

BOROUGH OF MIDLAND PARK

APPLICATION FOR LICENSE - WRECKERS AND TOW TRUCKS

Non Refundable

License Fee \$150.00

1. Name and Address of Applicant _____

2. a) Residence Address of Applicant _____

b) Full Local Address of Applicant _____

3. Serial Number & Registration Number of each vehicle operated by applicant _____

4. Location of storage area for wreckers, cars and other vehicles (except impound vehicles) and the amount of space available for storage _____

5. Location of storage area, including inside storage area, and security measures for the protection of any impound vehicles _____

6. Name and address of insurer, policy number of garage keeper's liability and garage liability policy (attach copy of policies) _____

7. Please list the following information for all employees of your company:

Name

AddressDOBSS#DL#This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

By signing this application, Applicant agrees:

8. To provide an adequate wrecker and driver available for call by the Borough of Midland Park twenty four (24) hours per day, three hundred sixty-five (365) days per year and further agrees to abide by the fee schedule established by the Borough of Midland Park when performing services at the request of the Borough of Midland Park.

9. When towing vehicles owned by the Borough of Midland Park, applicant shall charge only those fees set forth on the fee schedule adopted by the Borough of Midland Park for such services.

10. To indemnify and hold the Borough of Midland Park, its officers, agents and employees harmless from any claims by any person on account of fees or charges for towing services or storage related to those services described in Ordinance No. 785 and undertaken at the request of the Borough of Midland Park. This indemnification shall include costs of defense and attorneys fees.

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11. To indemnify and hold the Borough of Midland Park, its officers, agents and employees harmless from any and all claim, including but not limited to claims for personal injury and or property damage arising out of or in any way relating to the towing or storage services provided by Applicant or anyone acting on its behalf of any person at the request of the Borough of Midland Park. This indemnification shall include costs of defense and reasonable attorney fees.

12. To abide by such rules and regulations in providing the towing and storage services pursuant to the license applied for, as may be established from time to time by resolution of the Mayor and Council of the Borough of Midland Park.

DATE: _____

SIGNATURE OF APPLICANT

4-4.7 Taxicab Stands. It shall be unlawful for taxicabs to solicit passengers within the limits of the Borough except from either private stands provided and maintained by the licensee or from such public stands as the Mayor and Council may approve. (Ord. #285; 1973 Code §106-7)

4-5 TOWING AND STORAGE.*

4-5.1 Purpose. The purpose of this section is to permit the Borough of Midland Park to procure towing and storage services in order to keep clear the public streets and to protect impounded vehicles by establishing standards for towing operators; by requiring the mercantile licensing of such towing operators and by authorizing the Borough to obtain those services without competitive bidding. (Ord. #14-92, §1)

4-5.2 Contracts Without Bid. Pursuant to N.J.S.A. 40A:11-5(u) the Borough of Midland Park shall enter into contracts for towing and storage services without competitive bidding with towing operators who meet the qualifications set forth in this section ("authorized towing operators"). All such contracts shall expire on the last day of February of the year following the creation of the contract. (Ord. #14-92, §2)

4-5.3 License Required.

- a. Each authorized towing operator shall possess a valid license issued pursuant to this section.
- b. Every applicant for a license under this section shall complete, sign and verify a written application, in duplicate, on forms furnished by the Borough Clerk. The application shall state:
 1. Name and address of the applicant;

***Editor's Note:** Prior ordinances codified herein include portions of Ordinance Nos. 785, 825, 855, 37-89.

2. Residence address and full local address, if any, of the applicant;
 3. Serial number and registration of each vehicle to be operated by the applicant.
- c. The applicant shall file the completed application forms in duplicate with the Police Department of the Borough annually between January 1 and no later than January 31 of each year together with the appropriate license fees as determined by the General Fee Ordinance of the Borough. The fee shall be an annual fee. No portion of the fee shall be prorated for any part of the year.
- d. The Chief of Police shall be charged with the investigation of prospective licensees and shall recommend the issuance of a license when he finds that:
1. The applicant and none of its employees have been convicted of a crime of the fourth degree or higher within the past five (5) years;
 2. The application submitted by the applicant complies with the requirements of all applicable ordinances of the Borough;
 3. The applicant shall be located in such an area so as to provide prompt response to service calls within the Borough;
 4. The applicant shall have safe and secure storage areas;
 5. The applicant shall demonstrate that it is capable of compliance with the standards of performance set forth in subsection 4-5.5 of this section.
- e. An applicant for a towing license shall certify, under oath, that the licensee, if an individual, and all employees or agents of the licensee have been trained in the proper and safe operation of all equipment used in the performance of services for Midland Park.

