

**ORDINANCE NO. 2015-02**

**ORDINANCE OF THE BOROUGH OF RED BANK,  
COUNTY OF MONMOUTH, NEW JERSEY  
AMENDING AND SUPPLEMENTING  
CHAPTER IX, "LICENSING OF TAXICABS"**

Councilwoman Horgan offered the following ordinance on final reading and moved its adoption:

**BE IT ORDAINED** by the Governing Body of the Borough of Red Bank that Chapter IX of the Revised General Ordinances of the Borough of Red Bank, Monmouth County, "Licensing of Taxicabs," is hereby amended and supplemented as follows (*strikeouts denote deletions, underlined text denote additions*):

**SECTION ONE:**

**9-1 DEFINITIONS.**

As used in this Chapter:

*Autocab* shall mean and include any automobile or motor car with a carrying capacity of not more than nine (9) passengers, not including the driver, used in the business of carrying passengers for hire but excludes taxicabs, hotel buses and school buses.

*Cruising* shall mean the practice of driving about the streets of the Borough with a taxicab so as to solicit passengers or to bring the presence of the taxicab to the attention of prospective passengers. A taxicab driving along the streets of this Borough for any purpose other than while transporting a passenger, going to a definite destination by the most direct route in response to a call for a taxicab by a prospective passenger or returning by the most direct route to the taxicab's home terminus after discharging a passenger or going to or from the terminus to the driver's home by the most direct route, shall be prima facie evidence of cruising.

*Driver* shall mean any person who drives a taxicab within this Borough.

*Licensed* shall mean licensed in accordance with the appropriate section of this Chapter, unless otherwise stated in this Chapter.

*Limousine or Livery Service* shall mean and include the business of carrying passengers for hire by autocabs.

*Operation of a Taxicab* shall mean and include transporting in such taxicab one or more persons for hire along any of the streets of the Borough. Accepting a passenger to be transported for hire within this Borough or from a point within this Borough to a point outside of the Borough limits or discharging a passenger transported for hire from a point outside of the Borough limits to a point within the Borough limits shall be deemed to be "operation" of a taxicab within the meaning thereof. The operation of a taxicab in any of the above described manner by one other than the owner shall be deemed operation by the owner thereof as well as by the person actually driving the same. The transportation of any person other than the owner or driver in any motor vehicle bearing sign therein or thereon using the words "taxi," "taxicab," or "cab" or "hack" shall be prima facie evidence of operation.

*Owner* shall mean any person, entity, corporation or association in whose name or title to any taxicab is registered with the New Jersey Department of Motor Vehicles, or who appears in such records to be the conditional vendee or lessee thereof.

*Taxicab* shall mean and include 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 within the Borough and which particularly accepts and discharges such persons as may offer themselves for transportation from points or places to points or places within or without the Borough.

## **9-2 LICENSE REGULATIONS.**

**9-2.1 Required.** No person shall operate any taxicab within this Borough unless both the taxicab and the driver thereof are licensed pursuant to this chapter and conform to all the provisions thereof.

**9-2.2 Two (2) Classes of Licenses Established.** There are hereby established two (2) classes of taxicab licenses to be known as "Taxicab Driver's License" and "Taxicab Owner's License" respectively.

**9-2.3 Taxicab Driver's License.** A "Taxicab Driver's License" shall entitle the person named therein to operate within this Borough any taxicab duly licensed hereunder until the license either expires or is surrendered, suspended or revoked and shall not be transferable.

