

**ORDINANCE 07-2024
BOROUGH OF SEA GIRT**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 4-10, TAXIS,
AUTOCABS AND VEHICLE HIRED CARRYING PASSENGERS OF THE BOROUGH
CODE OF THE BOROUGH OF SEA GIRT, MONMOUTH COUNTY**

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§ 4-10. TAXIS, AUTOCABS AND VEHICLES HIRED FOR CARRYING PASSENGERS.¹

§ 4-10.1. Purpose. [Ord. No. 13-2009]

The Mayor and Council have found that it is in the public interest and in order to ensure the safety and quality of life for all residents of and visitors to the Borough revise licensing requirements and regulate the business and operations of owners and drivers of taxis, autocabs and other vehicles engaged in the business of carrying passengers for hire within the Borough.

§ 4-10.2. Definitions. [Ord. No. 13-2009 § 1]

As used in this section:

BOROUGH — Shall mean the Borough of Sea Girt.

DRIVER — Shall mean any person who drives a taxi/autocab within this Borough.

OPERATION — Of a taxi/autocab shall consist of transporting in such taxi, autocab of one or more persons for hire. A taxi/autocab which is operated or run, over any of the streets within the Borough, to seek or accept passengers for transportation from points or places to points or places within or outside the Borough or which transports a passenger or passengers from outside the Borough into the Borough for discharge shall be deemed to be operation of a taxi/autocab within the Borough. A taxi/autocab parked or idling on a Borough Street or accepting any passenger for hire from a point of departure within the Borough shall be deemed to be operation. Operation of a taxi/autocab by one other than the owner shall be deemed operation by the owner, as well as operation by the person actually driving the taxi/autocab. The transportation in or through the Borough of any person other than the owner or driver of any motor vehicle bearing signs therein or thereon using the words "taxi," "cab," "jitney," "car service," "livery," "hack," "dial a ride," "call a ride," "transport," "transport vehicle," "car service" or "transportation" shall be prima facie evidence of operation.

OWNER — Shall mean any person, corporation, business entity or association in whose name title to any taxi/autocab is registered with the New Jersey Motor Vehicle Commission, or who appears in any governmental records to be the conditional vendee or licensee thereof.

PERSON — Shall mean and include any individual, co-partnership, limited liability company, association, corporation or joint stock company, their lessees, trustees or receivers appointed by any court whatsoever.

TAXI/AUTOCAB — Shall mean and include any autocab, automobile, van, ~~motor car~~ or autobus with a seating capacity of not more than 14 passengers not including the driver, **and with original manufactured right-side exit and entrance only**. Any vehicles commonly called taxi, taxicab, cab or car service, that are 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 accepts or discharges passengers for transportation from points or places to points or places within or outside the Borough.

§ 4-10.3. Requirements of Taxi/Autocab Owner or Operator License. [Ord. No. 13-2009]

§ 2]

No person or corporation shall hire out, keep, or use for hire or compensation any taxi/autocab within the Borough unless both the taxi/autocab and the driver thereof are licensed in the Borough in accordance with this section and said person or corporation conforms to all other laws and regulations of the State of New Jersey.

§ 4-10.4. Licenses. [Ord. No. 13-2009 § 3]

All taxi/autocab owners, or operators of taxi/autocabs, operating a taxi/autocab within the Borough shall be licensed in accordance with the provisions of this section.

There are hereby established two classes of taxi/autocab license in the Borough as follows:

- a. Taxi/Autocab Driver's License. This license shall entitle the individual named therein to operate within this Borough any taxi/autocab duly licensed hereunder. Such license may only be issued in the name of an individual and not in the name of a business entity.
- b. Taxi/Autocab Owner's License. This license shall entitle the vehicle therein listed and described to be used as a taxi/autocab and operated in this Borough by a driver duly licensed hereunder.

§ 4-10.5. Number of Licenses to Be Issued. [Ord. No. 13-2009 § 4; Ord. No. 19-2010 § 1; Ord. No. 03-2014 § 4]

- a. Taxi/Autocab Driver's Licenses. The number of taxi/autocab driver's licenses under this section to be issued and outstanding in any one year is limited to 100.
- b. Taxi/Autocab Owner's Licenses. The number of taxi/autocab owner's licenses under this section to be issued and outstanding in any one year can be up to 15 unless the Mayor and Council by resolution approve additional licenses.
- c. Number of Taxicabs/Autocabs Per Owner's Licenses. The holder of a taxicab owner's license under this section shall be permitted to obtain a license for up to 10 individual taxicab/autocab. The license issued for an individual taxicab/autocab is only for that specific taxicab/autocab and shall not be transferred to another taxicab/autocab.