- f. The Borough Clerk shall promptly notify the applicant of the approval of his application by the Chief of Police and shall issue the license.
- g. The license shall contain the following:
 - 1. Name and address of the licensee;
 - 2. Number of the license and amount of fee paid;
 - 3. Date of issuance of the license and expiration date;
 - 4. Signature of the Borough Clerk and the seal of the Borough.
- h. All licenses shall expire on the last day of February of the year following the year issued unless an earlier expiration date is indicated on the license.
- i. The Borough Clerk shall send a copy of the license to the Police Department for filing, and shall keep a permanent record of all licenses issued.
- j. A license issued under this section shall not be transferable.
- k. Each licensee shall produce his license whenever called upon to do so.
- l. No license shall be issued to an applicant until he shall have deposited with the Borough Clerk proof of the following insurance coverage; subject to the approval of the Borough Attorney:
 - 1. A garage keeper's liability policy covering fire, theft and explosion in the minimum amount of one hundred thousand (\$100,000.00) dollars and collision coverage subject to a maximum deductible of two hundred fifty (\$250.00) dollars with each accident deemed a separate claim.
 - 2. A garage liability policy covering the operation of the applicant's business, equipment and vehicles for any bodily injury or property damage, in the minimum amounts of five hundred thousand

(\$500,000.00) dollars for any one (1) person killed or injured and five hundred thousand (\$500,000.00) dollars for more than one (1) person killed or injured in any one (1) accident. This policy shall also provide for coverage in the minimum amount of one hundred thousand (\$100,000.00) dollars for all damage arising out of injury to or destruction of property.

Each policy required herein must contain an endorsement providing for thirty (30) days notice to the Borough in the event of any change or cancellation. Each policy shall name the Borough of Midland Park as an additional insured.

- m. The Mayor and Council may waive any of the requirements set forth in this subsection 4-5.3 upon written application if the Mayor and Council determines that the towing operator will provide an acceptable alternative to each requirement for which the waiver is sought and that the waiver shall not result in exclusionary or discriminatory contractual terms and conditions.
- n. Each authorized towing operator shall enter into a written contract with the Borough in the form of Exhibit A.* The contract shall require the authorized towing operator to defend and hold harmless the Borough of Midland Park for liability from any and all obligations, liabilities, judgments, claims and demands for personal injuries and damages to property which may rise out of the performance of this Agreement. The licensee shall save harmless the Borough from all actions at law for any infringements of patent rights of tools, equipment, apparatus or methods used by him.
(Ord. #14-92, §3; Ord. #19-92, §1)

*Editor's Note: Exhibit A, referred to herein, may be found on file in the office of the Borough Clerk attached to Ordinance No. 14-92.

4-5.4 Equipment. Any applicant for a towing license shall possess at least the following equipment operating at all times and ready to go to a call at a location within the boundaries of the Borough of Midland Park when dispatched by the Midland Park Police Department, pursuant to the terms of the license and for the full term of the applicable contract:

- a. One (1) wrecker capable of safely removing a full-size automobile or light truck.
- b. One (1) flatbed type truck, with a bed capable of safely carrying a full-size automobile or light truck.
- c. At least one (1) wrecker or flat-bed shall be equipped with a wheel lift.
- d. Equipment for jump starts and the changing of flat tires.
- e. If the licensee utilizes a vehicle for which an articulated or commercial driver's license is required to perform services for Midland Park, an employee with such articulated driver's license or commercial driver's license shall be available to operate the above equipment, twenty-four (24) hours a day, seven (7) days a week, including holidays.
(Ord. #14-92, §3; Ord. #19-92, §2)

4-5.5 Standards of Performance. An authorized towing operator shall:

- a. Maintain a storage area serving Midland Park located within fifteen (15) minutes' drive time from Midland Park Police Headquarters, travelling under normal traffic conditions and in a lawful manner.
- b. Immediately dispatch tow trucks when requested by the desk officer to respond to an emergency situation.
- c. Not remove or permit a vehicle to be removed without written authorization from the Police Department.

- d. Request police assistance during the course of servicing when they find it necessary to turn around, back up, tow in the opposite direction, cross the median, etc.
- e. Be available to provide service on a twenty-four (24) hour/seven (7) day basis.
- f. An authorized towing operator's storage areas shall meet the following qualifications:
 - 1. If the licensee is the owner in fee simple of the required number of square footage, he is to submit with his license a certified copy of the deed for the land, containing a metes and bounds description of same.
 - 2. If the licensee has lease for the required number of square footage, he is to submit with his license, a copy of the lease or leases containing a metes and bounds description of same. Licensees must have a lease which extends to at least six (6) months after the termination date of the towing portion of this license.
 - 3. If the licensee has an option or options to lease or purchase the required number of square footage, he is to submit with his license a copy of the option agreements, containing a metes and bounds legal description of same.
 - 4. The deeds, leases or options to lease, or purchase are to be approved as to form and legality by the Borough Attorney.
 - 5. Visual on-site inspection of the land shall be made before award of a license by the Borough or its designees. All the land proposed to be utilized by the licensee for storage must be level and clear of debris, and must be clearly marked as having the area necessary to maintain the minimum capacity of ten (10) vehicles for the Borough.

6. The entire land area or area must be enclosed by a fence of sturdy construction, and at least seven (7') feet in height or the maximum permitted by the applicable section of the zoning ordinance, which-ever is less, so that the storage will not be visible to the public.
7. The operation of the site(s) shall conform at all times to the fire regulations of the municipality in which it is located.
8. Prior to the awarding of any license hereunder, the licensee shall prove to the Borough of Midland Park that his said locations are legally zoned for (1) such storage of vehicles, and (2) as a junk yard for storage of junked vehicles.
9. No impounded vehicle shall be parked upon a public street or sidewalk, quasi-public street or sidewalk, or any public area, but must be stored by the licensee within the storage area so provided; the licensee, his agents or representatives shall not use the vehicles for the use of the licensee or their personal use. License plates shall not be removed from any vehicle, except when lawfully required by the Midland Park Police Department, or other government agency, or switched to any other vehicle.
10. The impound areas must be properly lighted from dusk to dawn and must be properly safeguarded from vandalism and/or theft.
11. The Borough of Midland Park shall have access to any part of the storage areas at any time of the day or night for the purpose of inspection and/or investigation. This shall include indoor and outdoor areas.
12. There shall be no unescorted access to the Borough of Midland Park area by the public. The Midland Park Police Department, from time to time, shall

establish rules and regulations regarding the public access to the vehicle so impounded and/or stored; such rules and regulations may also be amended from time to time. This requirement under this license must be strictly enforced. Failure to follow these rules and regulations shall be cause to cancel this license. Licensed tower shall provide free towing for all Borough vehicles when required.

- g. All licensees must maintain safe and secure storage space for impounded vehicles.
- h. The wrecker/tow truck shall have a passenger seat to transport the driver of the vehicle to be towed, under appropriate circumstances, at no additional cost to the owner of the vehicle.
- i. Wreckers/tow trucks shall have two- (2) way radio capabilities with their dispatching center on a twenty-four (24) hour basis.
- j. The licensee shall provide each wrecker/tow truck with a shovel, broom, and other equipment necessary to clean up broken glass and debris from the scene of an accident to which it is summoned. The driver of such wrecker/tow truck shall be responsible for such clean-up.
- k. All wreckers/tow trucks used and employed in towing of vehicles shall be kept in a clean, good working condition and the name, address and telephone number of the licensee shall be conspicuously displayed on each vehicle.
- l. All licensees shall be required to comply with all State and local laws, and be licensed, as required.
- m. The licensee shall provide a clean waiting room for the public with a restroom and access to a public telephone.
- n. The licensee shall accept at the storage area at least one (1) major credit card.

- o. Maintain the following written records for a period of six (6) years from the date of the service performed:
 - 1. All bills for all tows performed pursuant to the contract;
 - 2. Signed acknowledgment of receipt of the vehicle by the owner of the vehicle or his duly authorized agent.
- p. Vehicles may be retrieved by the public in the ordinary course from the licensee's storage area during regular business hours without prior arrangement. Notwithstanding that, in specific cases when requested by the Midland Park Police Department, the licensee shall permit the public to retrieve vehicles at all other times.
- q. The licensee, if an individual, and all employees or agents of the licensee shall have been trained in the proper and safe operation of all equipment used in the performance of services for Midland Park.
(Ord. #14-92, §4; Ord. #19-92, §3)

4-5.6 Schedule of Fees.

- a. The maximum rate for towing and storage of a vehicle within the Borough shall be set by resolution of the Mayor and Council. In the absence of such a resolution, the maximum rates shall be no more than the rates promulgated by the New Jersey Commissioner of Insurance.
- b. Fee cards conspicuously indicating the maximum rates for towing and storage of a vehicle within the Borough shall be kept in the possession of the drivers of all wreckers and presented to the driver or owner of any vehicle to be towed. Such fee cards shall also be conspicuously posted at the place where an owner of a vehicle would retrieve his vehicle.
(Ord. #14-92, §5; Ord. #19-92, §4)

4-5.7 Rotation List.

- a. The Borough Administrator shall compile a list of authorized towing operators. The list shall be effective until December 31, 1992.
- b. For every three (3) month period thereafter, and no later than two (2) weeks prior to the end of each such period the Administrator shall compile a revised list to be used by the Police Department for the next three (3) month period. During the compilation of the list for the next period, the Administrator shall add names to the list when additional towing operators meet the appropriate qualifications. The Administrator may, at any time, delete names from the list when the authorized towing operator loses its license or violates the performance standards of this section.
- c. Each time the list is amended, the Administrator shall promptly provide to the Chief of Police a current list of authorized towing operators.
- d. To the extent practicable, the officers investigating accidents which require a wrecker shall get authorization from the drivers or owners of cars as to the selection of the entity to perform towing services.
- e. Unless the Police Department determines that the public safety and convenience and the expeditious flow of traffic requires specialized services which in the opinion of the Police Department are unable to be performed by an authorized towing operator, or require specialized equipment not possessed by the authorized towing operator, the entire list of authorized towing operators shall be utilized by the Police Department to provide towing services when necessary. The Police Department shall call the towing operators in a sequential rotation using a method which is calculated to provide each authorized towing operator with an equal opportunity to provide towing services. The method used by the Police Department shall be promulgated in writing and shall be made available as a public record.

- f. If the Police Department determines in a particular case that the public safety or convenience requires the use of specialized equipment not possessed by the authorized towing operator, or specialized services not able to be performed by the authorized towing operator, the Police Department may take such reasonable action as it deems necessary to protect the public safety and convenience and provide for the expeditious flow of traffic.