### **9-2.4 Taxicab Owner's License.**

- a. A "Taxicab Owner's License" shall entitle the taxicab therein described to be operated in this Borough by a driver duly licensed hereunder until the license either expires or is surrendered, suspended or revoked and shall not be transferable, except as provided herein.
- b. All such licenses shall be under the charge and control of the person applying therefor and he or she shall be responsible for the operation of all cars so licensed. The person or entity that applies for the Taxicab Owner's License must be the same person or entity that has title to, or appears on any lease of the taxicab that is being licensed. The license applicant must present proof of title, or of a valid lease, for the vehicle to be licensed at the time of their application, or when requested by the Borough at any time during the license period. The owner of each such license shall fully disclose all individuals or entities having any ownership interest in such license, whether direct, or indirect. Any false, or misleading, material statements as to the ownership of any such license shall result in the revocation of all licenses owned, directly or indirectly, by such person or entity as well as imposition of the penalties provided for herein. Each separate false or misleading misrepresentation of fact shall constitute a separate offense.
- c. No person or entity shall own, possess, control, or have any beneficial interest in more than fifteen (15) owners licenses. Persons or entities that own, possess, or control more than fifteen (15) owners licenses as of the effective date of this Ordinance may retain all such licenses until such time that they are not renewed, are surrendered, or otherwise lost in accordance with this Chapter.
- d. Any beneficial interest, whether described, or denominated, as owner, shareholder, partner, employee, or some similar term, in any license, or in any corporate entity that owns a license, whether direct, or indirect, shall constitute ownership for the purpose of determining the number of Owner's Licenses owned by a person, or entity, under this Chapter. Any person or entity applying for, or renewing, an Owner's License shall submit to the Borough any and all corporate, financial or other information requested by the Borough relevant to the determination of the existence of a beneficial interest in a license as an ongoing condition of licensure under this Chapter. Failure to respond to any such request may result in suspension, forfeiture, or denial, of all licenses held by that person, or entity, and/or the penalties authorized by this Chapter.
- e. Transferability.
  1. Owners licenses issued pursuant to this section may be sold, assigned,

or otherwise transferred, prior to their expiration, by the designated person, or entity, to whom such licenses were issued provided, that such transfer takes place simultaneously with the sale of the business in which all owners licenses owned by the transferor will be sold to the transferee, who will then become the new owner of the business and all current licenses, in their entirety;

2. Parties wishing to transfer licenses under this section shall provide the Borough with a fully executed contract of sale for the applicable business and any other documents requested by the Borough. Transferees shall submit to all background checks and other requirements of this Chapter for holders of Owners Licenses.
3. Any licenses not transferred to the new owner of the business shall immediately and automatically revert back to the Borough;
4. Any transfers under this section shall be subject to the transfer fee and all other applicable fees, required by this Chapter

**9-2.5 Expiration.** Any licenses issued pursuant to the terms of this section shall expire at 12:00 midnight of March 31 of the year following the year in which it was issued unless sooner surrendered, suspended or revoked.

**9-2.6 Number of Licenses.** The number of licenses known as "Taxi Owner's License" shall not exceed ~~forty-five (45)~~ fifty (50). The licensed owner shall provide off-street parking for the taxicabs licensed to them.

**9-2.7 Application Made to the Borough Clerk or Chief of Police Council.** All applications for the issuance or renewal of any license of either class shall be made to the ~~Borough Council Clerk~~ Borough Clerk and the Chief of Police, or their designees, on forms approved by the Borough Council and obtained from the Borough Clerk and designed to elicit information respecting the identification, responsibility and law-abiding habits of the applicant. Any person aggrieved by Borough Clerk or the Chief of Police's denial, or revocation, of any license under this Chapter may appeal to the Borough Council in accordance with the procedure set forth in Section 9-2.16, below.

**9-2.8 Information Required for Application.** Each applicant for a license of any class shall supply the information requested on the application in full and verify the correctness thereof by his oath or affirmation and thereafter file the completed application with the Borough Clerk together with the full amount for the proper fee hereinafter affixed therefor.

**9-2.9 Photographs for Application; Temporary or Provisional License.** Each applicant for a "Taxicab Driver's License" shall file with his application two (2) passport sized photographs, ~~each three and one-half (3 1/2") inches by three and one-half (3 1/2") inches in size~~ clearly depicting the facial features of the applicant, both of which photographs shall thereupon become the property of the Borough and be retained with the application form unless the application shall be issued, in which event one of such photographs shall be permanently affixed to the license card in a space provided thereon.

~~A temporary or provisional~~ No license shall be issued ~~for a period of thirty (30) days or~~ until such time as the information on the application as to driving record and the fingerprints shall be verified and the applicant qualifies ~~at which time the temporary license shall become permanent.~~

**9-2.10 Fingerprinting of Applicant for Taxicab Driver's License and Renewals.** Every applicant for a "Taxicab Driver's License" shall at the time of filing his application, be

~~fingerprinted at such place and by such agency as the Borough Council shall direct; an impression of such fingerprints shall thereupon be forwarded forthwith by the Borough Clerk to the Bureau of Identification of the New Jersey State Police for a report of the applicant's criminal record, which report when received shall be permanently affixed to the application before consideration thereof by the Borough Council. Chief of Police shall direct, in accordance with all current guidelines and policies issued by the Department of Law and Public Safety, the New Jersey State Police, or any other relevant agencies.~~

