

**BOROUGH OF WILDWOOD CREST
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

ORDINANCE NO. 1380

**ORDINANCE OF THE BOROUGH OF WILDWOOD CREST AMENDING
AND SUPPLEMENTING CHAPTER 73, TAXICABS REGARDING THE
LICENSING AND REGULATION OF JITNEYS IN THE BOROUGH OF
WILDWOOD CREST**

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest determines that it is in the best interest of the Borough and the public welfare to recognize a jitney association to serve needs of the community, residents and tourists, in an efficient and in a timely manner for public transportation; and

WHEREAS, by recognizing a local association, the Borough would be able to monitor jitney service, identify and approve transit routes and stops; improve safety for riders and drivers on the Borough roads and ensure compliance with existing Borough requirements; and

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest has determined that it is necessary and proper for good government, order and the protection of persons and property, and for the preservation of the public health, safety and welfare of the Borough and its inhabitants to supplement and amend Chapter 73 of the Code of the Borough of Wildwood Crest, to provide for the licensing and regulation of Jitneys in the Borough of Wildwood Crest.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, New Jersey, as follows:

Section 1. Chapter 73, Taxicabs, is hereby renamed “Taxicabs; Jitneys”, Article I is hereby created which shall be entitled “Taxicabs”. Sections 73-8 and 73-9 shall be reserved.

Section 2. A new Article II, entitled “Jitneys” is created which shall read as follows:

ARTICLE II

JITNEYS

§ 73-10 Definitions.

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

COMPRESSED NATURAL GAS VEHICLES (CNG) — Any motor vehicle fueled with clean-burning compressed natural gas, with gasoline permitted only as a backup fuel source.

JITNEY — shall mean an autobus for hire and shall include any motor vehicle for hire engaged in carrying individual passengers, which is operated over and upon the streets of the Borough. A jitney shall be constructed and intended to accommodate 13 passengers on routes established wholly within the limits of the Borough 20 passengers on routes established within not more than four contiguous municipalities, including the Borough.

LICENSING CLERK — The Borough Clerk, or other individual designated to accept applications for licenses and to issue licenses in accordance with this article.

PERSON — An individual, sole proprietorship, partnership, limited partnership, corporation, or limited liability company.

STREET — Any street, avenue, land or public place in the Borough utilized for vehicular jitney traffic.

ZERO-EMISSIONS VEHICLE (ZEV)—Any motor vehicle that produces zero exhaust emissions of all criteria pollutants under any and all possible operational modes and conditions.

§ 73-11 Approved associations.

- A. The Borough determines that it is in the best interest of the Borough to recognize a jitney association to serve and address needs and issues, both present and future, that are of interest to both the Borough and jitney licensees; to monitor jitney service; to identify transit routes and stops; to improve safety for riders and drivers on the Borough roads by identifying vehicles and drivers and to ensure compliance with Borough ordinances and requirements; to coordinate and provide information for users of the jitney services; to maintain ongoing communication between the Borough and the association; and efficiently provide information for users of the jitney services, which would lead to decreasing traffic congestion throughout the Borough and facilitate public transportation for Borough residents and tourists. With a localized association, the jitney route system can be established and revised through ongoing, collaborative planning to ensure widespread access and effective allocation of resources rather than operating simply where there may be economic opportunity.
- B. Upon enactment of this article, the Board of Commissioners shall designate, by resolution in its discretion, an association of jitney owners and operators as an approved association. Such designation as an approved association shall be at the will of the Board of Commissioners and remain until such time as the designation as an approved association may be revoked at the discretion of the Board of Commissioners. Upon the revocation of consent and designation of an approved association, all licenses issued to members of that association shall be deemed revoked simultaneously and shall be null and void. Nothing in this article shall be interpreted as a prohibition on more than one association of jitney owners and operators being designated as an approved association. Any association of jitney owners and operators seeking designation as an approved association shall file a written request, along with a copy of its internal rules of operation and a listing of its members in good standing, with the Borough Clerk, who shall transmit that request to the Board of Commissioners and Chief of Police for review.

§ 73-12 Municipal consent, license required; issuing authority; expiration.