(Ord. #14-92, §6; Ord. #19-92, §5)

4-5.8 Enforcement. This section shall be enforced by the Chief of Police. Except in an emergency, no individual owner or operator of a wrecker shall respond to the scene of an auto accident except upon notification by the Police Department or upon request of the driver or owner of the vehicle involved. (Ord. #14-92, §7)

4-5.9 Revocation of Licenses.

- a. Licenses issued under the provisions of this section may be revoked by the Mayor and Council after notice and hearing for any of the following causes:

1. Fraud, misrepresentation or false statement contained in the application for the license;
 2. Any violation of this section;
 3. Conviction of any crime or disorderly persons offense involving moral turpitude;
 4. The licensee is not of good character, competency or integrity or is not a fit and proper person to operate or conduct a wrecker operation.
- (Ord. #14-92, §8)

4-5.10 Suspension of Privileges. An authorized towing operator who fails to meet the performance standards set forth in this section may be suspended for such period of time as the Administrator may determine. Prior to any such suspension, the Borough Administrator shall give oral notice to the au-

thorized towing operator, the opportunity to informally object to the suspension and state the reasons for his objection. Any suspension may be appealed to the Mayor and Council. (Ord. #14-92, §9)

4-5.11 Hearing Procedures Before Mayor and Council.

- a. Any person aggrieved by the action of the Chief of Police or the Borough Clerk in the denial of a license or by the Administrator in the suspension of an authorized towing operator shall have the right of appeal to the Mayor and Council. Such appeal shall be taken by filing with the Council, within fourteen (14) days after notice of the action complained of is mailed to such person's last known address a written statement setting forth fully the grounds for appeal.
- b. Notice of the hearing for revocation of a license shall be given to the licensee in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed by registered or certified mail, return receipt requested, addressed to the licensee at his last known address, at least five (5) days prior to the date set for the hearing.
- c. The Mayor and Council shall set a time and place for the hearing of such appeal, and notice of such hearing shall be given to the appellant in the same manner as provided for the notice of the hearing on revocation.
- d. The decision and order of the Mayor and Council on such appeal shall be final and conclusive.
(Ord. #14-92, §10)

4-5.12 Penalties.

- a. This section shall not affect or prevent the occasional operation of an unlicensed wrecker or tow truck upon the request of an owner or driver of a vehicle in distress.

- b. Any person who shall violate the provision of subsections 4-5.6 or 4-5.8 of this section shall, upon conviction thereof, be liable to a fine of not more than one thousand (\$1,000.00) dollars and in the case of a second conviction for violation of this section may be prohibited from receiving a license for a period of thirty (30) days from the date of the conviction. Upon the third or subsequent conviction under the provisions of this section, a person shall be subject to the above penalty, and shall be prohibited from receiving a license for a period of one (1) year from the date of the second or subsequent conviction.

(Ord. #14-92, §11)

4-5.13 Public Availability. Pursuant to N.J.S.A. 40:48-2.91.d, copies of this section, Ordinance No. 14-92 as amended by Ordinance No. 19-92, and the fee schedules of all authorized towing operators and the rotation policy established by the Police Department shall be made available to the public during normal business hours of the Borough Clerk's office at the cost of copying established by the General Fee Ordinance of the Borough. (Ord. #14-92, §12; Ord. #19-92, §5)

4-6 BOWLING ALLEYS.

4-6.1 License Required. No person or persons, firm, association, club or corporation shall maintain, operate, conduct or pursue the business or occupation of keeping any public room or place wherein the game commonly known as "bowling" is played without having first obtained a license therefor from the Borough Council as hereinafter provided. (Ord. #428; 1973 Code §46-1)

4-6.2 Applications for Licenses. An application for a license shall be filed with the Borough Clerk on forms to be furnished by him, which forms shall require to be included the following information:

4-5 TOWING AND STORAGE.*

4-5.1 Purpose.

The purpose of this section is to permit the Borough of Midland Park to procure towing and storage services in order to keep clear the public streets and to protect impounded vehicles by establishing standards for towing operators; by requiring the mercantile licensing of such towing operators and by authorizing the Borough to obtain those services without competitive bidding. (Ord. #14-92, §1)

4-5.2 Contracts Without Bid.

Pursuant to N.J.S.A. 40A:11-5(u) the Borough of Midland Park shall enter into contracts for towing and storage services without competitive bidding with towing operators who meet the qualifications set forth in this section ("authorized towing operators"). All such contracts shall expire on the last day of February of the year following the creation of the contract. (Ord. #14-92, §2)

4-5.3 License Required.

- a. Each authorized towing operator shall possess a valid license issued pursuant to this section.
- b. Every applicant for a license under this section shall complete, sign and verify a written application, in duplicate, on forms furnished by the Borough Clerk. The application shall state:
 1. Name and address of the applicant;
 2. Residence address and full local address, if any, of the applicant;
 3. Serial number and registration of each vehicle to be operated by the applicant.
- c. The applicant shall file the completed application forms in duplicate with the Police Department of the Borough annually between January 1 and no later than January 31 of each year together with the appropriate license fees as determined by the General Fee Ordinance of the Borough. The fee shall be an annual fee. No portion of the fee shall be prorated for any part of the year.
- d. The Chief of Police shall be charged with the investigation of prospective licensees and shall recommend the issuance of a license when he finds that:
 1. The applicant and none of its employees have been convicted of a crime of the fourth degree or higher within the past five (5) years;
 2. The application submitted by the applicant complies with the requirements of all applicable ordinances of the Borough;
 3. The applicant shall be located in such an area so as to provide prompt response to service calls within the Borough;
 4. The applicant shall have safe and secure storage areas;
 5. The applicant shall demonstrate that it is capable of compliance with the standards of performance set forth in subsection 4-5.5 of this section.
- e. An applicant for a towing license shall certify, under oath, that the licensee, if an individual, and all employees or agents of the licensee have been trained in the proper and safe operation of all equipment used in the performance of services for Midland Park.
- f. The Borough Clerk shall promptly notify the applicant of the approval of his application by the Chief of Police and shall issue the license.
- g. The license shall contain the following:
 1. Name and address of the licensee;
 2. Number of the license and amount of fee paid;
 3. Date of issuance of the license and expiration date;
 4. Signature of the Borough Clerk and the seal of the Borough.

- h. All licenses shall expire on the last day of February of the year following the year issued unless an earlier expiration date is indicated on the license.
- i. The Borough Clerk shall send a copy of the license to the Police Department for filing, and shall keep a permanent record of all licenses issued.
- j. A license issued under this section shall not be transferable.
- k. Each licensee shall produce his license whenever called upon to do so.
- l. No license shall be issued to an applicant until he shall have deposited with the Borough Clerk proof of the following insurance coverage; subject to the approval of the Borough Attorney:
 - 1. A garage keeper's liability policy covering fire, theft and explosion in the minimum amount of one hundred thousand (\$100,000.00) dollars and collision coverage subject to a maximum deductible of two hundred fifty (\$250.00) dollars with each accident deemed a separate claim.
 - 2. A garage liability policy covering the operation of the applicant's business, equipment and vehicles for any bodily injury or property damage, in the minimum amounts of five hundred thousand (\$500,000.00) dollars for any one (1) person killed or injured and five hundred thousand (\$500,000.00) dollars for more than one (1) person killed or injured in any one (1) accident. This policy shall also provide for coverage in the minimum amount of one hundred thousand (\$100,000.00) dollars for all damage arising out of injury to or destruction of property.

Each policy required herein must contain an endorsement providing for thirty (30) days notice to the Borough in the event of any change or cancellation. Each policy shall name the Borough of Midland Park as an additional insured.
- m. The Mayor and Council may waive any of the requirements set forth in this subsection 4-5.3 upon written application if the Mayor and Council determines that the towing operator will provide an acceptable alternative to each requirement for which the waiver is sought and that the waiver shall not result in exclusionary or discriminatory contractual terms and conditions.
- n. Each authorized towing operator shall enter into a written contract with the Borough in the form of Exhibit A.* The contract shall require the authorized towing operator to defend and hold harmless the Borough of Midland Park for liability from any and all obligations, liabilities, judgments, claims and demands for personal injuries and damages to property which may rise out of the performance of this Agreement. The licensee shall save harmless the Borough from all actions at law for any infringements of patent rights of tools, equipment, apparatus or methods used by him.
(Ord. #14-92, §3; Ord. #19-92, §1)

4-5.4 Equipment.

Any applicant for a towing license shall possess at least the following equipment operating at all times and ready to go to a call at a location within the boundaries of the Borough of Midland Park when dispatched by the Midland Park Police Department, pursuant to the terms of the license and for the full term of the applicable contract:

- a. One (1) wrecker capable of safely removing a full-size automobile or light truck.
- b. One (1) flatbed type truck, with a bed capable of safely carrying a full-size automobile or light truck.
- c. At least one (1) wrecker or flatbed shall be equipped with a wheel lift.
- d. Equipment for jump starts and the changing of flat tires.
- e. If the licensee utilizes a vehicle for which an articulated or commercial driver's license is required to perform services for Midland Park, an employee with such articulated driver's license or commercial driver's license shall be available to operate the above equipment, twenty-four (24) hours a day, seven (7) days a week, including holidays.
(Ord. #14-92, §3; Ord. #19-92, §2)

4-5.5 Standards of Performance.

An authorized towing operator shall:

- a. Maintain a storage area serving Midland Park located within fifteen (15) minutes' drive time from Midland Park Police Headquarters, traveling under normal traffic conditions and in a lawful manner.