**9-2.11 Criminal History Record Background Check.** Each owner/driver of a licensed taxicab must submit to the performance of a criminal history record background check to be performed by or at the direction of the Borough's Police Department. Any owner/driver shall be disqualified from operating or driving a taxi if a criminal history record background check reveals a record of conviction of any of the crimes set forth in N.J.S.A. 48:16-3. Upon receipt of the results of any criminal background check, the Chief of Police shall report to the Borough Clerk whether any such applicant is qualified, or not qualified, in accordance with the applicable laws and regulations governing the dissemination and use of criminal background checks. All such applicants shall be responsible for and/or reimburse the Borough for any costs it may actually incur in performing any such record checks required by this Section.

~~**Taxicab Shall Have Registered Business Office.** Each taxicab business shall be limited to one regularly registered business office within the Borough and shall therein have a telephone operating.~~ Reserved.

**9-2.12 Insurance Requirements.**

- a. No taxicab shall be operated wholly or partly along any street in the Borough until the owner of the vehicle shall have filed with the Borough Clerk, proof of insurance from a company duly licensed to transact business under the insurance laws of this State in the sum of one hundred thousand (\$100,000.00) dollars, combined single limit, against loss by reason of the liability imposed by law upon the vehicle owner for damages on account of bodily injury or death suffered by any persons and/or by reason of such liability for damages on account of the injury to or destruction of the property of any person as the result of an accident occurring by reason of the ownership, maintenance or use of the vehicle upon any public street.

Such operation shall be permitted only so long as the insurance policy shall remain in force to the full and collectible amounts as aforesaid.

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

- b. If such owner operates more than one taxicab, he may file with the clerk of the municipality, in lieu of the policy required by Subsection 9-2.12(a) of this act, a bond or insurance policy of a company duly licensed to transact business under the insurance laws of this State, in the sum of one hundred thousand dollars (\$100,000.00) which shall be a blanket insurance policy or bond covering all vehicles 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 vehicles or any fault in respect thereto, and shall be for the benefit of every person suffering loss, damage or injury as aforesaid. Where a taxi owner is self-insured a certificate of the Secretary of State attesting to the amount of insurance coverage required by the Borough, filed with the Borough Clerk will suffice to meet the insurance requirements.

**9-2.13 Certificate of Compliance Issued by Borough Clerk.** The Borough Clerk, upon

filing of the required insurance policy or bond, shall issue a certificate in duplicate showing that the owner of the taxicab has complied with the terms of the Revised Statutes, aforesaid, which certificate shall recite the name of the insurance company, the number and date of expiration of the policy or bond, a description of the taxicab insured thereunder and the registration number of the same. The duplicate certificate shall be filed with the department of motor vehicles before any such car is licensed as a taxicab. The original certificate shall be posted in a conspicuous place within the taxicab.

**9-2.14 License Fees.** The annual fee for each type of license hereinafter issued, or any renewal thereof, for each year, or portion of any year, for which the license is issued, or renewed, shall be as follows:

- a. ~~"Taxicab Driver's License" – hereafter issued or any renewal thereof shall be thirty (\$30.00) dollars for each year or portion of a year for which the license issued or renewed and the annual fee for each.~~
- b. Taxicab Owner's License" – issued or renewed shall be for each taxicab licensed – as follows one hundred and fifty (\$150.00) dollars; electric or hybrid vehicles – one hundred (\$100.00) dollars.
  1. ~~One through five licenses – one hundred fifty (\$150.00) dollars for each such license for each year or portion of a year for which the license is issued or renewed, and all of such licenses shall be under the charge and control of the person applying therefor and he shall be responsible for the operation of all cars so licensed;~~
  2. ~~Six through ten licenses – five hundred (\$500.00) dollars for each such license;~~
  3. ~~Ten, or more licenses – one thousand (\$1,000.00) dollars for each such license.~~
- c. Criminal Background Checks – In addition to the fees set forth above, any applicant for any license, or for the renewal of any license shall reimburse the Borough for any fees related to any required criminal background check charged to the Borough by the New Jersey State Police, or any other relevant State or Federal agency, as those fees may exist from time to time, at the time of such application, or renewal.
- d. Any Taxicab Owner's License hereinafter surrendered, revoked, created, or otherwise made available to the general public shall be advertised for public bid by the Borough Clerk from time to time and as necessary. The minimum bid shall be fifty dollars (\$50.00) and such bid amount shall be a premium above the license fees set forth in Subsection (b), above.