- A. License and consent required. No person shall operate a jitney within the Borough of Wildwood Crest, and no person who owns a jitney shall permit it to be operated within the Borough of Wildwood Crest, without obtaining consent of the Borough as required by N.J.S.A. 48:16-24. Such consent shall be evidenced by issuance from the Borough Licensing Clerk of a license pursuant to this article.
- B. License term. The term of a jitney license shall be for one year, from January 1 through December 31. A license issued after January 1 shall be valid for the balance of the calendar year in which it is issued and the fee for that year shall not be prorated.
- C. Renewal. A renewal jitney license may be issued upon the applicant completing and filing a renewal application and verifying by oath or affirmation that there have been no changes in the information contained in the issuance of the initial applications and that they have continued to comply with all laws and regulations of the State of New Jersey relating to the operation of jitanes and is not in violations of any provisions of this article, or other ordinances of the Borough of Wildwood Crest. All applications for license renewal shall be made in writing and filed with the Borough Licensing Clerk.

- D. Annual fee. A nonrefundable fee of \$100 shall be imposed for the initial license and an annual renewal fee of \$100 shall be imposed for each license thereafter.
- E. Nontransferable. It shall be unlawful for the holder of any license issued under this section to transfer the license to any person.

§ 73-13. Reciprocity.

- A. The Licensing Clerk may grant a license to any person who is a member in good standing of an approved association and is the holder of a valid jitney license issued by the City of North Wildwood, City of Wildwood, Borough of Stone Harbor, Borough of Avalon, or Sea Isle City. Such Borough license shall only be issued, and shall be conditioned upon the person supplying the Licensing Clerk with the following:
 - (1) A copy of the valid jitney license from a municipality listed in section 73-13A above.
 - (2) A copy of a valid license certificate of insurance naming the Borough of Wildwood Crest as an insured as provided for this article in compliance with N.J.S.A. 48:16-24.
 - (3) Proof of membership in an approved association by a municipality listed section 73-13A above.
- B. Such consent shall be further conditioned upon the licensee executing the power of attorney required by N.J.S.A. 48:16-24 and by payment of the required annual license fee.
- C. Municipal consent and Borough license granted pursuant to this section shall automatically expire or terminate at the same time the issuing municipal license expires or terminates and shall be suspended or revoked in the event the licensee's issuing municipal license is suspended or revoked and such consent shall remain suspended or revoked for so long as the licensee's municipal license is suspended or revoked.
- D. Any licensee shall immediately notify the Borough Clerk and Chief of Police in writing of any suspension, revocation or any other change of status of an issuing municipality's license.

§ 73-14. Licensing of jitney owner-operators; application procedures.

- A. Application information. An application for a jitney owner-operator's license shall be filed with the Licensing Clerk upon forms provided by the Borough for that purpose. The application shall require disclosure of the following information:
 - (1) The name, address, and date of birth of the applicant.
 - (a) If the applicant is a corporation, its name, address of its principal place of business and the name and address of its registered agent must be supplied. In addition, a copy of the certificate of incorporation shall be filed with the application.
 - (b) If the applicant is a limited liability company, its name, addresses of all members and address of the registered agent shall be submitted in addition to a copy of the certificate of formation of the limited liability company and a current operating agreement.
 - (c) If the applicant is a partnership, the same information required of an individual applicant shall be required for each of the partners.