- b. Immediately dispatch tow trucks when requested by the desk officer to respond to an emergency situation.
- c. Not remove or permit a vehicle to be removed without written authorization from the Police Department.
- d. Request police assistance during the course of servicing when they find it necessary to turn around, back up, tow in the opposite direction, cross the median, etc.
- e. Be available to provide service on a twenty-four (24) hour/seven (7) day basis.
- f. An authorized towing operator's storage areas shall meet the following qualifications:
 - 1. If the licensee is the owner in fee simple of the required number of square footage, he is to submit with his license a certified copy of the deed for the land, containing a metes and bounds description of same.
 - 2. If the licensee has lease for the required number of square footage, he is to submit with his license, a copy of the lease or leases containing a metes and bounds description of same. Licensees must have a lease which extends to at least six (6) months after the termination date of the towing portion of this license.
 - 3. If the licensee has an option or options to lease or purchase the required number of square footage, he is to submit with his license a copy of the option agreements, containing a metes and bounds legal description of same.
 - 4. The deeds, leases or options to lease, or purchase are to be approved as to form and legality by the Borough Attorney.
 - 5. Visual onsite inspection of the land shall be made before award of a license by the Borough or its designees. All the land proposed to be utilized by the licensee for storage must be level and clear of debris, and must be clearly marked as having the area necessary to maintain the minimum capacity of ten (10) vehicles for the Borough.
 - 6. The entire land area or area must be enclosed by a fence of sturdy construction, and at least seven (7') feet in height or the maximum permitted by the applicable section of the zoning ordinance, whichever is less, so that the storage will not be visible to the public.
 - 7. The operation of the site(s) shall conform at all times to the fire regulations of the municipality in which it is located.
 - 8. Prior to the awarding of any license hereunder, the licensee shall prove to the Borough of Midland Park that his said locations are legally zoned for (1) such storage of vehicles, and (2) as a junk yard for storage of junked vehicles.
 - 9. No impounded vehicle shall be parked upon a public street or sidewalk, quasi-public street or sidewalk, or any public area, but must be stored by the licensee within the storage area so provided; the licensee, his agents or representatives shall not use the vehicles for the use of the licensee or their personal use. License plates shall not be removed from any vehicle, except when lawfully required by the Midland Park Police Department, or other government agency, or switched to any other vehicle.
 - 10. The impound areas must be properly lighted from dusk to dawn and must be properly safeguarded from vandalism and/or theft.
 - 11. The Borough of Midland Park shall have access to any part of the storage areas at any time of the day or night for the purpose of inspection and/or investigation. This shall include indoor and outdoor areas.
 - 12. There shall be no unescorted access to the Borough of Midland Park area by the public. The Midland Park Police Department, from time to time, shall establish rules and regulations regarding the public access to the vehicle so impounded and/or stored; such rules and regulations may also be amended from time to time. This requirement under this license must be strictly enforced. Failure to follow these rules and regulations shall be cause to cancel this license. Licensed tower shall provide free towing for all Borough vehicles when required.
- g. All licensees must maintain safe and secure storage space for impounded vehicles.
- h. The wrecker/tow truck shall have a passenger seat to transport the driver of the vehicle to be towed, under appropriate circumstances, at no additional cost to the owner of the vehicle.
- i. Wreckers/tow trucks shall have two- (2) way radio capabilities with their dispatching center on a twenty-four (24) hour basis.
- j. The licensee shall provide each wrecker/tow truck with a shovel, broom, and other equipment necessary to clean up

- broken glass and debris from the scene of an accident to which it is summoned. The driver of such wrecker/tow truck shall be responsible for such cleanup.
- k. All wreckers/tow trucks used and employed in towing of vehicles shall be kept in a clean, good working condition and the name, address and telephone number of the licensee shall be conspicuously displayed on each vehicle.
 - l. All licensees shall be required to comply with all State and local laws, and be licensed, as required.
 - m. The licensee shall provide a clean waiting room for the public with a restroom and access to a public telephone.
 - n. The licensee shall accept at the storage area at least one (1) major credit card.
 - o. Maintain the following written records for a period of six (6) years from the date of the service performed:
 - 1. All bills for all tows performed pursuant to the contract;
 - 2. Signed acknowledgment of receipt of the vehicle by the owner of the vehicle or his duly authorized agent.
 - p. Vehicles may be retrieved by the public in the ordinary course from the licensee's storage area during regular business hours without prior arrangement. Notwithstanding that, in specific cases when requested by the Midland Park Police Department, the licensee shall permit the public to retrieve vehicles at all other times.
 - q. The licensee, if an individual, and all employees or agents of the licensee shall have been trained in the proper and safe operation of all equipment used in the performance of services for Midland Park.
(Ord. #14-92, §4; Ord. #19-92, §3)

4-5.6 Schedule of Fees.*

***Editor's Note:** See Chapter XC for Fees.

- a. The maximum rate for towing and storage of a vehicle within the Borough shall be set by resolution of the Mayor and Council. In the absence of such a resolution, the maximum rates shall be no more than the rates promulgated by the New Jersey Commissioner of Insurance.
- b. Fee cards conspicuously indicating the maximum rates for towing and storage of a vehicle within the Borough shall be kept in the possession of the drivers of all wreckers and presented to the driver or owner of any vehicle to be towed. Such fee cards shall also be conspicuously posted at the place where an owner of a vehicle would retrieve his vehicle.
(Ord. #14-92, §5; Ord. #19-92, §4)

4-5.7 Rotation List.