**9-2.15 Refusal to Issue; Revocation.** In addition to any other lawful fines or punishment that may be imposed, the Borough Clerk, or the Chief of Police Council may, in its their discretion, refuse to issue or renew or may, after notice and hearing revoke and/or suspend any license granted under this Chapter in accordance with the following:

- a. Any license of either class if the applicant or licensee has been once convicted of a crime in this or any other jurisdiction, or convicted of being a disorderly person a crime, reckless driving within the preceeding two years, driving while intoxicated, or under the influence of a controlled dangerous substance within the preceeding five years, or of a violation of Title 39, "Motor Vehicles and Traffic Regulation" of the Revised Statutes of New Jersey, or who violates any provisions of this Chapter, or has any judgment unsatisfied or record against him arising out of an automobile accident or who is an alien citizen of any nation between whom there exists a war with the United States, or who has made false answers in his application for such license or any renewal thereof, or who has failed or fails to render reasonably prompt, safe and adequate taxicab service, or who has not complied fully with all requirements of this Chapter for such class of license.

- b. Any "Taxicab Driver's License" 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 a motor vehicle or has any communicable or contagious disease.
- c. Any "Taxicab Owner's License" if the motor vehicle licensed or to be licensed, by reasons of unsafe or unsanitary conditions, is dangerous to the safety or health of the occupants or others, or if the policy of insurance or bond or power of attorney required by Sections 48:16-3, 48:16-4 and 48:16-5 of the Revised Statutes aforementioned has not been furnished or kept in force or if the owners shall fail to comply with any terms or conditions imposed by the Borough Council, or any law of this State.
- d. Except in cases where there is a risk of substantial harm to the public, no denial, revocation, or suspension of any license shall take effect unless, or until, the licensee has had an opportunity for a hearing before the governing body. In the event that the Clerk, or the Chief of Police, determine that a license should be denied, revoked, or suspended, the applicant or licensee shall be notified of their right to a hearing before the Governing Body, which hearing shall be scheduled within thirty (30) days of such determination, unless waived by the applicant, or licensee. Where there is a reasonable basis to believe that the public is placed at risk of substantial harm, the Borough Clerk and/or the Chief of Police may impose a temporary suspension of such license pending a hearing before the governing body, which shall be scheduled as soon as possible, but no later than twenty-one (21) days after such suspension.

**9-2.16 Display of Taxicab Driver's License Card.** Each applicant granted a "Taxicab Driver's License" shall be issued a license card in evidence thereof in a form approved by the Borough Council and signed by the Borough Clerk in its behalf. Such license card shall at all times be prominently displayed and adequately protected in the interior of any taxicab operated by the licensee so that the face thereof shall be at all times in full view of and plainly legible to any passenger seated in the rear seat of such taxicab; the license card shall at all times be and remain the property of the Borough and on direction of the Borough Council shall at once be surrendered to the Borough Clerk.

**9-2.17 Prohibition.** No "Taxicab Driver's License" card other than that of the licensee actually operating the taxicab at the time shall be displayed therein.

**9-2.18 Application Fees Paid to Borough Treasurer.** The Borough Clerk shall at the time the Borough Council acts on any application pay the fees received therefor over to the Borough Treasurer.

**9-2.19 Nonactive Operations.**

- a. The taxicab identified in each Taxicab Owner's License shall be actively operated and serve the public on a regular basis. If any such vehicle is not operated for sixty (60) consecutive days, such Owner's License shall be revoked.
- b. To verify the active operation of each Taxicab Owner's License, upon renewal, or on demand, on the first day of each quarter, the Owner of such License shall furnish the Borough Clerk with true copies of the Records required to be kept in Section 9-6 of this Chapter.

**9-3 PASSENGER RATES.**

The fare that may be charged by the driver or owner of a taxicab for a trip wholly within the limits of the Borough shall not exceed the rates approved by the Borough Council by ordinance. A schedule of the approved rates shall be displayed in the taxicab in a manner so as to be easily read by all passengers. The rates to be charged shall not exceed the following:

- a. For two (2) passengers or less in the area of the Borough either east of Maple Avenue or west of Maple Avenue, the taxi fare shall be ~~\$3.25~~ 3.75
- b. Each additional passenger in excess of two (2) shall be charged ~~\$0.50~~ 1.00
- c. Transportation within the Borough beginning on either side of Maple Avenue and crossing Maple Avenue in order to complete the trip. ~~\$3.75~~ 4.25
- d. Waiting time shall be charged at the hourly rate of ~~\$20.00~~ 22.00 per hour

**9-4 REGULATIONS FOR TAXICABS.**

**9-4.1 Stopping Restriction.** No person shall park or place any taxicab on any of the streets of this Borough at any time except at such place or places as the Borough Council may designate as municipal taxi stands unless operator is stopped while in service or stopped for the purpose of obtaining food for himself.

**9-4.2 Prohibited Solicitation of Passengers.** No person shall cruise the streets of the Borough with any taxicab at any time for the purpose of soliciting passengers.

**9-4.3 Parking at Taxicab office Terminal or Designated Location Restricted.** No taxicab or other vehicle for hire shall be parked or stopped within fifty (50') feet of a regularly operated taxicab office, terminal or location licensed by the Borough of Red Bank except as the owner or lessee of the taxicab office or terminus and his or her licensed drivers.

**9-4.4 Refusal to Carry Certain Passengers.** Every person so licensed as aforesaid shall not refuse to carry local fares or passengers unless fare is unruly or intoxicated.

**9-4.5 Regulations Governing Taxicabs Licensed by Other Municipalities.** Owners and drivers of taxicabs licensed out of the jurisdiction of this Borough, ~~or who have their principal office or place of business out of the jurisdiction of the Borough,~~ may be allowed to enter their taxicab in this Borough, but on specific call only, whether transporting a passenger within this Borough or from a point within this Borough to a point outside the Borough limits or discharging a passenger transported from a point outside of the Borough limits to a point within the Borough limits, and the name of the passenger so calling shall be given by the owner or driver when requested by the Borough Police or other lawful persons. Such taxicabs shall not be parked in this Borough nor shall the drivers thereof cruise on the streets of this Borough at any time for the purpose of soliciting passengers, nor shall they, in the night-time or other periods of darkness, when in this Borough, permit any advertising lights on the taxicab to remain lighted; provided, however, that the same or similar substantial reciprocal rights are granted to owners and drivers of taxicabs licensed in the municipalities in which the aforesaid owners or drivers are licensed.

**9-4.6 Advertising Taxicabs For Hire Restricted.** Owners, operators, or drivers of vehicles for hire, other than taxicabs commonly known as "OH" cars, shall not display the words "taxicabs" or other sign thereon which would tend to lead the public to believe the vehicle is a taxicab as herein defined, and if a "For Hire" sign is or shall be used on each such a vehicle, such sign or other device shall be displayed only when such vehicle is actually engaged in transporting a passenger for hire.

**9-4.7 Name of Owner, and Operator and License Number Displayed in Licensed**

**Taxicab.** The name, trade name or corporate name of the owner and operator of all taxicabs licensed within the Borough shall be prominently displayed on the exterior of all taxicabs so licensed at all times. All taxicabs shall display on the body of the vehicle their taxi license number. This information shall be 3 inches in height and must be located on the center rear quarter panel on the driver and passenger side as well as the rear center line of the trunk. The taxicab shall also display on each rear door a list of each municipality that has issued a taxi license to that taxicab. ~~Additionally, on or before March 31, 1991, Every licensed taxicab shall have the taxicab number which shall be illuminated during darkness and shall be contained in a dome light, or other similar device. The size, color, wording and location on the taxicab and other particulars of the dome light shall be uniformly designated by the Chief of Police.~~

**9-4.8 Decal for Licensed Taxicabs Displayed.** A decal shall be provided by the Borough for taxicabs licensed to do business in the Borough and the decal shall be prominently displayed on the panel ~~between the left rear door window and~~ rear window of each licensed taxicab.

**9-4.9 Solicitation of Passengers Prohibited.** No taxicab driver or other person shall solicit, attempt to solicit or otherwise seek to engage a passenger of any public street and/or sidewalk in the Borough.

## **9-5 INSPECTION OF VEHICLES.**

**9-5.1 Initial Inspection.** Before any vehicle is used as a taxicab within the Borough, it shall be inspected by the Chief of Police or a police officer designated by him to ascertain that it is in a safe, clean and sanitary condition and contains all safety devices required by law.