- (2) The type of motor vehicle, the name of the manufacturer, the New Jersey vehicle registration number, vehicle insurance policy particulars, and a valid New Jersey driver's license of the owner and operator of the jitney.
- (3) Proof that the vehicle shall meet all requirements to make it a CNG or ZEV vehicle, as defined herein.
- (4) Proof that the seating capacity of the vehicle, according to its trade factory rating, is intended to accommodate 13 passengers, or 20 passengers if operating in more than one contiguous municipality as permitted by N.J.S.A. 48:16-23.
- (5) A complete description of the vehicle, both inside and out, including whether the vehicle has been converted for jitney use and, if so, the name and place of business of the individual doing the conversion.
- (6) The previous experience of the applicant in the transportation of passengers for hire, including the name of any other state or municipality where the applicant has ever been licensed, or is currently licensed, to operate a jitney and whether said license was ever suspended or revoked or whether an application for the issuance or renewal of a license was ever denied and the reasons for the denial, suspension or revocation.
- (7) Any other facts that the applicant believes would have any effect on the decision to grant or deny the jitney license.
- (8) Each person operating a jitney in the Borough shall submit a valid and current commercial driver's license ("CDL"), with a Passenger (P) endorsement, issued by the State of New Jersey Motor Vehicle Commission. If the CDL license is scheduled to expire prior to the expiration of the jitney license, the jitney license issued in accordance with this provision will terminate upon the expiration of the CDL license unless the holder of the CDL provides proof to the Borough that the CDL license was renewed.
- (9) A description of the insignia to be placed upon the jitney, as hereinafter defined, the location of such insignia and an identification of all other permanent markings that are to be affixed to the jitney designating the same as a jitney. An applicant may aid in this requirement by submitting with the application a color photograph of the vehicle to be used as a jitney.
- (10) Any other information which the Board of Commissioners or Licensing Clerk may prescribe.

B. Application to be verified by oath or affirmation. All applications shall be verified by oath or affidavit before a notary public or some other person fully authorized to administer oaths. Applications by a partnership shall be verified by managing partner; applications by a corporation shall be verified by the president or vice president; and applications by a limited liability company shall be verified by the managing member.

C. Procedure. Once an application is complete, and the nonrefundable application/license fee is paid, the Licensing Clerk shall transmit the completed application to the Chief of Police for investigation.

§ 73-15. Investigation of applicant.

A. The Chief of Police or his or her designee shall be responsible for the conduct of an investigation into each applicant for a jitney license hereunder. Initial applicants for a jitney license shall submit to a fingerprint background check by the

investigating agency. For each of the three years following the initial year that an applicant obtains a jitney license from the Borough, the Borough will conduct a computer-based background check of the applicant through the New Jersey State Police. If the applicant is a corporation, limited liability company or partnership, then the following individuals shall be subject to a background check:

- (1) In the event that the applicant is a corporation, the background investigation shall include all officers of the corporation and, if practical, the shareholders.
 - (2) In the event that the applicant is a limited liability company, such investigation shall include all officers of the limited liability and, if practical, the members.
 - (3) In the event that the applicant is a partnership, such investigation shall be required of each partner, whether full or limited partners.
- B. The investigation shall concern all matters stated in the application and shall determine whether the applicant for such license has any criminal record and if so the circumstances of such record including the date, results of such investigation together with recommendations by the Chief of Police as to whether such license should be granted or denied supported by the reason(s) for such recommendation shall be forwarded to the Licensing Clerk.
- C. As a condition of conducting the investigation referred to in this article, each applicant, by submitting an application for a jitney license, authorizes the Chief of Police and the Borough of Wildwood Crest to release the results of such investigation to the Licensing Clerk and Board of Commissioners, Borough Administrator, Borough Clerk, Code Enforcement Officer, and Borough Solicitor. No such investigation shall be undertaken without such written authorization by the applicant.
- D. The Licensing Clerk shall act upon the owner-operator's license application within 30 days of receipt of the investigation report from the Chief of Police. If the Chief of Police recommends granting the license and if the report discloses no reason which would justify denying the license, and all other conditions and requirements of this article have been satisfied, including the payment of all applicable fees, the Licensing Clerk may proceed to issue the license.

§ 73-16. Denial of license, appeal, hearing.

If the recommendation of the Chief of Police is to deny the license, or if the Licensing Clerk denies the license for any other reason, or in the event of a revocation or suspension of an existing license, the applicant may appeal the denial, revocation or suspension of the license in writing to the Licensing Clerk. The applicant owner-operator shall then be granted a hearing before Board of Commissioners. The applicant shall receive notification of the date and time for such hearing which shall be scheduled within 30 days from the denial date or notice of revocation, and such hearing shall be commenced and concluded within the immediately succeeding 30 days. The Board of Commissioners may grant, deny, revoke or suspend such, in the exercise of its discretion.

§ 73-17. Substitution of vehicle.