§ 4-10.6. Expiration Date; Licenses Not Transferable; Renewals. [Ord. No. 13-2009 § 5; Ord. No. 19-2010 § 2; Ord. No. 17-2011 § 1]

- a. Any license issued pursuant to this section shall be valid from the 1st day of May and shall expire at midnight of the 30th day of September the year in which it was issued, and shall not be transferable.
- b. Applications for taxicab owner's license renewals shall be filed with the Borough Clerk's Office no sooner than ~~March 1st~~ April 5th and no later than ~~April 10th~~ April 19th of the year for which the application is being made. All applications for renewals shall be acted

upon prior to any consideration being given to new applications, which shall be considered in the order of their filing with the Borough Clerk's Office on a first come/first serve basis. Any application for renewal received after ~~April 10th~~ April 19th of any year shall be treated as an application for a new license.

§ 4-10.7. Applications for Licenses. [Ord. No. 13-2009 § 6; Ord. No. 17-2011 §§ 2, 3, 4]

- a. Application Form. Each applicant for the issuance or renewal of a license of either class shall supply, in full, the information requested on application forms approved by the Borough Administrator and obtained from the Borough Clerk, and shall verify the correctness thereof by certification. The completed application must be filed with the Borough Clerk, together with the fee hereinafter fixed.
 1. Applications for Taxi/Autocab Owner's License. Applications for taxicab/owner's licenses shall be filed with the Borough Clerk at any time, but no taxi/autocab shall be operated in the Borough until licensed in accordance with this section each year.
 - (a) Requirements for Taxi/Autocab Owner's License. Each applicant must meet the following requirements:
 - (1) Be of the age of 21 years, or over;
 - (2) Has not been convicted of a crime, and has not violated any provision of this section;
 - (3) Complete an application form provided by the Borough Clerk giving the applicant's full name, residence, age, date of birth, height, weight, color of eyes and hair, marital status, driver's license number, number of years driving, place of birth, length of time the applicant has resided in the United States, citizenship information, military service information, present employment, present or past municipal license information, whether the applicant has ever been charged with, arrested or convicted of a crime or other violation of law or of a violation of this chapter and if so, the date, what, where and the disposition, whether or not the applicant's driver's license has ever been revoked and, if so, for what cause, which statement shall be signed and sworn to or certified by the applicant and filed with the Borough Clerk as a permanent record. The applicant shall also furnish two copies of color photographs size two inches by two inches, front view, in such position as may be prescribed, taken within 30 days preceding the filing of the application;
 - (4) Each applicant must provide a full physical address including building/housing number, street name, city, state and zip code. Post office boxes shall not be sufficient. Notice by the Borough in connection with this section to any taxi/autocab owner's license holder shall be effective upon the Borough's mailing of said notice by regular mail to the address provided in the application unless the license holder notifies the Borough of a change of address to another physical location (post office boxes not acceptable) and the Borough acknowledges in writing receipt of such change of address;
 - (5) The applicant shall be required to consent to the submit to a State and Federal criminal history check, either by fingerprinting or live scan through the Borough's vendor, at the Borough's sole discretion and at the cost and expense of

the applicant. In the event an applicant holds a current New Jersey commercial driver's license with a "P" or an "S" endorsement, and the applicant provides a copy of the applicant's fingerprint background results obtained during the CDL application process that are less than one year old at the time of the application, the Borough may waive the requirement to submit to fingerprinting;

(6) Insurance.

- (i) Principal place of business located within the Borough. Each applicant for a taxi/autocab owner's license shall, together with the application, submit the insurance policy required by N.J.S.A. 48:16-3 et seq., covering the taxi/autocab sought to be licensed; and each applicant shall then and thereafter comply with all of the provisions of N.J.S.A. 48:16-1 et seq., as well as the acts amendatory thereof or supplemental thereto.
- (ii) Principal place of business outside Borough. Each applicant must file a duplicate autocab insurance certificate issued pursuant to N.J.S.A. 48:16-7 by the Clerk of the municipality within which the Owner's principal place of business is located. A photocopy is not acceptable and the applicant must provide the original duplicate certificate as issued by said Clerk.
- (iii) The applicant must submit proof that the duplicate certificate shall be filed with the department of motor vehicles before any such car is licensed as a taxi/autocab.
- (iv) Amount of coverage. Minimum acceptable insurance liability limit is as follows: Combined single limit coverage: \$50,000/~~\$100,000.00~~.
 - [a] The policy shall provide coverage for every driver of each vehicle listed in the policy, and the acceptance of the policy by the Borough and the issuance of the license by the Borough shall constitute an agreement by and between the applicant and the Borough that the applicant holds and saves harmless the Borough from any and all claims from damages arising out of personal injury and/or property damage made by third parties as the result of the issuance of the license and the operation of the taxi/autocab.
 - [b] In the event the policy is cancelled for any reason, a notice of such action must be delivered to the Borough Clerk 20 days prior to the effective date by the insurance company providing coverage to the owner. It shall be the owner's responsibility to ensure that the insurance company is noticed of and complies with this requirement.

(7) Inspections. Vehicles covered by this section may be subjected prior to licensing, or if an identifiable condition is visible or can be heard by a member of the Sea Girt Police Department during the term of the license, to inspection by a Borough vendor or representatives of the Borough Police Department to determine the condition and fitness of the vehicle for the transportation of passengers. Any such inspection is at the Borough's sole discretion and at the cost and expense of the applicant.

2. Applications for taxi/autocab driver's licenses. Applications for taxi/autocab driver's

licenses may be made at any time, but no one shall drive or operate a taxi/autocab in the Borough until licensed in accordance with this section each year.

- (a) Requirements for taxi/autocab driver's license. Each applicant for a taxi/autocab driver's license must meet the following requirements:
- (1) Be of the age of 21 years, or over;
 - (2) Possess a valid New Jersey driver's license;
 - (3) Submit a completed certificate on forms provided by the Borough from a reputable physician stating that the applicant has been examined within 60 days of the date of the application and is fit for the safe operation of a taxi/autocab. If applicant holds a current New Jersey commercial drivers license with a "P" or an "S" endorsement they may submit a copy of their current medical card;
 - (4) Has not been convicted of a crime, and has not violated any provision of this section;
 - (5) Is not a habitual user of liquors to the point of impairment or a habitual user of narcotic drugs or other controlled substances other than as lawfully prescribed;
 - (6) Complete an application form provided by the Borough Clerk giving the applicant's full name, residence, age, date of birth, height, weight, color of eyes and hair, marital status, driver's license number, number of years driving, place of birth, length of time the applicant has resided in the United States, citizenship information, military service information, present and former employment, present or past municipal license information, whether the applicant has ever been charged with, arrested or convicted of a crime or other violation of law or of a violation of this section and if so, the date, what, where and the disposition, whether or not the applicant's driver's license has ever been revoked and, if so, for what cause, which statement shall be signed and sworn to or certified by the applicant and filed with the Borough Clerk as a permanent record. The applicant shall also furnish two copies of color photographs size two inches by two inches, front view, in such position as may be prescribed, taken within 30 days preceding the filing of the application;
 - (7) The applicant shall be required to consent to and submit to a State and Federal criminal history check, either by fingerprinting or live scan through the Borough's vendor, at the Borough's sole discretion and at the cost and expense of the applicant. In the event an applicant holds a current New Jersey commercial driver's license with a "P" or an "S" endorsement, and the applicant provides a copy of the applicant's fingerprint background results obtained during the CDL application process that are less than one year old at the time of the application, the Borough may waive the requirement to submit to fingerprinting;
 - (8) The applicant shall be required to consent to and submit to a motor vehicle history inquiry, either through the Borough Police Department or the Borough's vendor, at the Borough's sole discretion and at the cost and expense of the applicant;

(9) The applicant is able to speak and understand the English language.

§ 4-10.8. Issuance of Licenses. [Ord. No. 13-2009 § 7]

- a. Upon notification by the Borough Clerk of satisfactory fulfillment of the foregoing requirements, the Mayor and Council shall either grant or deny the license application, unless the governing body returns or holds over the application for further investigation.
- b. Each applicant approved under this section shall be issued a license as evidence thereof in a form approved by the Mayor and Council, and signed by the Borough Clerk on behalf of the Mayor and Council.
- c. Upon approval of any such application, the Borough, at its sole option, may process the license or in the alternative may require the applicant to travel to a Borough vendor to process the taxi/autocab driver's license and or the taxi/autocab owner's license. Any costs related to the processing of the license, including but not limited to the issuance of a photo license shall be the responsibility of the license holder.

§ 4-10.10. Denial, Revocation, or Suspension of Licenses. [Ord. No. 13-2009 § 9]

- a. The Mayor and Council may, in their discretion, refuse to issue or renew, or may after notice and hearing, revoke or suspend any taxi/autocab driver's license issued hereunder if the applicant or licensee:
 1. Has been convicted of a crime or offense in this, or any other, jurisdiction;
 2. Has been convicted of being a disorderly person;
 3. Has been found guilty of a violation of Title 39, "Motor Vehicles and Traffic Regulations" of the Revised Statutes of the State of New Jersey;
 4. Violates any provision of this section;
 5. Has failed, or fails to render, reasonably prompt, safe, and adequate taxi/autocab service;
 6. Has in any degree contributed to any injury to any person, or damage to property, arising out of negligent operation of a motor vehicle;
 7. Has any physical or mental condition which interferes with the ability to operate a motor vehicle in a safe manner and/or presents a risk to the driver, passengers or the public; Has not complied fully with all requirements of this section.
- b. Any taxi/autocab owner's license, or renewal, may be denied, revoked, or suspended for any of the following reasons:
 1. If the motor vehicle licensed, or to be licensed, has unsafe or unsanitary conditions, or is otherwise dangerous to the safety or health of the occupants or others;
 2. If the policy of insurance required by N.J.S.A. 48:16-3 lapses, or such coverage is not maintained at all times;
 3. Has been convicted of a crime in this, or any other, jurisdiction;
 4. Has in any degree contributed to any injury to any person, or damage to property, arising

out of negligent operation of a motor vehicle;

5. Has not complied fully with all requirements of this section;
6. If the licensed vehicle is used or permitted to be used for any improper, immoral or illegal business or purpose, or for the violation of any statute or law of the State or the United States, or for the violation of any of the provisions of this section or any rules and regulations duly adopted thereunder.

§ 4-10.11. Display of License and Certificate of Insurance. [Ord. No. 13-2009 § 10]

- a. No taxi/autocab shall be operated in the Borough unless the taxi/autocab driver's license of the person operating the taxi/autocab, is prominently displayed and open to view of passengers in accordance with reasonable procedures of the Borough.
- b. The Certificate of Insurance required by N.J.S.A. 48:16-6 shall likewise be prominently displayed in accordance with reasonable procedures of the Borough provided by way of written notice to the licensee.

§ 4-10.12. Rates. [Ord. No. 13-2009 § 11; Ord. No. 19-2010 § 5; Ord. No. 17-2011 § 5]

- a. No taxicab/autocab shall hereafter be operated in this Borough unless and until there is prominently displayed in the interior thereof, within the full view and access of any passengers, a complete list of fares, charges or tariff rates charged for transportation of passengers, which fares, charges or tariff rates so displayed, and no other, shall be those to be charged any passenger. Said rate and tariff listing shall be submitted with the Owner's License application and any change in the rates and/or tariffs during the year shall be filed with the Borough before the new rates and/or tariffs can be charged to passengers.
- b. Fare Limit. The rate of fare to be charged between any two points within the Borough limits shall not exceed ~~\$2~~ **\$3** per mile per person for each passenger.
- c. All rates shall be agreed upon between the operator and passenger before the transportation is commenced.
- d. Hand luggage shall be carried without charge.

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§ 4-10.13. Lettering and Visual Identification Symbol. [Ord. No. 13-2009 § 12]

- a. Every taxi/autocab operating within the Borough shall have affixed or painted on both sides thereof the words "taxi" or "cab" in letters at least six inches high, or the name of the operating owner containing the words "taxi" or "cab" as well as the business telephone number.
- b. Every taxi/autocab or other vehicle required to be licensed under this section operating within the Borough shall display a visual identification symbol the design, specification and contents of same to be determined in the sole discretion of the Borough, by way of a decal, magnetic device, placard or other method which will identify the vehicle as properly and currently licensed. The method of display shall be as determined by the Borough Police Department and communicated in writing to the taxi license holder, which shall be required to adhere to the contents of said notice within seven calendar days of the date of the notice. The Borough may elect to require that the visual identification symbol be made and then affixed to the licensed vehicle by a vendor or vendors of the Borough's designation, all such costs for such production and affixing to the licensed vehicle to be paid by the licensee.

§ 4-10.14. Record Keeping; Inspection of Records. [Ord. No. 13-2009 § 13]

Every licensed taxi/autocab driver shall record, in writing, the time and place each passenger is accepted, and the time and place of discharge of the passenger. Such records shall be kept intact for three years. Such records shall be kept open at all times during the three-year period for inspection by local, State, and Federal law enforcement agencies.

§ 4-10.15. Lost Property. [Ord. No. 13-2009 § 14]

Immediately after the termination of any hiring or employment, every driver of a taxi/autocab must carefully search such taxi/autocab for any property lost or left therein, and any such property discovered must be reported in writing to the Police Department with brief particulars and description of such property, within 24 hours after it is found, unless sooner claimed or delivered to the owner.

§ 4-10.16. Insurance. [Ord. No. 13-2009 § 15]

All owners of taxi/autocabs operating within the Borough must comply with the provisions of subsection 4-10.7 as a condition of the validity of any taxi/autocab owner's license.

§ 4-10.17. Public Service Requirements. [Ord. No. 13-2009 § 16]

Owners of taxi/autocabs, their agents and employees, and cab drivers engaging in the taxi/autocab business, shall render courteous and nondiscriminatory service to the public. They shall answer all telephone calls received by them for transportation service within the limits of the Borough as soon as they can do so, and if such service cannot be rendered within a reasonable time, they shall notify the prospective passenger when the taxi/autocab will be available to service them.

§ 4-10.18. Restrictions on Operation of Taxi/Autocabs. [Ord. No. 13-2009 § 17]

- a. No Cruising. No person shall cruise the streets of the Borough in any vehicle, including but not limited to taxi/autocabs at any time for the purpose of soliciting or one or more persons for transportation for a fee or fare.
 1. Pre-arranged Pickup. Any taxi/autocab cab may pick up passengers if the taxi/autocab owner or the owner's agent has been specifically called by the person seeking transportation or someone acting on said persons behalf or such person has otherwise arranged in advance for pick up at a specific time and place. The taxi/autocab driver must have proof of such pre-arrangement including at a minimum the full name of the person to be picked up, the full name of the person making the arrangements, and a contact phone number for said person making the arrangements.
- b. All persons shall be picked up or discharged at the curb, or in off-street areas designated by business establishments for the use of their patrons, and the taxi/autocab shall at no time interfere with traffic on any roadway.
- c. For picking up passengers at commercial establishments, all taxi/autocabs will follow a wait-in-line operating rule, and must pick up the next passenger waiting for taxi/autocab service in order. If such pick up is refused by the taxi/autocab driver, the driver must depart without a passenger and forfeit any place in line.
- d. Locations Prohibited for Pick Up and Discharge. No taxi/autocab shall pick up or discharge

passengers anywhere on any portion of the roadway, at the following locations.

1. First Avenue (County Route 49), between The Terrace and New York Boulevard:
2. Sea Girt Avenue between State Highway 71 and the easterly side of the railroad right of way.

Nothing herein shall preclude commercial establishment's locations to establish pick up areas in parking lots.

§ 4-10.19. Taxi Stands; Ride Share Dropoff or Pickup Zone. [Ord. No. 13-2009 § 18; Ord. No. 17-2011 § 6; amended 6-24-2020 by Ord. No. 09-2020 6-9-2021 by Ord. No. 08-2021; 5-11-2022 by Ord. No. 05-2022; 4-26-2023 by Ord. No. 02-2023]

- a. No person shall sit, idle, park, or operate in a designated taxi stand/ride share zone for any other purpose except to pick up or discharge passengers. A designated taxi stand may be occupied by a taxi/autocab and driver licensed by the Borough and/or a registered ride share vehicle and driver in accordance with this section. No person shall leave any vehicle unoccupied in any designated taxi stand/ride share zone. The taxi stand/ride share drop off zone shall be utilized strictly for the discharge of passengers **for the hours designated within the hours are 10am -12am** ~~as approved annually by the Borough Council~~. Therefore, no taxi/ride share vehicle shall sit, idle or park in a taxi stand/ride share zone during those hours unless patrons are waiting for transportation. No taxi or ride share vehicle shall sit, idle or park in a taxi stand/ride share zone for longer than 10 minutes. A taxi stand/ride share zone shall allow a person the opportunity to find transportation services in an expeditious, unbiased, nondiscriminatory, and courteous manner.
- b. Temporary Taxi Stand/Ride Share Dropoff or Pickup Zone.
 1. In the event of an emergency, or circumstance as described in paragraph b2, the Chief of Police, or highest-ranking police officer on duty in his absence, may designate, on a temporary basis not to exceed 24 hours after said emergency or circumstance arises, the location and size of any taxi stand/ride share drop off or pickup zone in accordance with state law.
 2. The ranking or senior Borough police officer on duty may, in the event the number of people at any location seeking transportation from taxi/autocabs or ride share vehicles creates or may create a safety concern and/or may create a disturbance of the peace, establish a temporary taxi stand/ride share zone at any public location, such temporary taxi stand ride share drop off or pickup zone to be designated by temporary traffic signs or other traffic devices identifying the temporary taxi stand/ride share drop off or pickup zone. The provisions of this section applicable to taxi stand/ride share drop off or pickup zone shall be applicable to temporary taxi stand ride share drop off or pickup zone.
 3. In the event that a temporary alternate pickup/drop off zone is designated consistent with paragraphs b1 or 2, the Chief or ranking officer shall report said emergency or circumstance to the Mayor and Council, and the basis for said action no later than 24 hours after doing so.

§ 4-10.20. Fines and Penalties. [Ord. No. 13-2009 § 19; New; Ord. No. 09-2014]

- a. Unless another specific penalty has been established in paragraph e below, any person violating any of the provisions of this section shall, upon conviction of a first offense be subject to a fine of no less than \$250; on conviction of a second offense be subject to a fine of no less than \$500 and for a third or subsequent offense be subject to a fine of two \$2,000, or be subject by imprisonment for any term not exceeding 90 days in the County Jail, or in any other place provided by the municipality for the detention of prisoners, or both.
- b. Any corporation violating any of the provisions of this section shall, upon conviction, pay a fine of not less than \$500 or more than \$2,000.
- c. Any person who aids, assists, or abets in the violation of any of the provisions of this section shall be subject to the penalties herein provided for.
- d. Nothing herein shall preclude the prosecution of any such violation under Title 48 and or Title 2C of the New Jersey statutes nor restrain or prohibit the Mayor and Council from suspending or revoking any license issued hereunder in accordance with the provisions of this section.
- e. Specific Fines and Penalties.

Borough Code	Description	Fine		Payable*
4-10	Taxis, autocabs and vehicles for hire	1st	\$250	No
		2nd	\$500	No
		3rd	\$2,000	No

Borough Code	Description	Fine		Payable*
4-10.3	Operator/owner's license and driver's license required	1st	\$250	No
		2nd	\$500	No
		3rd	\$2,000	No
4-10.11	Display of license and insurance required	1st	\$250	No
		2nd	\$500	No
		3rd	\$2,000	No
4-10.12	Fares and rates, display required	1st	\$250	No
		2nd	\$500	No
		3rd	\$2,000	No
4-10.13	Lettering and visual identification required	1st	\$250	No
		2nd	\$500	No
		3rd	\$2,000	No
4-10.14	Records of fares required	1st	\$250	No
		2nd	\$500	No
		3rd	\$2,000	No
4-10.15	Responsibility to report and retain lost property	1st	\$250	No
		2nd	\$500	No
		3rd	\$2,000	No
4-10.18	Restrictions on operation	1st	\$250	No
		2nd	\$500	No
		3rd	\$2,000	No
4-10.19	Taxi stand regulations	1st	\$250	No
		2nd	\$500	No
		3rd	\$2,000	No

* Payable without court appearance.