**9-5.2 Reinspections.** All taxicabs shall be reinspected ~~quarterly on or before March 31, June 30, September 30 and December 31 of each year~~ annually, commencing thirty (30) days prior to the deadline for renewal, but in no case any later than seven (7) days prior to such deadline. Any change of the vehicle assigned to an Owner's License shall also be subject to a reinspection prior to such transfer. In addition, a police officer may inspect a taxicab at any reasonable time to determine if it is clean, sanitary and in a safe and properly operating condition.

**9-5.3 Failure to Pass Inspection.** Any taxicab which fails to pass inspection shall be immediately taken out of service and shall not be operated again within the Borough until the defects which led to its rejection are corrected. In the case of minor defects which do not constitute an immediate danger to the health or safety of the public, the taxicab may continue to operate for a period of one (1) week, at the end of which time it shall be reinspected. If the defect has not by then been corrected, the vehicle shall immediately be taken out of service and shall remain out of service until the defect is corrected.

**9-5.4 Proof of State Inspection.** No vehicle covered by the terms of this chapter shall be licensed until proof has been presented that the vehicle has been inspected and approved as required under Title 39 of the Statutes of the State of New Jersey.

## **9-6 RECORDS.**

The owner of each taxicab shall keep or cause to be kept a written daily record of each trip made by the taxicab showing the date, time and place the cab was engaged, the place and time of the discharge of the passenger, the number of passengers carried, the fare received, distance traveled and the driver's license number of the person driving the cab on the trip. The



records shall be kept in a place that is convenient for a proper authorized representative of the Borough to inspect the same and the owner shall give his cooperation in expediting any inspection. Further, as a condition of each license issued under this chapter, the licensee shall promptly produce such other records demanded by the Borough that may be reasonably necessary for the investigation, or enforcement, of any provision of this Chapter, including, but not limited to the ownership and usage of any license granted hereunder. Failure to respond to any such request for information shall constitute grounds for suspension or revocation of a license, as well as the monetary penalties authorized by this Chapter.

#### 9-7 FEES FOR CERTIFICATE OF COMPLIANCE.

The following is the fee schedule for the certificates issued by the Borough Clerk pursuant to Subsection 9-2.13, Certificate of Compliance Issued by Borough Clerk. All fees shall be payable to the Borough of Red Bank through the Borough Clerk's Office.

- a. *Taxicabs.* The initial annual certificates issued by the Clerk to taxicabs shall be included in the annual licensing fee established in Subsection 9-2.14. Any additional certificates thereafter requested shall be provided at a fee of ~~ten (\$10.00)~~ fifty (\$50.00) dollars for each certificate issued for the balance of that year.
- b. *Autocabs, Limousine and Livery Services.* The annual fee for each certificate of compliance issued for an autocab, limousine and livery service pursuant to N.J.S.A. 48:16-17 shall be ~~ten (\$10.00)~~ fifty (\$50.00) dollars for each year or portion of a year for which a certificate is issued.

#### 9-8 PENALTY.

Any person or persons who shall violate the provisions of this Chapter shall, upon conviction thereof, be subject to a fine not exceeding five hundred (\$500.00) dollars and/or imprisonment in the county jail for a term not to exceed thirty (30) days and/or a sentence of community service of not more than thirty (30) days, as well as revocation or suspension of any license issued pursuant to this Chapter.

**SECTION TWO:** Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.

**SECTION THREE:** If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

**SECTION FOUR:** This Ordinance shall take effect immediately upon its passage and adoption according to law.

Seconded by Councilwoman Burnham and adopted on roll call by the following vote:

|                            | Yes   | No  | Abstain | Absent |
|----------------------------|-------|-----|---------|--------|
| Councilman Murphy          | ( X ) | ( ) | ( )     | ( )    |
| Councilwoman Burnham       | ( X ) | ( ) | ( )     | ( )    |
| Councilwoman Horgan        | ( X ) | ( ) | ( )     | ( )    |
| Councilwoman Schwabenbauer | ( X ) | ( ) | ( )     | ( )    |
| Councilman Zipprich        | ( X ) | ( ) | ( )     | ( )    |
| Councilman DuPont          | ( )   | ( ) | ( )     | ( X )  |

Date: March 11, 2015