- A. The holder of a license may be permitted to substitute a vehicle in place of a duly licensed vehicle; provided, however, that written notice of substitution of the vehicle shall have first been filed with the Licensing Clerk and approval given by

the Chief of Police and Licensing Clerk, which written notice of substitution shall consist of the following:

- (1) The Borough license number of the vehicle replaced.
 - (2) The time and date of replacement.
 - (3) Reasons for replacement.
 - (4) The insurance coverage of the vehicle substituted.
- B. If such substitution is approved for a vehicle, the Borough-issued identification number shall then be identified with the vehicle.

§ 73-18. Display of jitney license.

The applicant's license and owner's shall at all times be prominently displayed and adequately protected in the interior of any jitney operated by the licensee so that the face thereof shall be at all times in full view and plainly legible to any passengers seated on the jitney. The license card shall at all times be and remain the property of the Borough.

§ 73-19. Identification of jitneys.

Each jitney operating in the Borough shall have permanently affixed, at the cost of the jitney owner, a permanent insignia approved by the Borough designating such vehicle as a jitney servicing the "Wildwoods" which shall be approved by the Borough. The insignia shall be located on the rear of the vehicle.

§ 73-20. Fares.

Fares to be charged by jitneys shall be fixed by resolution of the Board of Commissioners. Such fares shall be agreed upon by the jitney operators and the Borough and once agreed upon shall not be changed in any way without the express consent of the Borough and approved by resolution.

§ 73-21. Routes and stops.

The routes and stops shall be established, by resolution of the Board of Commissioners. Such routes and stops shall be agreed upon by the jitney operators and the Borough and once agreed upon shall not be changed in any way without the express consent of the Borough and approved by resolution. Signage for jitney stops shall be provided by the Jitney Association.

§ 73-22. Insurance; power of attorney.

- A. Insurance. As a condition for the issuance of a license hereunder, the applicant for a jitney license shall, in accordance with the provisions of N.J.S.A. 48:16-24, file with the Borough Clerk a valid certificate of liability insurance attesting that the person and/or owner-operator is insured under a policy of comprehensive, general liability insurance. The limits of said insurance shall be not less than \$300,000 per occurrence, or such greater amount as may be required by law, against loss from the liability imposed by law upon the jitney owner for damages on account of bodily injury or death suffered by any person as a result of an accident occurring by reason of the ownership, maintenance, or use of such jitney upon the public streets of the Borough, and such consent shall continue effective and such operation be permitted only so long as such insurance to the full and collectible amount shall remain in force, during the entire term of the policy. 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.

The certificate of liability insurance, shall be submitted with the license application and shall obligate the liability insurer to notify the Borough Clerk and Borough Administrator if any change occurs in the policy or if the policy is terminated or canceled for any reason.

- B. Power of Attorney. In accordance with the provisions of N.J.S.A. 48:16-24, each owner-operator shall execute and deliver to the Borough's Chief Financial Officer concurrently with the filing of the policy referred to above, a power of attorney wherein and whereby the said owner-operator shall nominate, constitute and appoint the Chief Financial Officer as the owner-operator's 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.

§ 73-23. Revocation, suspension, failure to renew license.

- A. Any license issued hereunder may be revoked or suspended or any application for renewal may be denied for cause. Cause shall be deemed to be any reason set forth in the Code of the Borough of Wildwood Crest for the suspension or revocation of any licenses as well as for, but not limited to any one or more of the following reasons:
- (1) Failure to provide complete and truthful information on the application for a jitney license or on any documentation or information required to be provided as part of the license application process;
 - (2) The licensee's or operator's past criminal record is found to be unsatisfactory.
 - (3) Suspension, revocation or expiration of the applicant's driving privileges in the State of New Jersey or any other state;
 - (4) Failure to maintain liability insurance required by this article or other applicable law or regulation;
 - (5) The licensee or operator fails to operate the jitney in accordance with, or fails to comply with all of the provisions of this article, or any other ordinances of the Borough of Wildwood Crest, law, rule or regulation of the State of New Jersey or federal government;
 - (6) Operating a jitney in a careless manner within the Borough;
 - (7) The licensee shall cease to operate any jitney for the period of one (1) year without first having obtained permission for cessation of said operation from the Chief of Police or Licensing Clerk.
- B. Before taking any such action to revoke or suspend a license or deny an application for renewal, the aggrieved party shall be notified in writing of the reasons for the revocation, suspension or denial of renewal entitled to a hearing before Board of Commissioners in accordance with the provisions of this article. Notice of revocation or suspension shall be provided by personal service or by certified mail, return receipt requested, sent to the address in the licensee's application or such other address as may be provided by the licensee.
- C. All licenses of members of an approved association shall be revokable at will, without a hearing and without cause in the event of revocation of the association as an approved association by the Board of Commissioners.

