephone.
    - (b) A removable first-aid kit and an operable fire extinguisher, which shall be placed in an accessible place within the vehicle.
    - (c) Sideboards attached to the permanent body construction of the vehicle if the height of the vehicle floor is 10 inches or more above ground level

**§ 113-7. Limousine driver's license.**

- A. License required. It shall be unlawful for any person to drive a limousine unless such person shall have a license issued for such purpose pursuant to the provisions of this chapter.
- B. Application for driver's license.
- (1) No limousine driver's license shall be issued to any person until such person has filed an application in writing setting forth his full name, his place of residence, age, proof of his physical ability to operate a limousine, certification that the applicant is a citizen of the United States and certification as to his good moral character, which shall include disclosure of convictions of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed. The application for a driver's license shall be made in duplicate to the Township Clerk on forms provided by the municipality.
  - (2) Applicants shall fully complete "Form D" (available at the New Jersey State Police Internet website, [www.njsp.org](http://www.njsp.org), or the Police Department) and follow the instructions for obtaining a criminal history background check, which includes making an appointment to be fingerprinted by the state contract vendor. Applicants who fail to obtain a criminal history background check or otherwise refuse to consent to or cooperate in securing a criminal history check shall not be considered for a license. If the applicant is a corporation, then this requirement shall apply to the

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officers of the corporation. As a result of such investigation, the Chief of Police shall note, in writing, his recommendation and his reasons therefor to the Township Clerk. The investigation and recommendation of the Chief of Police shall be made in accordance with the guidelines set forth in § [113-5B](#).

- C. [Photograph required.](#) Each applicant for a limousine driver's license shall submit with his application therefor two recent photographs of himself approximately 1 1/2 inches by 1 1/2 inches in size. One of the photographs shall be permanently attached to the application, and the other photograph shall be affixed to the license so that it cannot be removed.
- D. [Age requirements.](#) No limousine driver's license shall be issued to any person unless he is at least 21 years of age and has had at least one year of driving experience.
- E. [Fee.](#) The fee for a limousine driver's license shall be \$50.
- F. [Upon receipt by the Township Clerk of an application for a limousine driver's license, the duplicate thereof shall be forwarded to the Chief of Police, who shall determine whether or not the applicant is duly licensed by the State of New Jersey to operate a motor vehicle and qualified to operate a limousine and that he/she is of good moral character. The Township Clerk shall present the completed application, along with the recommendation from the Chief of Police as to whether the application shall issue, at the next regularly scheduled public meeting. If the Township Council so directs, the Township Clerk shall issue the license to the applicant.](#)
- G. [Term of license; renewals.](#) All limousine drivers' licenses issued under this chapter shall be for a period of one year commencing on April 1 and expiring on March 31. Renewals for drivers' licenses shall be made on or before April 1 of each year. Any licenses applied for and issued after April 1 of any given year shall also expire on March 31.
- H. [Display of license.](#) Every holder of a limousine drivers' license shall have such license, with the photograph attached, openly, clearly and conspicuously exhibited in the vehicle he is driving, which is to be placed next to the owner's license.
- I. [Receipt for fares.](#) Every limousine driver shall, when requested, give a passenger a receipt for the fare paid.

**§ 113-8. Refusal of application for license; suspension or revocation of license.**

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

**§ 113-9. Limousine appearance.**

No lettering, emblem or advertising may be placed on a licensed limousine.

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**§ 113-10. Solicitation prohibited.**

Limousine drivers shall not knowingly solicit business in a manner similar to that of a taxicab or attempt to solicit business by knowingly misleading a prospective passenger.

**§ 113-11. Compliance with state laws.**

Nothing in this article shall exempt any person owning or operating a limousine from complying with the laws relating to the ownership, regulation and operation of limousines in the State of New Jersey.

**§ 113-12. Violations and penalties.**

A person who shall own and operate a limousine in any street in this state in violation of the provisions of this article shall be subject to the following penalties:

- A. For operating a limousine without a license issued by a municipality, operating a limousine without authority to operate a limousine in interstate service granted by the Federal Highway Administration, or the Interstate Commerce Commission, knowingly permitting a driver to operate a limousine without a validly issued driver's license or a validly issued commercial driver's license, if required, failure to have filed an insurance policy, operating a limousine in which the number of passengers exceeds the maximum: a fine of \$1,000 for the first offense and a fine of \$2,000 for the second or subsequent offense.
- B. For operating a limousine without the special registration plates required or operating a limousine without the limousine being properly inspected: a fine of \$1,000 for the first offense and a fine of \$2,000 for the second or subsequent offense.
- C. For operating a limousine without the attached sideboards, if required, failure to retain within the limousine appropriate proof of insurance or failure to execute and deliver to the Director of the Division of Motor Vehicles the power of attorney required: a fine of \$250 for the first offense and \$500 for the second and subsequent offense.
- D. For failure to be equipped with a two-way communications system, a removable first-aid kit or an operable fire extinguisher: a fine of \$50 for the first offense and \$100 for the second and subsequent offense.

**§ 113-13. Unlicensed drivers; liability of owner.**

In the event that the limousine is being operated by a party who does not have the license called for in this article, both the driver and the owner of the limousine shall be subject to the penalty provisions hereinabove set forth.

**SECTION 2.** All ordinances of the Township of Hardyston, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 4.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Township Attorney stated that the township needs regulation in this area especially for limousine companies that have their principal place of business in Hardyston. He stated that the ordinance is for public safety reasons as well as monitoring reasons and compliance. He stated that the above ordinance was prepared after a meeting with the Township Attorney, Chief of Police, the Township Clerk and the Township Manager.

A motion was made by Miller to approve Ordinance 2010-04 on first reading, seconded by Hamilton. All in favor. Motion carried.