- a. The Borough Administrator shall compile a list of authorized towing operators. The list shall be effective until December 31, 1992.
- b. For every three (3) month period thereafter, and no later than two (2) weeks prior to the end of each such period the Administrator shall compile a revised list to be used by the Police Department for the next three (3) month period. During the compilation of the list for the next period, the Administrator shall add names to the list when additional towing operators meet the appropriate qualifications. The Administrator may, at any time, delete names from the list when the authorized towing operator loses its license or violates the performance standards of this section.
- c. Each time the list is amended, the Administrator shall promptly provide to the Chief of Police a current list of authorized towing operators.
- d. To the extent practicable, the officers investigating accidents which require a wrecker shall get authorization from the drivers or owners of cars as to the selection of the entity to perform towing services.
- e. Unless the Police Department determines that the public safety and convenience and the expeditious flow of traffic requires specialized services which in the opinion of the Police Department are unable to be performed by an authorized towing operator, or require specialized equipment not possessed by the authorized towing operator, the entire list of authorized towing operators shall be utilized by the Police Department to provide towing services when necessary. The Police Department shall call the towing operators in a sequential rotation using a method which is calculated to provide each authorized towing operator with an equal opportunity to provide towing services. The method used by the Police Department shall be promulgated in writing and shall be made available as a public record.

- f. If the Police Department determines in a particular case that the public safety or convenience requires the use of specialized equipment not possessed by the authorized towing operator, or specialized services not able to be performed by the authorized towing operator, the Police Department may take such reasonable action as it deems necessary to protect the public safety and convenience and provide for the expeditious flow of traffic.
(Ord. #14-92, §6; Ord. #19-92, §5)

4-5.8 Enforcement.

This section shall be enforced by the Chief of Police. Except in an emergency, no individual owner or operator of a wrecker shall respond to the scene of an auto accident except upon notification by the Police Department or upon request of the driver or owner of the vehicle involved. (Ord. #14-92, §7)

4-5.9 Revocation of Licenses.

- a. Licenses issued under the provisions of this section may be revoked by the Mayor and Council after notice and hearing for any of the following causes:
1. Fraud, misrepresentation or false statement contained in the application for the license;
 2. Any violation of this section;
 3. Conviction of any crime or disorderly persons offense involving moral turpitude;
 4. The licensee is not of good character, competency or integrity or is not a fit and proper person to operate or conduct a wrecker operation.
- (Ord. #14-92, §8)

4-5.10 Suspension of Privileges.

An authorized towing operator who fails to meet the performance standards set forth in this section may be suspended for such period of time as the Administrator may determine. Prior to any such suspension, the Borough Administrator shall give oral notice to the authorized towing operator, the opportunity to informally object to the suspension and state the reasons for his objection. Any suspension may be appealed to the Mayor and Council. (Ord. #14-92, §9)

4-5.11 Hearing Procedures Before Mayor and Council.

- a. Any person aggrieved by the action of the Chief of Police or the Borough Clerk in the denial of a license or by the Administrator in the suspension of an authorized towing operator shall have the right of appeal to the Mayor and Council. Such appeal shall be taken by filing with the Council, within fourteen (14) days after notice of the action complained of is mailed to such person's last known address a written statement setting forth fully the grounds for appeal.
- b. Notice of the hearing for revocation of a license shall be given to the licensee in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed by registered or certified mail, return receipt requested, addressed to the licensee at his last known address, at least five (5) days prior to the date set for the hearing.
- c. The Mayor and Council shall set a time and place for the hearing of such appeal, and notice of such hearing shall be given to the appellant in the same manner as provided for the notice of the hearing on revocation.
- d. The decision and order of the Mayor and Council on such appeal shall be final and conclusive.
(Ord. #14-92, §10)

4-5.12 Penalties.

- a. This section shall not affect or prevent the occasional operation of an unlicensed wrecker or tow truck upon the request of an owner or driver of a vehicle in distress.
- b. Any person who shall violate the provision of subsections 4-5.6 or 4-5.8 of this section shall, upon conviction thereof, be liable to a fine of not more than one thousand (\$1,000.00) dollars and in the case of a second conviction for violation of this section may be prohibited from receiving a license for a period of thirty (30) days from the date of the conviction. Upon the third or subsequent conviction under the provisions of this section, a person shall be subject to the above penalty, and shall be prohibited from receiving a license for a period of one (1) year from the date of the

second or subsequent conviction.
(Ord. #14-92, §11)

4-5.13 Public Availability.

Pursuant to N.J.S.A. 40:48-2.91.d, copies of this section, Ordinance No. 14-92 as amended by Ordinance No. 19-92, and the fee schedules of all authorized towing operators and the rotation policy established by the Police Department shall be made available to the public during normal business hours of the Borough Clerk's office at the cost of copying established by the General Fee Ordinance of the Borough. (Ord. #14-92, §12; Ord. #19-92, §5)

§4.5.3c License Required (Towing and Storage).

License fee, each applicant..... \$150.00
 (Ord. #37-89, §28; Ord. #1-91, §28; Ord. #8-92, §28; Ord. #26-92, §28; Ord. #013-09)

§4-5.6 Schedule of Fees.

- a. The following is a fee schedule for basic automobile, motorcycles, motorized bikes, towing services and heavy duty recovery.
 1. Basic towing service anywhere within the Borough of Midland Park or to storage yard (two-axle vehicle) under 8,000 lbs.
 - (a).... Wheel Lift Rate..... \$ 80.00
 - (b).... Flatbed Rate..... \$100.00
 - (c).... Additional Axles..... \$ 35.00
 - (d).... Wheel Lift Mileage Fee..... \$ 4.00 per mile
 outside the Borough of Midland Park municipal boundaries per mile, within
 the State of New Jersey.
 - (e) Flatbed Mileage Fee..... \$ 4.00 per mile
 outside the Borough of
 Midland Park municipal
 boundaries per mile,
 within the State of New
 Jersey.
 2. Basic towing service within the Borough of Midland Park or to storage yard (two axle vehicle) 8,001 - 16,000 lbs.
 - (a).... Towing Rate..... \$250.00
 - (b).... Additional axles..... \$ 35.00
 3. Motorcycle Rate: \$100.00
 4. Heavy duty towing within the Borough of Midland Park or to storage yard (over 16,001 lbs.)
 - (a).... Rate is per hour with a
 one (1) hour minimum..... \$325.00
 - (b).... Driveshaft removal..... \$ 45.00
 - (c).... Brake release..... \$ 45.00
 5. Air cushion device heavy-duty recover
 - (a).... Rate..... \$550.00 per hour
- b. The following is a fee schedule for storage services of all types of vehicles:
 1. Inside building storage facility (per calendar day):
 - (a).... Under 10,000 lbs..... \$ 45.00 per day
 - (b).... Each additional axle..... \$ 20.00 each per day
 2. Outside secured storage facility (per calendar day):
 - (a).... Under 10,000 lbs..... \$ 35.00
 - (b).... Additional axle..... \$ 20.00 each per day
 - (c).... Over 10,000 lbs..... \$ 75.00 per day
 - (d).... Tandem Axle Truck..... \$100.00 per day
 - (e).... Tractor-trailer combo..... \$140.00 per day

- c.
 - 1. Emergency Road Service:..... \$ 60.00
 - 2..... Clean up of debris..... \$ 35.00
 - 3..... Speed Dry..... \$ 30.00 first bag
 - 4..... Each addition bag of Speed Dry..... \$ 12.00
 - 5..... Extra personnel..... \$ 75.00 per hour per man
 - 6..... Level 3 Recovery Supervisor..... \$ 90.00 per hour
 - 7. If tower is called by police and arrive on scene and owner refuses service or no service is required, there is a \$50.00 fee for the tow truck responding.
- d. Heavy Vehicle Recovery (Over 16,000 lbs.):
 - 1. To provide heavy vehicle recovery, the Borough of Midland Park requires that the licensee have on scene a recovery supervisor with Level 3 Certification from the Towing and Recovery Association of America (TRAA) or another nationally recognized certification.
 - 2. To perform heavy vehicle recovery under this section the licensee must:
 - (a) Visually document the recovery scene through photos or videotape.
 - (b) Prepare a written report of all procedures employed, actions taken, equipment used and manpower requirements to complete the recovery process in the safest manner, and provide a copy to the vehicle owner with the statement of services.
 - (c) Prepare an itemized billing invoice for all services rendered.
 - 3. If the licensee finds it necessary, due to the nature of the recovery, to contract additional recovery services to supplement its equipment and manpower recovery, the contracted service providers must work under the supervision of the licensee. The licensee may not subcontract the entire recovery. In the event that a heavy-duty operator is unable to handle the recovery, then the next heavy duty wrecker on the rotating list shall be called.
- e. Annual Fee Adjustment — Effective January 1 of each year, there is a 3% annual cost of living increase on all fees listed herein.
- f. Fees shall conform to the requirements of N.J.S.A. 56:13-9, et al. As amended.
- g. The Schedule of Fees and Regulations shall be made available to the public during normal business hours. (Ord. #09-013)

**BOROUGH OF MIDLAND PARK
ORDINANCE #5-17**

“AN ORDINANCE TO AMEND CHAPTER IV OF THE CODE OF THE BOROUGH OF MIDLAND PARK ENTITLED GENERAL LICENSING.”

BE IT ORDAINED by the Mayor and Council of the Borough of Midland Park, in the County of Bergen, and State of New Jersey as follows:

Section 1.

Chapter IV of the Code of the Borough of Midland Park, General Licensing, §4-5, Towing and Storage, Subsection 4-5.5, Standards of Performance, paragraph a, be and is hereby amended to read as follows:

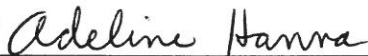
- a. Maintain a storage area serving Midland Park located 3.5 miles from Midland Park Police Headquarters.”

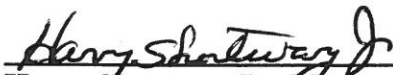
Section 2. Inconsistent Ordinances Repealed.

All ordinances or parts or ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 3. Effective Date.

This Ordinance shall take effect immediately upon final passage and publication as provided by law.


Adeline M. Hanna, Administrator/Clerk


Harry Shortway Jr., Mayor

Member	Motion	Second	Aye	Nay	Abstain	Absent
Iannone						
Kruis						
Sansone						
Braunius						
Peet						
DeLuca						

Introduced: September 28, 2017

Adopted: October 26, 2017