§ 73-24. Rules and regulations.

The following rules and regulations shall be applicable to all licensees:

- A. Minimum license requirement. No license to own or operate any jitney shall be granted to any person who is not a licensed driver in the State of New Jersey, or any other state of the United States.
- B. Conviction for a crime. Where a licensee has been convicted of a crime, disorderly persons, petty disorderly persons offense, or misdemeanor offense, in any city, county, state or federal court, upon conviction, the Borough Licensing Clerk may revoke the license of the jitney owner-operator upon notice and hearing.
- C. Misconduct. The Borough shall take official cognizance of any and all misconduct, deceit, fraud, subterfuge or actions of any jitney licensee which are against the best interest of the public or the jitney industry itself, regardless of whether or not such actions are specifically covered in this article. It shall also be the direct responsibility of all departments to bring such actions to the notice of the Borough Administrator.
- D. The Mayor, Borough Administrator, Chief of Police and/or Emergency Management Coordinator as appropriate, in the case of actual or impending natural disaster, state of emergency or other emergency situation or public necessity, shall have authority to temporarily suspend the operation of all jitney service in the Borough. As a condition of operation within the Borough, all permitted jitneys shall comply with such suspension order and shall not be entitled to any compensation from the Borough for such period of suspended operations.
- E. Unsanitary, inadequate, unclean, or unsafe jitneys will not be permitted to operate.
- F. Jitney operators shall wear a uniform shirt and optional hat approved by the Borough at the operator's expense.
- G. All marketing materials in all media forms shall be approved by the Borough prior to release to the public.
- H. All accidents involving persons or property must be reported to the Police Department as soon as possible after the occurrence.
- I. Jitney owner-operators must notify the Police Department when a change of driver's license number or registration number occurs.
- J. If a jitney breaks down and is unable to continue, passengers must be refunded their fares in full.
- K. It shall be unlawful for any jitney to stop for the purpose of receiving or discharging passengers at any location other than an approved jitney stop.
- L. No jitney shall carry more than 13 passengers operated in a single municipality or 20 passengers if operated in more than one contiguous municipality. Each passenger must be seated while the jitney is in motion. Passengers must be treated with courtesy and respect; repeated complaints against drivers will be grounds for disciplinary action, including but not limited to revocation or suspension of a license. For purposes of this section, children in arms shall not be considered as persons.
- M. No jitney shall bypass any prospective customer when there is space available on the jitney.
- N. Additional rules and regulations. The Board of Commissioners may also establish by resolution such additional rules and regulations as it may be deem necessary to further the purposes of this article.

§ 73-25. Enforcement Official.

The enforcement official shall mean and include the Borough Administrator, Borough Clerk, Code Enforcement Officer, Chief of Police or any member of the Wildwood Crest Police Department, or any other person who may be authorized by resolution of the Board of Commissioners.

§ 73-26. Violations and penalties.

In addition to any other penalty provided by law, any person violating this article or any part thereof shall be subject to a fine not exceeding two thousand dollars (\$2,000) or imprisonment not exceeding ninety (90) days, or both.

Section 3. All other ordinances in conflict with or inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 4. If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this ordinance, but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

Section 5. This ordinance shall become effective twenty (20) days after final passage and advertisement thereof as required by law.

Dated: March 23, 2022

Don Cabrera, Mayor

Patricia Feketics, Borough Clerk

Joseph Franco, Jr., Commissioner

Joseph M. Schiff, Commissioner

Introduced: March 23 , 2022

Adopted: