

MARCH 7, 2017

**BOROUGH OF CLIFFSIDE PARK  
BERGEN COUNTY, NEW JERSEY**

**MINUTES OF THE REGULAR MEETING  
MARCH 7, 2017**

**CALL TO ORDER AT 7:00 P.M.**

**FLAG SALUTE LED BY MAYOR THOMAS CALABRESE**

**PRESENT AT ROLL CALL:**

Mayor	Thomas Calabrese
Councilwoman	Donna Spoto
Councilman	Larry Bongard
Councilwoman	Dana Martinotti
Councilman	Kenneth Corcoran
Councilman	Peter Colao

**ABSENT AT ROLL CALL:**

**On a motion by Councilman Bongard, seconded by Councilwoman Spoto, Councilman Fontana was given an excused absence.**

**ROLL CALL:**

**AYES:** Spoto, Bongard, Martinotti, Corcoran, Colao.      **ABSENT:** Fontana.

**SERCAN ZOKLU STATED:**

**THIS IS A REGULAR MEETING OF THE MAYOR AND COUNCIL, AND NOTICE WAS GIVEN AS FOLLOWS:**

1. NOTICE PUBLISHED JANUARY 9, 2017 WITH THE RECORD, AND JANUARY 11, 2017 WITH THE JERSEY JOURNAL, BOTH OFFICIAL NEWSPAPERS OF THE BOROUGH.
2. POSTING OF NOTICE ON THE BULLETIN BOARD.
3. PRESERVING A COPY IN THE CLERK'S OFFICE.

**AYES:** Spoto, Bongard, Martinotti, Corcoran, Colao.      **ABSENT:** Fontana.

**MINUTES:**

**On a motion by Councilman Bongard, seconded by Councilman Corcoran, the minutes of the Caucus Meeting of February 7, 2017 were accepted.**

**ROLL CALL:**

**AYES:** Spoto, Bongard, Martinotti, Corcoran, Colao.      **ABSENT:** Fontana.

**On a motion by Councilman Bongard, seconded by Councilman Corcoran, the minutes of the Regular Meeting of February 7, 2017 were accepted.**

**ROLL CALL:**

**AYES:** Spoto, Bongard, Martinotti, Corcoran, Colao.      **ABSENT:** Fontana.

**CONSENT AGENDA:**

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On a motion by Councilwoman Spoto seconded by Councilman Bongard, the claims were ordered paid.

ROLL CALL:

AYES: Spoto, Bongard, Martinotti, Corcoran, Colao.

ABSENT: Fontana.

RESOLUTIONS:

On a motion by Councilwoman Spoto, seconded by Councilman Bongard, Resolutions 2017-49 and 2017-69 were offered for adoption:

ROLL CALL

AYES: Spoto, Bongard, Martinotti, Corcoran, Colao.

ABSENT: Fontana.

## RESOLUTION 2017-49

### MAYOR'S APPOINTMENTS

Pursuant to the obligations imposed upon my by law, I make the following nominations and seek the advice and consent of the Council:

WHEREAS, the below appointments are being awarded pursuant to a fair and open process in accordance with N.J.S.A.19:44A-20.5 et seq.

	Term Expires
<b><u>INSURANCE COVERAGE FOR MUNICIPAL VOLUNTEER ENTITIES – 1 Year Term</u></b> Otterstedt Agency	12/31/17
<b><u>AFFORDABLE HOUSING COORDINATOR – 1 Year Term</u></b> William Katchen, CPA, LLC	12/31/17
<b><u>RENT LEVELING BOARD ATTORNEY – 1 Year Term</u></b> Jeffrey L. T. Gluck	12/31/17
<b><u>BOROUGH COMMUNICATIONS ADVISOR– 1 Year Term</u></b> William Maer of Public Strategies Impact	12/31/17
<b><u>SPECIAL PROJECTS ENGINEER– 1 Year Term</u></b> CP Professional Services Neglia Engineering	12/31/17 12/31/17

## RESOLUTION 2017-50

BE IT RESOLVED that the Council does hereby approve the following schedule of fees for the 2017 season of recreation sports:

SOCCER – \$75 per participant  
FOOTBALL – \$100 per participant  
CHEERLEADING – \$75 per participant  
COMPETITIVE CHEERLEADING - \$100 per participant  
BASKETBALL – \$75 per participant  
WRESTLING – \$75 per participant  
SUMMER CAMP – \$100 per participant

BE IT FURTHER RESOLVED that Recreation Youth Sports Supervisor, Magda Vasquez, be tendered a copy of this Resolution.

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**RESOLUTION 2017-51**

**WHEREAS**, JEE HUN RYU OF 770 ANDERSON AVENUE B.3401 L.6 CP510 CLIFFSIDE PARK, HAS DEPOSITED A CHECK IN THE AMOUNT OF \$1,931.01, WITH THE BOROUGH OF CLIFFSIDE PARK FOR THE REDEMPTION OF TAX TITLE LIEN # 09-41 SOLD TO GIUSEPPE STELLA FOR 2008 TAXES IN THE AMOUNT OF \$87.02;

**NOW, THEREFORE BE IT RESOLVED** BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK THAT THE CHIEF FINANCIAL OFFICER BE AND HE IS HEREBY AUTHORIZED TO ISSUE AND SIGN A CHECK IN THE AMOUNT OF \$1,931.01 FOR THE REDEMPTION OF SAID TAX TITLE LIEN.

**BE IT FURTHER RESOLVED** THAT SAID CHECK BE DRAWN ON THE BOROUGH OF CLIFFSIDE PARK TRUST ACCOUNT AND PAYABLE TO GIUSEPPE STELLA, 784 GLEN ROAD, CLIFFSIDE PARK, NJ 07010.

**RESOLUTION 2017-52**

**WHEREAS**, AGUSTOS LEVENT B.3601 L.6 C1006 300 WINSTON DRIVE UNIT 1006 CLIFFSIDE PARK, HAS DEPOSITED A CHECK IN THE AMOUNT OF \$1,802.64 WITH THE BOROUGH OF CLIFFSIDE PARK FOR THE REDEMPTION OF TAX TITLE LIEN # 16-17 SOLD TO US BANK CUST FOR BVOO2 TRUST FOR 2015 TAXES IN THE AMOUNT OF \$1,713.37.

**NOW, THEREFORE BE IT RESOLVED** BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK THAT THE CHIEF FINANCIAL OFFICER BE AND HE IS HEREBY AUTHORIZED TO ISSUE AND SIGN A CHECK IN THE AMOUNT OF \$1,802.64 FOR THE REDEMPTION OF SAID TAX TITLE LIEN, AND A CHECK IN THE AMOUNT OF \$10,100.00 FOR PREMIUM PAID ON SAID PROPERTY; AND

**BE IT FURTHER RESOLVED** THAT SAID CHECK BE DRAWN ON THE BOROUGH OF CLIFFSIDE PARK TRUST ACCOUNT AND PAYABLE TO US BANK CUST FOR BV002 TRUST 50 SOUTH 16<sup>TH</sup> STREET, SUITE 2050, PHILADELPHIA, PA 19102-2513.

**RESOLUTION 2017-53**

**WHEREAS**, CERTAIN TAXPAYERS APPLIED FOR STATE BOARD JUDGMENTS ON THEIR 2016 AND PRIOR TAXES; AND

**WHEREAS**, THE GRANTING OF SAID REDUCTIONS RESULTED IN OVERPAYMENTS ON THEIR 2016 AND PRIOR TAXES;

**NOW, THEREFORE, BE IT RESOLVED** BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK THAT THE PROPER FINANCIAL OFFICER BE AND HE IS HEREBY AUTHORIZED TO ISSUE CHECKS AS REFUNDS ON THEIR 2016 AND PRIOR TAXES IN ACCORDANCE WITH THE SCHEDULES WHICH ARE ON FILE IN THE OFFICE OF THE TAX COLLECTOR.

**RESOLUTION 2017-54**

**WHEREAS**, the Mayor and Council of the Borough of Cliffside Park wishes to enter into a Grant Agreement with the County of Bergen for the purpose of using a \$120,000 grant award from the Community Development Block Grant funds for the Grantwood Park Basketball Rehabilitation Project; and

**THEREFORE, BE IT RESOLVED** that the Mayor and Council hereby authorizes Thomas Calabrese, Mayor, to be a signatory to the aforesaid Grant Agreement Contract; and

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**BE IT FURTHER RESOLVED** that the Mayor and Council hereby authorizes Frank Berardo, Chief Financial Officer, to sign all County of Bergen vouchers submitted in conjunction with the aforesaid project; and

**BE IT FURTHER RESOLVED** that the Mayor and Council recognizes that the Borough of Cliffside Park is liable for any funds not spent in accordance with the Grant Agreement; and that liability of the Mayor and Council is in accordance with HUD requirements.

This Resolution was adopted by the Mayor and Council of the Borough of Cliffside Park at a meeting on March 7, 2017.

### **RESOLUTION 2017-55**

**WHEREAS**, THE BOROUGH CLERK HAS RECEIVED FROM THE DIRECTOR OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL, A SPECIAL RULING TO PERMIT RENEWAL OF INACTIVE LICENSE PURSUANT TO N.J.S.A. 33: 1-12.39 (AGENCY DOCKET NO. 2-17-34 JOB NO. 135210) FOR THE 2016-2017 AND 2017-2018 LICENSE TERMS TO: JAMES DEMETRAKIS, LICENSE #0206-33-34-009; AND

**WHEREAS**, JAMES DEMETRAKIS HAS PREVIOUSLY SUBMITTED THE 2016-2017 RENEWAL APPLICATIONS AND ALL THE NECESSARY FEES TO THE BOROUGH CLERK AND SAME HAS BEEN FORWARDED TO THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL; AND

**NOW, THEREFORE, BE IT RESOLVED** THAT ALL THE REQUIREMENTS HAVE BEEN MET, AND SAID APPLICATION IS IN ORDER FOR APPROVAL BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK.

### **RESOLUTION 2017-56**

**WHEREAS**, THE MANDATORY SOURCE SEPARATION AND RECYCLING ACT, P.L.1987, C. 102, HAS ESTABLISHED A RECYCLING FUND FROM WHICH TONNAGE GRANTS MAY BE MADE TO MUNICIPALITIES IN ORDER TO ENCOURAGE LOCAL SOURCE SEPARATION AND RECYCLING PROGRAMS; AND

**WHEREAS**, IT IS THE INTENT AND THE SPIRIT OF THE MANDATORY SOURCE SEPARATION AND RECYCLING ACT TO USE THE TONNAGE GRANTS TO DEVELOP NEW MUNICIPAL RECYCLING PROGRAMS AND TO CONTINUE AND EXPAND EXISTING PROGRAMS; AND

**WHEREAS**, THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION HAS PROMULGATED RECYCLING REGULATIONS TO IMPLEMENT THE MANDATORY SOURCE SEPARATION AND RECYCLING ACT; AND

**WHEREAS**, THE RECYCLING REGULATIONS IMPOSE ON MUNICIPALITIES CERTAIN REQUIREMENTS AS A CONDITION FOR APPLYING FOR TONNAGE GRANTS, INCLUDING BUT NOT LIMITED TO, MAKING AND KEEPING ACCURATE, VERIFIABLE RECORDS OF MATERIALS COLLECTED AND CLAIMED BY THE MUNICIPALITY; AND

**WHEREAS**, A RESOLUTION AUTHORIZING THIS MUNICIPALITY TO APPLY FOR SUCH TONNAGE GRANTS FOR THE CALENDAR YEAR 2016 WILL MEMORIALIZE THE COMMITMENT OF THIS MUNICIPALITY TO RECYCLING AND TO INDICATE THE ASSENT OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK TO THE EFFORTS UNDERTAKEN BY THE MUNICIPALITY AND THE REQUIREMENTS CONTAINED IN THE RECYCLING ACT AND RECYCLING REGULATIONS; AND

**WHEREAS**, SUCH A RESOLUTION SHOULD DESIGNATE THE INDIVIDUAL AUTHORIZED TO ENSURE THE APPLICATION IS PROPERLY COMPLETED AND TIMELY FILED; AND

**NOW, THEREFORE, BE IT RESOLVED** BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CLIFFSIDE PARK THAT THE BOROUGH OF CLIFFSIDE PARK HEREBY ENDORSES THE SUBMISSION OF THE RECYCLING TONNAGE GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND DESIGNATES LAWRENCE BONGARD TO ENSURE THAT THE APPLICATION IS PROPERLY FILED; AND

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**BE IT FURTHER RESOLVED** THAT THE MONIES RECEIVED FROM THE RECYCLING TONNAGE GRANT BE DEPOSITED IN A DEDICATED RECYCLING TRUST FUND TO BE USED SOLELY FOR THE PURPOSES OF RECYCLING.

### **RESOLUTION 2017-57**

**WHEREAS**, THE RECYCLING ENHANCEMENT ACT, P.L.2007, CHAPTER 311, HAS ESTABLISHED A RECYCLING FUND FROM WHICH TONNAGE GRANTS MAY BE MADE TO MUNICIPALITIES IN ORDER TO ENCOURAGE LOCAL SOURCE SEPARATION AND RECYCLING PROGRAMS; AND

**WHEREAS**, THERE IS LEVIED UPON THE OWNER OR OPERATOR OF EVERY SOLID WASTE FACILITY (WITH CERTAIN EXCEPTIONS) A RECYCLING TAX OF \$ 3.00 PER TON ON ALL SOLID WASTE ACCEPTED FOR DISPOSAL OR TRANSFER AT THE SOLID WASTE FACILITY; AND

**WHEREAS**, WHENEVER A MUNICIPALITY OPERATES A SERVICE SYSTEM FOR SOLID WASTE COLLECTION, OR PROVIDES FOR REGULAR SOLID WASTE COLLECTION SERVICE UNDER A CONTRACT AWARDED PURSUANT TO THE "LOCAL PUBLIC CONTRACTS LAW", THE AMOUNT OF GRANT MONIES RECEIVED BY THE MUNICIPALITY SHALL NOT BE LESS THAN THE ANNUAL AMOUNT OF RECYCLING TAX PAID BY THE MUNICIPALITY EXCEPT THAT ALL GRANT MONEYS RECEIVED BY THE MUNICIPALITY SHALL BE EXPENDED ONLY FOR IT'S RECYCLING PROGRAM; AND

**NOW, THEREFORE, BE IT RESOLVED** BY THE BOROUGH OF CLIFFSIDE PARK THAT THE BOROUGH OF CLIFFSIDE PARK HEREBY CERTIFIES A SUBMISSION OF EXPENDITURE FOR TAXES PAID PURSUANT TO P.L.2007, CHAPTER 311, IN 2016 IN THE AMOUNT OF **\$30,270** DOCUMENTATION SUPPORTING THIS SUBMISSION IS AVAILABLE AT BERGEN COUNTY UTILITIES AUTHORITY LOCATED AT FOOT OF MEHRHOF ROAD, P.O. BOX 9, LITTLE FERRY, NEW JERSEY 07643 AND SHALL BE MAINTAINED FOR NO LESS THAN FIVE YEARS FROM THIS DATE.

### **RESOLUTION 2017-58**

**WHEREAS**, the Borough of Cliffside Park will bring together surplus vehicles and other equipment for an online municipal auction to be held beginning at 9:00 AM on Wednesday, March 15, 2017 and ending at 6:00 PM on Wednesday, March 22, 2017; and

**WHEREAS**, Stephan J. Miranti, US Gov Bid / Auction Liquidation Services, P.O. Box 1216, Eatontown, NJ will conduct the auction on their website located at [www.usgovbid.com](http://www.usgovbid.com) for a commission rate of 5.5% of the gross selling price; and

**WHEREAS**, Local Public Contracts Law N.J.S.A. 40A:11-36 requires the authorization of the sale of said property via adoption of a resolution; and

**WHEREAS**, the estimated fair market value of the property to be sold does exceed 15% of the bid threshold; and

**WHEREAS**, the below list of vehicles for sale will be published in **The Record** not less than 7 nor more than 14 days after the latest publication of the notice thereof; and

1. 2002 Mercedes C320, Vin: WDBRF64J32F189298, Unknown mileage on vehicle and S88 form completed by the Cliffside Park Police Department to obtain New Jersey title
2. 2004 Honda Accord, Vin: 1HGCM56324A155411, Unknown mileage on vehicle and S88 form completed by the Cliffside Park Police Department to obtain New Jersey title

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Cliffside Park that the Borough be authorized to dispose the following vehicles and equipment through the process of an online auction to be held beginning at 9:00 AM on Wednesday, March 15, 2017 and ending at 6:00 PM on Wednesday, March 22, 2017 on the website located at [www.usgovbid.com](http://www.usgovbid.com); and

**BE IT FURTHER RESOLVED** that these vehicles and equipment are being sold in as is condition and without warranty of any kind; and

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**BE IT FURTHER RESOLVED** that the Administrator and/or Borough Clerk is authorized to execute the contract of Auction Liquidation Services for the Borough of Cliffside Park.

### RESOLUTION 2017-59

**BE IT RESOLVED** that upon the recommendation of P.O. Gabe Marciano the following resolutions designating handicapped parking spaces be rescinded:

Adopted on: 7-13-2004

**RESOLUTION 2004-115**

537 Longview Avenue  
Cliffside Park, NJ 07010

Adopted on: 3-7-2006

**RESOLUTION 2006-49**

382 Palisade Avenue  
Cliffside Park, NJ 07010

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of Cliffside Park, that the Department of Public Works be instructed to remove the handicapped parking signs at the above locations.

### RESOLUTION 2017-60

**BE IT RESOLVED** that upon the recommendation of P.O. Gabe Marciano the following resolutions designating handicapped parking spaces be rescinded:

Adopted on: 6-12-2007

**RESOLUTION 2007-97**

169 Oakwood Avenue  
Cliffside Park, NJ 07010

Adopted on: 12-7-2004

**RESOLUTION 2004-188**

248 Jersey Avenue, 2<sup>nd</sup> Floor  
Cliffside Park, NJ 07010

Adopted on: 8-6-2013

**RESOLUTION 2013-169**

366 Nelson Avenue  
Cliffside Park, NJ 07010

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of Cliffside Park, that the Department of Public Works be instructed to remove the handicapped parking signs at the above locations.

### RESOLUTION 2017-61

**WHEREAS**, the Cliffside Park Police Department has received a request from **Dorothy Consoli** of 169 Oakwood Avenue Cliffside Park, NJ 07010 for a handicapped parking space in front of the residence. **Dorothy Consoli** has been issued Permanent Handicap Placard **P-1420223** by the New Jersey Motor Vehicle Commission; and

**WHEREAS**, the parking request appears to show legitimate cause for consideration by the Mayor and Council, N.J.S.A. 39:4-197.5 states that any Municipality may by Ordinance or Resolution establish restricted parking spaces in front of residences, schools, hospitals, and other buildings for use by persons who have been issued Special Identification by the New Jersey Motor Vehicle Commission; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Cliffside Park that the following location be designated as a restricted parking space:

**Name of Street**  
Oakwood Avenue

**Side:**  
West

**Location:**  
Beginning at a point approximately  
199 feet north of the northwest curb  
line of Prospect Avenue and Oakwood  
Avenue and continuing to a point 22 feet

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northerly thereof.

**RESOLUTION 2017-62**

**WHEREAS**, the Cliffside Park Police Department has received a request from **Hayganus Yilmaz** of 248 Jersey Avenue Cliffside Park, NJ 07010 for a handicapped parking space in front of the residence. **Hayganus Yilmaz** has been issued Permanent Handicap Placard **P-1759900** by the New Jersey Motor Vehicle Commission; and

**WHEREAS**, the parking request appears to show legitimate cause for consideration by the Mayor and Council, N.J.S.A. 39:4-197.5 states that any Municipality may by Ordinance or Resolution establish restricted parking spaces in front of residences, schools, hospitals, and other buildings for use by persons who have been issued Special Identification by the New Jersey Motor Vehicle Commission; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Cliffside Park that the following location be designated as a restricted parking space:

<b>Name of Street</b> Jersey Avenue	<b>Side:</b> South	<b>Location:</b> Beginning at a point approximately 377 feet east of the southeast curb line of Anderson Avenue and Jersey Avenue and continuing to a point 22 feet easterly thereof.
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**RESOLUTION 2017-63**

**WHEREAS**, the Cliffside Park Police Department has received a request from **Margit Szabo** of 208 Wheeler Street Cliffside Park, NJ 07010 for a handicapped parking space in front of the residence. **Margit Szabo** has been issued Permanent Handicap Placard **P-1759858** by the New Jersey Motor Vehicle Commission; and

**WHEREAS**, the parking request appears to show legitimate cause for consideration by the Mayor and Council, N.J.S.A. 39:4-197.5 states that any Municipality may by Ordinance or Resolution establish restricted parking spaces in front of residences, schools, hospitals, and other buildings for use by persons who have been issued Special Identification by the New Jersey Motor Vehicle Commission; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Cliffside Park that the following location be designated as a restricted parking space:

<b>Name of Street</b> Wheeler Street	<b>Side:</b> South	<b>Location:</b> Beginning at a point approximately 102 feet west of the southwest curb line of Wheeler Street and Palisade Avenue and continuing to a point 20 feet westerly thereof.
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**RESOLUTION 2017-64**

**WHEREAS**, the Cliffside Park Police Department has received a request from **Patricia Mogavero** of 140 Oakwood Avenue Cliffside Park, NJ 07010 for a handicapped parking space in front of the residence. **Patricia Mogavero** has been issued Permanent Handicap Placard **P-1482456** by the New Jersey Motor Vehicle Commission; and

**WHEREAS**, the parking request appears to show legitimate cause for consideration by the Mayor and Council, N.J.S.A. 39:4-197.5 states that any Municipality may by Ordinance or Resolution establish restricted parking spaces in front of residences, schools, hospitals, and other buildings for use by persons who have been issued Special Identification by the New Jersey Motor Vehicle Commission; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Cliffside Park that the following location be designated as a restricted parking space:

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<b>Name of Street</b>	<b>Side:</b>	<b>Location:</b>
Oakwood Avenue	East	Beginning at a point approximately 160 feet south of the southwest curb line of Oakwood Avenue and Prospect Avenue and continuing to a point 22 feet southerly thereof.

### RESOLUTION 2017-65

**WHEREAS**, the Cliffside Park Police Department has received a request from **Hellen Bershader** of 218 Greenmount Avenue Cliffside Park, NJ 07010 for a handicapped parking space in front of the residence. **Hellen Bershader** has been issued Permanent Handicap Placard P-1759827 by the New Jersey Motor Vehicle Commission; and

**WHEREAS**, the parking request appears to show legitimate cause for consideration by the Mayor and Council, N.J.S.A. 39:4-197.5 states that any Municipality may by Ordinance or Resolution establish restricted parking spaces in front of residences, schools, hospitals, and other buildings for use by persons who have been issued Special Identification by the New Jersey Motor Vehicle Commission; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Cliffside Park that the following location be designated as a restricted parking space:

<b>Name of Street</b>	<b>Side:</b>	<b>Location:</b>
Greenmount Avenue	South	Beginning at a point approximately 85 feet east of the southeast curb line of Greenmount Avenue and Kearney Avenue and continuing to a point 22 feet easterly thereof.

### RESOLUTION 2017-66

**WHEREAS**, the Cliffside Park Police Department has received a request from **Armando Lopez** of 245 Walker Street, Apt. 202, Cliffside Park, NJ 07010 for a handicapped parking space in front of the residence. **Armando Lopez** has been issued Permanent Handicap Plate 4972HC by the New Jersey Motor Vehicle Commission; and

**WHEREAS**, the parking request appears to show legitimate cause for consideration by the Mayor and Council, N.J.S.A. 39:4-197.5 states that any Municipality may by Ordinance or Resolution establish restricted parking spaces in front of residences, schools, hospitals, and other buildings for use by persons who have been issued Special Identification by the New Jersey Motor Vehicle Commission; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Cliffside Park that the following location be designated as a restricted parking space:

<b>Name of Street</b>	<b>Side:</b>	<b>Location:</b>
Second Street	West	Beginning at a point approximately 40 feet north of the northwest curb line of Second Street and Second Street and continuing to a point 16 feet northerly thereof.

### RESOLUTION 2017-67

**WHEREAS**, the Cliffside Park Police Department has received a request from **Randy Lavin** of 243 Clark Terrace Cliffside Park, NJ 07010 for a handicapped parking space in front of the residence. **Randy Lavin** has been issued Permanent Handicap Placard P-1563349 by the New Jersey Motor Vehicle Commission; and

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**ENDAWHEREAS**, the parking request appears to show legitimate cause for consideration by the Mayor and Council, N.J.S.A. 39:4-197.5 states that any Municipality may by Ordinance or Resolution establish restricted parking spaces in front of residences, schools, hospitals, and other buildings for use by persons who have been issued Special Identification by the New Jersey Motor Vehicle Commission; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Cliffside Park that the following location be designated as a restricted parking space:

<b>Name of Street</b>	<b>Side:</b>	<b>Location:</b>
Clark Terrace	South	Beginning at a point approximately 212 feet east of the northeast curb line of Anderson Avenue and Clark Terrace and continuing to a point 17 feet easterly thereof.

### **RESOLUTION 2017-68**

**WHEREAS**, the Cliffside Park Police Department has received a request from **Andrew Loh** of 660 Palisade Avenue, Apt. 200, Cliffside Park, NJ 07010 for a handicapped parking space in front of the residence. **Andrew Loh** has been issued Permanent Handicap Placard **P-1464114** by the New Jersey Motor Vehicle Commission; and

**WHEREAS**, the parking request appears to show legitimate cause for consideration by the Mayor and Council, N.J.S.A. 39:4-197.5 states that any Municipality may by Ordinance or Resolution establish restricted parking spaces in front of residences, schools, hospitals, and other buildings for use by persons who have been issued Special Identification by the New Jersey Motor Vehicle Commission; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Cliffside Park that the following location be designated as a restricted parking space:

<b>Name of Street</b>	<b>Side:</b>	<b>Location:</b>
Columbia Avenue	South	Beginning at a point approximately 80 feet east of the southeast curb line of Palisade Avenue and Columbia Avenue and continuing to a point 18 feet easterly thereof.

### **RESOLUTION 2017-69**

**WHEREAS**, the Cliffside Park Police Department has received a request from **Steven Levy** of 355 Lincoln Avenue, Apt. 2B, Cliffside Park, NJ 07010 for a handicapped parking space in front of the residence. **Steven Levy** has been issued Permanent Handicap Placard **P-1369599** by the New Jersey Motor Vehicle Commission; and

**WHEREAS**, the parking request appears to show legitimate cause for consideration by the Mayor and Council, N.J.S.A. 39:4-197.5 states that any Municipality may by Ordinance or Resolution establish restricted parking spaces in front of residences, schools, hospitals, and other buildings for use by persons who have been issued Special Identification by the New Jersey Motor Vehicle Commission; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Cliffside Park that the following location be designated as a restricted parking space:

<b>Name of Street</b>	<b>Side:</b>	<b>Location:</b>
Lincoln Avenue	North	Beginning at a point approximately 80 feet west of the northwest curb line of Lincoln Avenue and Anderson Avenue and continuing to a point 19 feet Westerly thereof.

**OFF CONSENT AGENDA:**

On a motion by Councilman Bongard, seconded by Councilman Colao, the Governing Body authorized the Administrator and Borough Clerk to initiate a feasibility study regarding the privatization of the sanitation for the Department of Public Works.

ROLL CALL:

AYES: Spoto, Bongard, Martinotti, Corcoran, Colao. ABSENT: Fontana.

**ORDINANCES: INTRODUCTION**

**Councilman Corcoran INTRODUCED AN ORDINANCE ENTITLED:**

**ORDINANCE 2017-03**

Councilman moved the ordinance be given its first reading. So ordered.

The Municipal Clerk read the said ordinance by title. Councilman Corcoran moved the ordinance be adopted on first reading and published in The Record on March 13, 2017 and in The Jersey Journal on March 13, 2017. Motion was seconded by Councilman Bongard.

The ordinance will be available to the public for inspection in the Clerk's Office and posted on the bulletin board.

The public hearing is to be held on April 4, 2017 in the Mayor and Council Chambers at 7:00 pm, at which time all persons wishing to be heard on the proposed ordinance will be heard.

The ordinance was approved at the first reading upon the call of the roll.

ROLL CALL:

AYES: Spoto, Bongard, Martinotti, Corcoran, Colao. ABSENT: Fontana.

**ORDINANCE 2017-03**

**ORDINANCE AMENDING ORDINANCE 11-1.4 FEES**

**BE IT ORDAINED** that all fees ordained in Ordinance 11-1.4 are hereby deleted and replaced in their entirety as follows:

**SCHEDULE A BUILDING SUBCODE FEES**

a.	New Construction (Per cubic foot of volume) .....	\$0.30
b.	Renovation/Alteration/Repair (Per \$1,000.00 of estimated cost) .....	\$30.00
	Minimum Fee .....	\$50.00
c.	Demolition	
	One to Two family residential .....	\$150.00
	Garage/Accessory/Residential .....	\$50.00
	Multi Family .....	\$250.00
	Each Unit over three – Add .....	\$50.00
	Commercial/Industrial to 10,000 square feet .....	\$350.00
	Each additional 1,000 square feet – Add .....	\$25.00
d.	Certificate of Occupancy/Approval	
	One to Two family residential .....	\$50.00
	Multifamily .....	\$100.00
	Each Unit over two – Add .....	\$35.00
	Business/Mercantile .....	\$50.00
	Certificate of Approval .....	\$50.00
	Certificate of Continued Occupancy.....	\$50.00

	Accessory Uses .....	\$50.00
	Assembly Uses.....	\$50.00
	Factory/Industrial Storage.....	\$25.00
	Up to 10,000 square feet .....	\$250.00
	Each additional 1,000 square feet – Add .....	\$25.00
e.	Elevators/Escalators/Chair Lift	
	Per \$1,000.00 cost of installation .....	\$15.00
	Minimum Fee .....	\$250.00
	Re-inspection .....	\$60.00
	Five Year Inspection .....	\$200.00
f.	Fences	
	Up to Six (6) Feet .....	\$100.00
	Over Six (6) Feet .....	\$200.00
g.	Signs	
	Per Square foot of surface .....	\$ 5.00
	Minimum Fee .....	\$ 50.00
h.	Swimming Pool	
	In Ground .....	\$50.00
	Above Ground .....	\$25.00
i.	Information Letters	
	Banks, Attorneys, Engineers, etc. ....	\$20.00
j.	Asbestos Removal	
	State Mandates Fee including C.O. ....	\$100.00
		(Add \$10.00 for C.O.)
k.	Application for Variation .....	\$100.00
l.	Mechanical Systems and Equipment .....	10% of New Structure Fee
m.	Alarm/Supervisor & Signaling Device	
	First 5 Devices .....	\$35.00
	Each additional Device .....	\$40.00

**SCHEDULE B FIRE SUBCODE FEES**

a.	Suppression System	
	Up to 25 Heads .....	\$100.00
	26 to 75 Heads .....	\$125.00
	76 to 100 Heads .....	\$150.00
	Each 100 Heads or part of thereafter – Add .....	\$200.00
b.	Stand Pipe per Riser	
	2 ½ Inch .....	\$150.00
	Over 2 ½ Inch to 4 Inch.....	\$200.00
	4 Inch to 6 Inch.....	\$300.00
	Over 6 Inches .....	\$400.00
c.	Suppression System Over Stove	
	Restaurants .....	\$100.00
d.	Automatic Fire Alarm System	
	(Supervised – Annunciator panel, etc.) .....	\$100.00
e.	Manual Fire Alarm System .....	\$50.00
f.	Commercial Storage Tanks	
	Up to 999 gallons residential .....	\$50.00

	1,000 to 2,999 gallons .....	\$100.00
	3,000 to 4,999 gallons .....	\$200.00
	Over 5,000 gallons .....	\$300.00
g.	Underground Storage Tanks Closure or removal .....	\$100.00
h.	Gas or Oil Fired Appliances Not connected to the plumbing system .....	\$100.00
i.	Minimum Fee (Includes fire detection system up to 5 heads) .....	\$50.00
j.	Fire Pump.....	\$150.00
k.	Special Suppression (Halon, CO2, Foam, etc.) .....	\$20.00
	per \$1,000.00 of construction cost minimum .....	\$200.00

**SCHEDULE C PLUMBING SUB-CODE FEES**

a.	Fixtures/Stacks New or replacement – each .....	\$10.00
b.	Special Devices Gas Piping/Service connection Fuel oil piping Water heater Steam boiler Hot water boiler Sewer Pump Interceptor/Separator oil Grease trap Water Cooled A/C or Refrigeration Unit	Each..... \$50.00
c.	Installation or Replacement or Water Service Up to 1 inch .....	\$50.00
	1 ½ inch .....	\$50.00
	2 inch .....	\$50.00
	2 ½ inch .....	\$60.00
	3 inch .....	\$75.00
	4 inch .....	\$150.00
	5 inch or over .....	\$250.00
d.	Installation/Replacement Sewer 4 inch Sewer .....	\$50.00
	5 inch Sewer .....	\$50.00
	6 inch Sewer .....	\$150.00
	Over 6 inch Sewer .....	\$350.00
e.	In Ground Pools .....	\$100.00
f.	Active Solar System .....	\$100.00

**SCHEDULE D ELECTRICAL SUB-CODE FEES**

a.	Switching/Lighting/Receptacle Outlets 1-50 .....	\$50.00
	Each additional 25 .....	\$10.00

b.	Service Panels Entrance/Sub-Panels	
	0-200 Amps .....	\$50.00
	Over 200 to 300 Amps .....	\$60.00
	Each additional 100 Amps – Add .....	\$50.00
c.	Motors	
	Fractional up to one hp .....	\$50.00
	Over 1hp/kW to 10hp/kW .....	\$50.00
	Over 10hp/kW to 50 hp/kW .....	\$75.00
	Over 50hp/kW to 100 hp/kW .....	\$100.00
	Over 100hp/kw .....	\$400.00
d.	Electrical Devises/Generators/Transformers/Vaults	
	Up to 45 K.V./kW .....	\$50.00
	Over 45 K.V./kW to 112.5 K.V .....	\$100.00
	Over 112.5 K.V./kw .....	\$400.00
e.	Line Items	
	Range Over Surface Unit .....	\$35.00
	Dishwasher/Dryer .....	\$35.00
	Water Heaters.....	\$35.00
	Garbage Disposal (Replacement Only) .....	\$35.00
	Intercom System .....	\$25.00
	Heating Unit (Wiring) .....	\$35.00
	Whirlpool/Spa .....	\$35.00
	Pool Bonding (including G.F.I. recep.) .....	\$100.00
	Baseboard head (by kW size) .....	\$
	Smoke/Heat detectors 1-5 .....	\$10.00
	Smoke/Heat each additional 3 – Add .....	\$35.00
	Outdoor Light poles – Each .....	\$35.00
	A/C units (Residential/Commercial) .....	\$35.00
	Heat Pump (By hp. Size) .....	\$
	Temporary pole .....	\$35.00
	Burglar Alarms .....	\$35.00
	Thermostats .....	\$25.00

SEVERABILITY. If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid in whole or in part or as applied to any particular circumstance or individual by a court of competent jurisdiction, such order of judgment shall not effect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this ordinance.

REPEALER. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies only.

EFFECTIVE DATE. This ordinance shall take effect immediately upon final passage and publication as required by law.

**ORDINANCES: SECOND HEARING AND ADOPTION**

**Councilman Corcoran CALLED UP FOR A SECOND READING AN ORDINANCE ENTITLED:**

**ORDINANCE 2017-01**

The clerk presented affidavit of publication, showing advertisement had been made according to law, which was ordered filed. Councilman Corcoran moved a public hearing be held on the ordinance. The motion was seconded by Councilman Colao. So ordered.

Councilman Corcoran moved the clerk read the ordinance by title on second reading. So ordered. The clerk thereupon read the ordinance by title. The clerk then announced that all interested parties would now be given opportunity to be heard for or against the adoption of the ordinance.

MARCH 7, 2017

The following people spoke on the ordinance: None.

After all interested parties had spoken on the ordinance Councilman Bongard moved the hearing be closed. The motion was seconded by Councilman Corcoran.

Councilman Bongard moved the ordinance be adopted on second reading and final passage, which was seconded by Councilman Corcoran and adopted upon a call of the roll.

ROLL CALL:

AYES: Spoto, Bongard, Martinotti, Corcoran, Colao. ABSENT: Fontana.

## **ORDINANCE 2017-01**

### **AN ORDINANCE AMENDING CHAPTER XI SECTION 11.10 ENTITLED "ILLEGAL RENTAL OF BUILDING AND APRTMENTS", REVISED GENERAL ORDINANCES OF THR BOROUGH OF CLIFFSIDEPARK**

**WHEREAS**, the Borough Council has become aware that the possibilities of social media have created a market for the temporary occupancy of dwelling units or portions of dwelling units, for example Air BNB; and

**WHEREAS**, the proximity of Cliffside Park to New York City enhances the probability of the temporary occupancy of dwelling units or portions thereof; and

**WHEREAS**, the emergence of short lead time connections enabling temporary occupancy of dwelling units or portions thereof likely militates against the performance of inspections necessary for the issuance of occupancy certificates in the promotion of the public health, safety, and welfare;

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Council of the Borough of Cliffside Park, County of Bergen, State of New Jersey that the aforesaid Ordinance is hereby amended as set forth infra.

#### **Section 11.10 Definitions**

##### **Add New Subsection 11.10-3**

"Temporary Occupancy" means the use, occupancy, and letting of other than a principal residence or dwelling, by persons for a period of less than one hundred eighty (180) days.

##### **Add New Subsection 3.5 to Section 11.10-3**

No person, firm, partnership or corporation shall permit any person or persons, firms, partnerships or corporations to take temporary occupancy of any house, apartment, or other structure having a residential use; nor shall any person, firm, partnership or corporation permit the temporary occupancy of an individual component(s) of a dwelling unit (i.e., any room or bedroom in the structure) resulting in the occupancy of less than a dwelling unit.

**Councilman Bongard CALLED UP FOR A SECOND READING AN ORDINANCE ENTITLED:**

## **ORDINANCE 2017-02**

The clerk presented affidavit of publication, showing advertisement had been made according to law, which was ordered filed. Councilman Bongard moved a public hearing be held on the ordinance. The motion was seconded by Councilman Corcoran. So ordered.

Councilman Bongard moved the clerk read the ordinance by title on second reading. So ordered. The clerk thereupon read the ordinance by title. The clerk then announced that all interested parties would now be given opportunity to be heard for or against the adoption of the ordinance.

The following people spoke on the ordinance: None.

MARCH 7, 2017

After all interested parties had spoken on the ordinance Councilman Bongard moved the hearing be closed. The motion was seconded by Councilwoman Martinotti.

Councilman Bongard moved the ordinance be adopted on second reading and final passage, which was seconded by Councilwoman Martinotti and adopted upon a call of the roll.

ROLL CALL:

AYES: Spoto, Bongard, Martinotti, Corcoran, Colao. ABSENT: Fontana.

## ORDINANCE 2017-02

### AN ORDINANCE AMENDING THE GENERAL ORDINANCE OF THE BOROUGH OF CLIFFSIDE PARK SPECIFICALLY CHAPTER XXI ENTITLED "TOW TRUCKS"

**WHEREAS**, the Chief of Police and Borough Administrator have directed the review of the current Towing Ordinance Chapter XXI, et seq.; and

**WHEREAS**, a comprehensive review of the Ordinance by the Chief of Police and Borough Administrator have concluded that it would be in the best interest of the municipality to enact a new comprehensive Towing Ordinance; and

**WHEREAS**, after due deliberation and discussion, the Council agrees and accepts the recommendations of the Chief of Police and Borough Administrator; and

**THEREFORE, BE IT ORDAINED**, that Chapter XXI entitled TOW TRUCKS, Section 21-1 through 21-28 inclusive is hereby repealed in its entirety; and

**BE IT FURTHER ORDAINED**, that the following replacement Ordinance Chapter XXI, entitled "TOWING", be adopted in the place and stead of the former Chapter XXI.

#### DEFINITIONS:

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

#### **ABDANDONED VEHICLE**

Any motor vehicle or vessel partially dismantled or not readily capable of operation under its own power or not currently licensed, wrecked or junked. It shall also mean any vehicle whose owner has terminated the use and care of the vehicle and has either indicated by his words or actions an intent to leave it and no longer claim ownership of it or left it without making arrangements for the storage with the owner, occupant or person in control of the premises on which it is located.

#### **ADMINISTRATION CHARGES**

Charges for services, including but not limited to physical inspection, telephone and/or fax calls, copying of documentation and additional office paperwork before and at the time of release.

#### **APPLICANT**

An individual or a legally formed business entity who seeks to obtain a license from the Borough to furnish wrecker services with the Borough pursuant to this chapter.

#### **CLEANUP**

- A. **STANDARD SITE CLEANUP** – The amount of debris removal that should reasonably be anticipated at the scene of motor vehicle accident or incident. The standard site cleanup is usually defined to the point of impact, the final resting point of the vehicle and the associated debris field. It includes cleanup of fluids and oil spills.
- B. **EXTENDED SITE CLEANUP** – The removal of debris at the point of impact, as well as along the path of pre-impact and/or post-impact, where vehicle disintegration and/or other property damage occur as a result of the motor vehicle accident or incident.
- C. **ABSORBENTS** – any group of products used to soak up spills or vehicle fluids. These would include oil dry, absorbent pads, socks, booms, etc.

#### **COMMERCIAL PRIVATE PROPERTY**

Office, industrial, or retail property with semipublic roads that do not contain living areas and are used for commercial business purposes only.

**CONSENSUAL TOWING**

The towing of a motor vehicle when the owner or operator of the motor vehicle has consented to having the towing company tow the motor vehicle.

**GARAGE**

Shall mean enclosed building and/or vacant land used for the storage of motor vehicles.

**IMPOUNDMENT**

The storage of a motor vehicle upon the order of a law enforcement agency.

**INCIDENT**

Any recurring or nonrecurring event that created a diminished capacity to roadway function or threatens the environment.

**LABOR**

The additional work done at the scene by the tow truck operator which is beyond that required to perform a basic tow or any additional manpower needed to complete recovery, winching or towing of a vehicle. Labor charge for additional manpower shall be based on a per-man, per-hour rate with a one-hour minimum.

**LICENSEE**

Any entity or individual authorized by the Mayor and Council to engage in police towing services in the municipality.

**LOCKING WHEEL BOOT**

A mechanical or electrical clamp, boot or fitting which is employed, manufactured or designed to lock the wheel of a motor vehicle, thus making the vehicle immobile.

**NEW LICENSE**

A license issued to a licensee who did not hold a wrecking and towing license in the municipality during 2017 and yearly thereafter.

**NONCONSENSUAL TOWING**

The towing of a motor vehicle without the consent of the owner or operator of the vehicle.

**OFF-ROAD RECOVERY**

Use of specialized equipment or tow truck to retrieve a vehicle that has left the roadway.

**PARKING VIOLATION STICKER**

A warning label with adhesive, tape or glue, which is manufactured, designed or employed so that it may be affixed to the front or rear windshield of any vehicles violating parking rules or regulations.

**PERSON**

Any natural person, partnership, corporation, association or limited liability company.

**PILING VEHICLES**

The storage of vehicles by stacking them vertically, one on top of another.

**POLICE TOWING**

Use of towing services when, in the determination of the Police Department, there is a recurring or nonrecurring event that creates a diminished capacity to roadway function or threatens the environment that requires a tower to respond.

**PRIVATE PROPERTY OWNER**

The owner or lessee of private property, or an agent of such owner or lessee, but shall not include a private property towing company acting as an agent of such owner or lessee.

**PRIVATE PROPERTY TOWING**

The nonconsensual towing from private property or from a storage facility by a motor vehicle of a consumer's motor vehicle that is parked illegally, parking during a time at which such parking is not permitted, or otherwise parked without authorization, or the immobilization of or preparation for moving or removing of such motor vehicle, for which a service charge is made, either directly or indirectly. This term shall not include the towing of a motor vehicle that has been abandoned on private property in violation of N.J.S.A. 39:4-56.5, provided that the abandoned vehicle is reported to the appropriate law enforcement agency prior to removal and the vehicle is removed in accordance with N.J.S.A. 39:4-56.6.

**RESIDENTIAL PRIVATE PROPERTIES**

Properties that are structures used solely for living spaces and have an expectation to privacy.

**ROAD SERVICE**

Use of a tow truck or service vehicle to attempt to repair a vehicle at the point of the breakdown, such as jump starts, tire changes, etc.

**SPECIALIZED EQUIPMENT**

Use of a wide variety of equipment not normally considered towing equipment, such as but not limited to construction-type equipment used to access or clean up a recovery scene of wreckage.

**STORAGE**

“Storage charges for a twenty-four-hour period” means the maximum allowable amount to be charged by a storage facility for a twenty-four-hour period or fraction thereof, beginning when the vehicle is placed in the storage facility.

- A. **OUTSIDE SECURED STORAGE** – When a motor vehicle is placed in an outside secured storage facility which will be completely enclosed with at least a six-foot fence, will have at least one entrance and exit gate, and will be completely illuminated by outside lighting in order to safeguard the motor vehicles.
- B. **INSIDE SECURED STORAGE** – When a motor vehicle is placed inside a secured facility at the request of the vehicle owner/operator or at the request of a law enforcement agency for preservation purposes, i.e., owner/operator request for an antique or classic motor vehicle and/or an expensive luxury motor vehicle and/or law enforcement request for preservation of further law enforcement investigation.

**TOWING SERVICE**

The towing, transporting, conveying and/or removal of damaged, disabled and abandoned motor vehicles from the streets or highways.

**TOW TRUCK**

Commercial motor vehicle designed exclusively to lift motor vehicles which have become disabled, wrecked, recovered stolen, and police impound by means of lifting from the front or rear by the following methods: sling-type, mechanical or hydraulic; wheel-lift type, mechanical or hydraulic.

- A. **LIGHT-DUTY TOW TRUCK** – Used to tow and recover small light-duty vehicles up to 10,000 pounds.
- B. **MEDIUM-DUTY TOW TRUCK** – used to tow and recover small commercial-type vehicles up to 33,000 pounds gross vehicle weight (GVW) or passenger vehicles unable to be recovered with light-duty tow truck or flatbed.
- C. **HEAVY-DUTY TOW TRUCK** – Commercial manufactured truck with wrecker body; minimum GVW 33,001 pounds, used to tow and recover commercial-type vehicles over 33,000 GVW as well as passenger vehicles unable to be recovered by other means.
- D. **HYDRAULIC FLATBED CAR CARRIER** – Commercial motor vehicle designed exclusively to transport motor vehicles which have become disabled, wrecked, recovered stolen, and police impound by means of bodily winching motor vehicles from roadway level up onto hydraulic bed for transporting purposes.
- E. **SPECIALIZED FLATBED CARRIER** – Equipped with special hydraulic oscillation knuckle boom crane. Commercial motor vehicle exclusively designed for special recovery procedures when needed and also to bodily lift and transport motor vehicles.

**TOW TRUCK OPERATOR**

Any individual employed by a licensee to operate any of its tow trucks while providing police towing services.

**TOWING**

When a tow truck and/or hydraulic flatbed carrier takes in its possession the care, control and custody of a motor vehicle by means of standard industry procedures.

**VEHICLE ACCESS CHARGE**

Accompanying an owner and/or insurance representative into the secured storage yard facility to inspect, remove personal belongings, adjust and take photographs. Documentation such as driver license of vehicle owner, business card of insurance representative must be photocopied and time stamped when this additional auxiliary service is performed. No fee shall be charged to a vehicle owner for the first visit to remove personal belongings. Vehicle access charges incurred by an insurance company, at the insurance company’s request, shall be billed directly to the insurance company.

**VEHICLE IMMOBILIZATION**

Use of a locking wheel boot that, when attached to the wheel of a vehicle, prevents free, self-propelled movement of the vehicle by the vehicle operator.

**WATER RECOVERY**

The process of recovering a vehicle or any other object, as requested, that is in water or under water, which requires the tow operator to enter the water to effectuate the recovery.

**WILLFUL ABANDONMENT**

An action deliberately taken by an owner or insurance company to leave a vehicle or vessel at a storage yard in order to attempt to avoid paying the towing, recovery, storage, etc., charges due against the vehicle. See N.J.S.A. 39:4-56.5 and 39:4-56.6.

**WINCHING**

A motor vehicle employed for the purpose of towing, transporting, conveying or removing any other motor vehicle which is unable to be operated under its own power, for which service a charge or fee is exacted.

**WRECKER**

A motor vehicle employed for the purpose of towing, transporting, conveying or removing any other motor vehicle which is unable to be operated under its own power, for which service a charge or fee is exacted.

**WRECKING**

The process of removing wreckage from the roadway (i.e., the vehicle and its debris), which includes the removal of pieces of vehicles from a crash scene, with the end result being to return the roadway back to pre-crash conditions.

**LICENSE.**

No person shall operate a tow truck on behalf of the Borough of Cliffside Park or any of its agencies or conduct any towing service on behalf of the Borough of Cliffside Park or at the request or direction of the Police Department without first having obtained a license.

**LICENSE APPLICATION.**

- A. Every applicant for a license under this chapter shall complete, sign and verify a written application on the forms furnished by the Clerk. At the time of submission of said application, a fee in the amount of \$750 shall be paid which fee shall be nonrefundable and shall be used to defray the costs incurred by the Borough in connection with the investigation of and action on the application submitted.
- B. The application shall state:
  - 1. The name and address and social security number of the applicant and its employees and, if a corporation, LLC or partnership, the name and address and social security number/EIN of each shareholder, officer and director member thereof;
  - 2. The name and address and social security number of the owner(s) of the tow trucks, if other than the applicant;
  - 3. The serial numbers and registrations of each wrecker and flatbed to be operated by the applicant;
  - 4. The exact location of storage areas for the equipment, such as wreckers, flatbeds, cars and other vehicles, and the amount of available space for the storage of vehicles towed;
  - 5. The name, address and policy number for all insurance required by this chapter (inclusive of insurance cards);
  - 6. Power to appoint the Clerk attorney-in-fact for acknowledging service of process in connection with the ordinance licensure;
  - 7. Consent by the applicant and each of its officers, agents and employees employed by the licensee to conduct a background check, including but not limited to criminal and motor vehicle records with the local, state and federal authorities. Further, the licensee shall, after the issuance of the license, notify the Clerk and the Police Chief in writing within two days after the employment of any new employees or change in officers or agent, at which time the licensee shall comply with the requirements set forth in this Ordinance;
  - 8. The location or locations of premises at which the wreckers are domiciled or garaged;

9. The location or locations of the premises to which vehicles will be towed, a map or diagram accurately drawn depicting the proposed layout and size of the vehicle storage spaces, and fire lanes and the maximum number of vehicles to be stored at such premises;
10. A complete list of all criminal convictions, except minor traffic violations, of the applicant or owner, partner, officers or local office Administrator of applicant;
11. Whether the wrecker is to be used solely as an accessory use to a gasoline service station;
12. Acknowledging that the towing company will be included on the rotating police tow list;
13. The applicant's primary place of business, registered with the State of New Jersey, located in the State of New Jersey within four miles of the Borough;
14. A copy of the Certificate of Occupancy issued by the municipality for its primary place of business;
15. Evidence that the applicant has at least three years' experience in providing properly insured towing services;
16. Applicants must demonstrate the ability to tow at least two vehicles at the same time for light-duty towing calls;
17. The applicant shall file the completed application forms with the Police Department annually after November 1 and before November 30 of each year. Applications presented for filing after November 30 date shall not be considered and shall be regarded as failure to meet the filing date requirement;
18. The Chief of Police shall make a recommendation to the Borough Council either:
  - i. Accepting the Applicant; or
  - ii. Rejecting the Applicant; or
  - iii. Upon written notification to the Applicant of the existences of any deficiencies in the Application, the Applicant shall have 10 days from the date of notification to cure such deficiencies and submit same to the Clerk and the Police Chief for review. In the event that the Applicant fails to properly cure any deficiencies in the notice within the ten-day period, the Application shall be regarded as incomplete and will be deemed rejected.
19. All licenses shall expire yearly on December 31 of each year;
20. The Clerk shall send a copy of the license to the Police Department for filing and shall keep a permanent record of all licenses issued;
21. The towing license fee shall be established annually by Council Resolution.

**LICENSE NONTRANSFERABLE; DISPLAY OF LICENSE.**

- A. A license issued under this Ordinance shall not be transferable, and only one license shall be granted to an applicant. The Applicant who obtains a license shall not have any interest, direct or indirect, in any other Cliffside Park towing license. In the event that it is determined that a licensee does have an interest in another towing license, that licensee shall immediately forfeit their respective licenses.
- B. Each licensee shall produce his license whenever called upon to do so;
- C. The assigned towing vehicle must be registered or leased for one year to the applicant. The registration card or lease must be submitted to the Borough with the Application.

**EQUIPMENT AND REQUIREMENTS.**

- A. Applicants for a license under this chapter shall own, at a minimum, the following equipment:
  1. One light-duty flatbed (rollback) with wheel lift;
  2. One light-duty wrecker with wheel lift;

In addition, if the licensee owns any of the following equipment, the licensee shall submit all proper documentation with their original license:

3. One heavy-duty wrecker with wheel lift (minimum capacity of 25, 000 pounds). Heavy-duty wreckers must be a minimum gross vehicle weight of 35,000 pounds with air brakes and must be fully hydraulic;
4. One Landoll-type trailer;
5. One tractor;

It is highly recommended that all licensees shall have a:

6. Computerized filing system to track towed vehicles.

B. Insurance requirements:

1. Each application for a license shall be accompanied by certificates of automobile and garage keeper's liability insurance, issued by an Insurance Company authorized to do business in the State of New Jersey, with policy limits of not less than the following:
  - i. \$1,000,000 of general liability;
  - ii. \$1,000,000 of automobile liability, endorsed to provide collision coverage per tow;
  - iii. \$3,000,000 of umbrella coverage.
2. All Insurance policies shall name the municipality as an additional insured and shall indemnify and hold harmless the municipality from any claims for injury or property damage arising out of, or in any way related to, the operation of a tow truck or wrecker or storage yard, pursuant to this chapter.

- C. The municipality reserves the right to annually by Resolution modify the insurance coverage amounts.

**STORAGE AREAS.**

- A. Each applicant for a new license must meet and provide, and continue to provide during the licensing year, the following storage requirements for vehicles:
- B. All licenses must have sufficient storage areas on premises owned by them or leased directly to them under a written lease. The written lease shall be submitted annually with the application and shall contain an endorsement, by the owner, indicating that the leasehold remains in effect. The written lease shall contain a restriction that the leased premises shall be solely occupied by the tenant/licensee, and said premises shall be occupied by no other person or entity; subleasing shall not be permitted. The lease shall be for a term of at least 18 months and shall provide a notification provision to the Clerk if termination occurs while a license under this chapter is outstanding.
- C. Attached to the lease shall be scaled drawing on eight-and-one-half-by-eleven-inch paper, of the area which shall include any structure or improvement and each point of ingress and egress for vehicles.
- D. Vehicle storage spaces and lots shall conform to all requirements of the applicable municipal building and fire codes, and shall confirm to the ordinances of the respective municipal jurisdiction where the storage space is located.
- E. If the storage area is not situated within the boundaries of the Borough, a current and valid certificate of occupancy or other proof of the legal use of the premises to store vehicles must be presented with the application.
- F. The exterior of each storage location must be fully fenced-in, with a fence not less than six feet in height covered in such a manner so as to prevent visibility of stored vehicles from the street. Gates shall be locked when the location is not attended and it shall be continuously lighted from dusk until dawn so as to safeguard vehicles from vandalism and/or theft.
- G. No licensee shall be permitted to pile vehicles.
- H. It being the intention of this chapter to provide persons with a readily accessible and secure storage area for their vehicles, all vehicles towed pursuant to this chapter must be stored in the aforesaid location. No vehicles may be stored on any public thoroughfare, right-of-way or roadway.
- I. The Borough shall have access to any part of designated storage location, exterior and interior, at any time of the day or night for the purpose of inspection and/or investigation. However, during the periods the licensee is not the regularly scheduled licensee, access to the yard for purposes of inspection shall be during the licensee's regular business hours.

- J. Licensee shall prevent and prohibit any unescorted access to the storage area by the public. Vehicles which are impounded by the Police or other police authority and which are required to be maintained as evidence shall be maintained in a secure indoor facility and shall be properly roped off from other vehicles in an area which shall be kept non-accessible to any person, including employees of the licensee, other than a police authority.
- K. Vehicles which have been impounded or confiscated by the Police Department or any other duly authorized law enforcement agency shall not be released without proper authorization from the Police Department;
- L. Vehicles shall be released between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday and between the hours of 9:00 a.m. and 5:00 p.m. on Sunday;
- M. Releases shall be accommodated promptly during normal business hours (Monday thru Saturday 8:00 a.m. – 6:00 p.m.). On Sundays or holidays between the hours of 9:00 a.m. and 5:00 p.m. within two hours of police notification;
- N. The owner of an impounded vehicle shall be entitled to remove personal property from such vehicle upon reasonable notice to the tow service provider and upon appointment if said company requires same. A person's personal property, excepting the automobile, shall not be unreasonably withheld pending payment of fees or for any other cause without written authorization from a police officer having a rank of sergeant, lieutenant, captain or chief.

**REGISTRATION OF WRECKER OPERATORS.**

Each employee or agent of licensees under this chapter who operates a wrecker within the municipality shall be registered upon the request of the Police Department. The registration shall include at least the name and address of the employee; the name of the employer; criminal convictions, if any, of the employee; the length and type of the employee's experience in the wrecker business and with the employer; and such other information as may be prescribed by the Chief of Police.

**SUPERVISION AND ENFORCEMENT.**

- A. The governing body hereby designates the Police Department as its designee to supervise the enforcement and provisions of this chapter and the rules and regulations adopted hereunder.
- B. No individual, owner or operator of a wrecker shall respond to the scene of an auto accident except upon notification by the officer in charge of the police investigation.
- C. Nothing contained herein shall be construed to prevent an owner or person in charge of a motor vehicle from calling a garage or tow truck operator of his or her choice, unless the vehicle is to be or has been towed under the authority of or impounded by the Borough and any of its agencies including the police department or any other duly authorized law enforcement agency.

**FILING OF REPORT.**

- A. Within 48 hours after a licensee is requested to render service by the municipality the licensee shall file a report with the Police Department setting forth the following information:
  - 1. The make of the vehicle;
  - 2. The license number of the vehicle;
  - 3. The vehicle identification number;
  - 4. The number of tires on the vehicle;
  - 5. A description of all tools and other personal property which are found in the vehicle;
  - 6. A description of the general condition of and any damage to the vehicle;
  - 7. If the vehicle was towed, the place from which it was towed and the place to which it was towed;
  - 8. If the vehicle was stored, the place where it was stored;
  - 9. All other necessary and pertinent information requested by the Police Department.
- B. In the event that the Police Department has implemented a procedure that satisfies the requirements of this section, then, in that event, the licensee shall not be required to comply with the filing requirement set forth in this section. However, upon notice to the licensee that the Police Department no longer is implementing said procedure, then the licensee shall be required to comply with the filing of a report in accordance to this section.

**VEHICLE RESTRICTIONS AND REQUIREMENTS.**

- A. No licensee shall maintain a police frequency radio receiver set for the purpose of intercepting police calls in regard to disabled vehicles except if authorized by the Chief of Police in writing.
- B. At least two amber rotating beacons or strobe lights mounted on the highest practical location of the vehicle, visible from 360° when in use and visible at a minimum distance of 500 feet during daylight hours. An amber light permit, as required by the State of New Jersey, must be filed by the licensee in the office of the Chief of Police.
- C. Safety tow lights or magnetic tow lights to be mounted upon any vehicle being towed.

- D. At least one heavy-duty broom, shovel, crowbar or pry bar, a set of jumper cables, flashlight, one two-pound or larger fire extinguisher or dry chemical type, one dozen flares or similar warning devices for placement at the scene of an accident or disabled vehicle, at least 10 pounds of dry sand or a drying compound for gasoline and oil spilled onto a roadway and a sufficient quantity and types of tools to enable the tow operation to perform proper and adequate emergency repair services for the tow.
- E. Every tow truck shall, at all times, comply with any and all state, federal and local laws, regulations and ordinances pertaining to safety, lighting and towing equipment requirements and shall be subject to inspection by representatives of the Borough, including the Chief of Police or his designee, at any time. Where applicable, all permits required by any governmental authority relating to the equipment shall be provided to the Borough upon its request.
- F. Every tow truck shall have the name, address and telephone number of the official tower, by a permanently affixed or painted sign, prominently displayed on the vehicle in such manner and of such lettering as conforms to the provisions of N.J.S.A. 39:4-46 on the outside door panels of both sides of the vehicle. Temporary, magnetic or other easily removable signs are not acceptable.
- G. The licensee must be able to respond to the scene where its services are required within 30 minutes from the issuance of a telephone notice at any time of the day or night.

**GRATUITIES.**

No police officer, agent or employee of the Borough shall be paid, receive or accept any commission, fee money or anything of value in connection with the removal of any vehicle from a street or road or highway under the jurisdiction of the Borough; however, nothing in this section is intended to prohibit any police officer, agent or employee of the Borough from obtaining a license to operate a tow truck or conduct any towing services within the Borough and to collect such fees which are permitted by this ordinance.

**PRIVATE PROPERTY TOWS.**

Persons who own or are in responsible charge of "private property" may have a need to summons and have certain vehicles removed from their property. The following policy shall be adhered to:

- A. The person wishing to have said vehicle summonsed and/or removed from the property shall notify the police department;
- B. A police officer will be dispatched;
- C. The person in responsible charge of the property may sign a summons;
- D. If a summons is issued the person in charge may request that the vehicle be removed;
- E. The police department shall provide the person in charge the phone number for a "tow service provider."
- F. The person in charge of the property shall be advised that they may use any Borough licensed tow service provider.
- G. No attempt to gain entry in the vehicle shall be made unless extenuating circumstances exist, and in police presence.
- H. The licensed or private tow service provider may only charge fees as per the municipal ordinance fee schedule.
- I. Department of Community Affairs Public Sign as noted in Exhibit "A" must be affixed or posted on the property.

**TOWING RATES FOR ALL VEHICLES.**

- A. No owner or driver of a tow truck vehicle covered by this chapter may charge in excess of the following rates for towing, conveying, repairing, servicing, or storage of vehicles.
- B. A vehicle shall be considered "towed" when the tow truck has hooked up to and lifted the vehicle or part of, from the ground.
- C. If the vehicle has not yet been towed but the towing service has already responded to the scene then the tow service provider is authorized to charge the "road service" fee.

**Fee Schedule:**

- 1. All fees will be established annually by resolution and shall be incorporated herein as if set forth in their entirety.
- 2. **Service charges:**
  - 1. Road service: \$50
  - 2. Gasoline delivery: \$50 (plus current gasoline price; receipt given to customer)
  - 3. Removing damaged tires and replacing same with spare: \$50
  - 4. Removing damaged tires, repairing and remounting same: \$50
- 3. **Towing charges: wheel lift or flat bed**
  - Type of Vehicle:
  - Automobiles: \$100
  - Trucks (one-ton capacity or less): \$100
  - Trucks (over one-ton but under five-ton capacity): \$150

Straight job truck: \$200  
Buses, tractor trailers and other heavy equipment over five-ton capacity: \$400  
Motorcycles or motor scooters: \$100  
Police or other municipal vehicles:  
Road service: \$0  
Inside or outside of Cliffside Park (tow): \$0

4. **Winching service charges:** There will be no additional charge for winching to facilitate the tow. Winching service charges apply to, but are not limited to, vehicles that are positioned in embankments, overturned or positioned in such a precarious manner that normal winching to facilitate the tow is unsuitable.
  1. Light wreckers: \$75 per hour/unit
  2. Heavy wreckers: \$125 per hour/unit
  3. Snow-locked vehicles: \$20 per tow, additional charge
  
5. **Storage charge (after first 24 hours):**
  1. Trucks, automobiles, motorcycles and motor scooter (one and a half-ton capacity or less): \$35
  2. Trucks (over one-and-one-half-ton but under five-ton capacity): \$50 per day or part thereof.
  3. Trucks, buses, tractor trailers and other heavy equipment over five-ton capacity: \$75 per day or part thereof.
  
6. Any person found to be in violation of the terms and conditions of this chapter two times within any one year shall have his license to operate a wrecker or towing service in the Borough of Cliffside Park suspended for six months.
  
7. It shall be the duty of all wreckers and towing services to maintain a listing of the rates shown herein in their vehicles and to have a sign permanently affixed to the vehicle reading "Cliffside Park Schedule of Rates in Cab" on the outside of said vehicle.

**MAINTENANCE AND DISPLAY OF RATE SCHEDULE.**

Every owner and operator of a tow truck shall maintain a written schedule of all rates and charges in compliance with the limitations set forth in this chapter and shall make the schedule or rates available to any person requesting them at any time. Every tow truck operator shall have conspicuously displayed on their vehicle or at the storage facility the following statement: "Service, towing and storage charges are regulated by municipal ordinances and will be made available upon request."

**REMOVAL OF ABANDONED VEHICLES.**

- A. An abandoned vehicle means any vehicle so designated by an authorized representative of the police department. Removal is to be performed under the direction and supervision of the police department 24 hours a day, seven days a week, anywhere within the municipality.
- B. All abandoned vehicles must be removed by the tow service provider called by the police department within one-half hour after notification by the police department. Failure to do so will be documented and filed with the traffic bureau.
- C. The municipality shall retain the right to have abandoned vehicles towed to its own property and retain the vehicle and/or monies realized from the sale of such vehicles.

**REMOVAL OF VEHICLE WITHOUT OWNER'S CONSENT.**

Every licensee shall, upon removal or towing of any vehicle without the express consent of the owner or driver thereof, immediately notify the police department, of the year, make, model and license number of the vehicle, the location from which the vehicle was removed and the location which the vehicle was removed to and the place of storage thereof.

**NOTIFICATION OF UNCLAIMED VEHICLES.**

Licensees shall notify the Police Department, Traffic Bureau within five calendar days of the towing of any vehicle.

**POLICE DEPARTMENT CALL LIST.**

- A. The police department shall establish and publish a call list for all licensees selected by the Council for the performance of towing services with the municipality. Each licensee agrees with the municipality to provide 24 hours; towing and other emergency services upon such terms and conditions not inconsistent with the provisions of this chapter. The call list shall be in alphabetical order and shall be rotated so as to provide equal treatment to all licensees. Any licensee shall be removed from the call list upon:
  1. Written request from the licensee; or

- 2. Failure to comply with the aforesaid terms and conditions as established by this chapter;  
or
- 3. Revocation of towing license.

B. No shows.

- 1. If during normal business hours the tow truck does not arrive on scene within 30 minutes of request, 30 minutes after business hours, (on "Call-Day"), the desk officer shall make a second call to that company. If the called tow service provider does not arrive on scene within 10 minutes of that second request, the desk officer shall formally advise the department's traffic officer who will note same in the municipalities' "Tow log." The police department shall call the next listed tow service provider. This procedure shall also apply to the tow service provider called on an "off day."
- 2. The Borough reserves the right to revoke the tow license from non-complaint towing companies.

**FEES.**

All fees shall be established annually by Resolution and shall be incorporated herein as if set forth in their entirety.

- A. Annual application fee \$750

**SEVERABILITY.** If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid in whole or in part or as applied to any particular circumstance or individual by a court of competent jurisdiction, such order of judgment shall not effect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this ordinance.

**REPEALER.** All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies only.

**EFFECTIVE DATE.** This ordinance shall take effect immediately upon final passage and publication as required by law.

**COMMITTEE REPORTS:** ALL COMMITTEE REPORTS ON FILE IN THE CLERK'S OFFICE.

**PUBLIC PORTION:**

On a motion by Councilwoman Bongard, seconded by Councilwoman Martinotti, the meeting was opened to the public. Carried.

The Clerk stated that any member of the public wishing to be heard could now do so, by coming to the podium and stating their name and address for the record.

**PUBLIC PARTICIPATION:** None.

On a motion by Councilman Bongard, seconded by Councilwoman Martinotti, the meeting was closed to the public.

**ADJOURN:**

On a motion by Councilman Bongard, seconded by Councilwoman Martinotti, the meeting was adjourned at 7:13 p.m.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**SERCAN ZOKLU, RMC  
BOROUGH CLERK**

\_\_\_\_\_  
**THOMAS CALABRESE  
MAYOR**

MARCH 7, 2017

After all interested parties had spoken on the ordinance Councilman Bongard moved the hearing be closed. The motion was seconded by Councilwoman Martinotti.

Councilman Bongard moved the ordinance be adopted on second reading and final passage, which was seconded by Councilwoman Martinotti and adopted upon a call of the roll.

ROLL CALL:

AYES: Spoto, Bongard, Martinotti, Corcoran, Colao. ABSENT: Fontana.

## ORDINANCE 2017-02

### AN ORDINANCE AMENDING THE GENERAL ORDINANCE OF THE BOROUGH OF CLIFFSIDE PARK SPECIFICALLY CHAPTER XXI ENTITLED "TOW TRUCKS"

**WHEREAS**, the Chief of Police and Borough Administrator have directed the review of the current Towing Ordinance Chapter XXI, et seq.; and

**WHEREAS**, a comprehensive review of the Ordinance by the Chief of Police and Borough Administrator have concluded that it would be in the best interest of the municipality to enact a new comprehensive Towing Ordinance; and

**WHEREAS**, after due deliberation and discussion, the Council agrees and accepts the recommendations of the Chief of Police and Borough Administrator; and

**THEREFORE, BE IT ORDAINED**, that Chapter XXI entitled TOW TRUCKS, Section 21-1 through 21-28 inclusive is hereby repealed in its entirety; and

**BE IT FURTHER ORDAINED**, that the following replacement Ordinance Chapter XXI, entitled "TOWING", be adopted in the place and stead of the former Chapter XXI.

#### DEFINITIONS:

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

#### **ABDANDONED VEHICLE**

Any motor vehicle or vessel partially dismantled or not readily capable of operation under its own power or not currently licensed, wrecked or junked. It shall also mean any vehicle whose owner has terminated the use and care of the vehicle and has either indicated by his words or actions an intent to leave it and no longer claim ownership of it or left it without making arrangements for the storage with the owner, occupant or person in control of the premises on which it is located.

#### **ADMINISTRATION CHARGES**

Charges for services, including but not limited to physical inspection, telephone and/or fax calls, copying of documentation and additional office paperwork before and at the time of release.

#### **APPLICANT**

An individual or a legally formed business entity who seeks to obtain a license from the Borough to furnish wrecker services with the Borough pursuant to this chapter.

#### **CLEANUP**

- A. **STANDARD SITE CLEANUP** – The amount of debris removal that should reasonably be anticipated at the scene of motor vehicle accident or incident. The standard site cleanup is usually defined to the point of impact, the final resting point of the vehicle and the associated debris field. It includes cleanup of fluids and oil spills.
- B. **EXTENDED SITE CLEANUP** – The removal of debris at the point of impact, as well as along the path of pre-impact and/or post-impact, where vehicle disintegration and/or other property damage occur as a result of the motor vehicle accident or incident.
- C. **ABSORBENTS** – any group of products used to soak up spills or vehicle fluids. These would include oil dry, absorbent pads, socks, booms, etc.

#### **COMMERCIAL PRIVATE PROPERTY**

Office, industrial, or retail property with semipublic roads that do not contain living areas and are used for commercial business purposes only.

**CONSENSUAL TOWING**

The towing of a motor vehicle when the owner or operator of the motor vehicle has consented to having the towing company tow the motor vehicle.

**GARAGE**

Shall mean enclosed building and/or vacant land used for the storage of motor vehicles.

**IMPOUNDMENT**

The storage of a motor vehicle upon the order of a law enforcement agency.

**INCIDENT**

Any recurring or nonrecurring event that created a diminished capacity to roadway function or threatens the environment.

**LABOR**

The additional work done at the scene by the tow truck operator which is beyond that required to perform a basic tow or any additional manpower needed to complete recovery, winching or towing of a vehicle. Labor charge for additional manpower shall be based on a per-man, per-hour rate with a one-hour minimum.

**LICENSEE**

Any entity or individual authorized by the Mayor and Council to engage in police towing services in the municipality.

**LOCKING WHEEL BOOT**

A mechanical or electrical clamp, boot or fitting which is employed, manufactured or designed to lock the wheel of a motor vehicle, thus making the vehicle immobile.

**NEW LICENSE**

A license issued to a licensee who did not hold a wrecking and towing license in the municipality during 2017 and yearly thereafter.

**NONCONSENSUAL TOWING**

The towing of a motor vehicle without the consent of the owner or operator of the vehicle.

**OFF-ROAD RECOVERY**

Use of specialized equipment or tow truck to retrieve a vehicle that has left the roadway.

**PARKING VIOLATION STICKER**

A warning label with adhesive, tape or glue, which is manufactured, designed or employed so that it may be affixed to the front or rear windshield of any vehicles violating parking rules or regulations.

**PERSON**

Any natural person, partnership, corporation, association or limited liability company.

**PILING VEHICLES**

The storage of vehicles by stacking them vertically, one on top of another.

**POLICE TOWING**

Use of towing services when, in the determination of the Police Department, there is a recurring or nonrecurring event that creates a diminished capacity to roadway function or threatens the environment that requires a tower to respond.

**PRIVATE PROPERTY OWNER**

The owner or lessee of private property, or an agent of such owner or lessee, but shall not include a private property towing company acting as an agent of such owner or lessee.

**PRIVATE PROPERTY TOWING**

The nonconsensual towing from private property or from a storage facility by a motor vehicle of a consumer's motor vehicle that is parked illegally, parking during a time at which such parking is not permitted, or otherwise parked without authorization, or the immobilization of or preparation for moving or removing of such motor vehicle, for which a service charge is made, either directly or indirectly. This term shall not include the towing of a motor vehicle that has been abandoned on private property in violation of N.J.S.A. 39:4-56.5, provided that the abandoned vehicle is reported to the appropriate law enforcement agency prior to removal and the vehicle is removed in accordance with N.J.S.A. 39:4-56.6.

**RESIDENTIAL PRIVATE PROPERTIES**

Properties that are structures used solely for living spaces and have an expectation to privacy.

**ROAD SERVICE**

Use of a tow truck or service vehicle to attempt to repair a vehicle at the point of the breakdown, such as jump starts, tire changes, etc.

**SPECIALIZED EQUIPMENT**

Use of a wide variety of equipment not normally considered towing equipment, such as but not limited to construction-type equipment used to access or clean up a recovery scene of wreckage.

**STORAGE**

“Storage charges for a twenty-four-hour period” means the maximum allowable amount to be charged by a storage facility for a twenty-four-hour period or fraction thereof, beginning when the vehicle is placed in the storage facility.

- A. **OUTSIDE SECURED STORAGE** – When a motor vehicle is placed in an outside secured storage facility which will be completely enclosed with at least a six-foot fence, will have at least one entrance and exit gate, and will be completely illuminated by outside lighting in order to safeguard the motor vehicles.
- B. **INSIDE SECURED STORAGE** – When a motor vehicle is placed inside a secured facility at the request of the vehicle owner/operator or at the request of a law enforcement agency for preservation purposes, i.e., owner/operator request for an antique or classic motor vehicle and/or an expensive luxury motor vehicle and/or law enforcement request for preservation of further law enforcement investigation.

**TOWING SERVICE**

The towing, transporting, conveying and/or removal of damaged, disabled and abandoned motor vehicles from the streets or highways.

**TOW TRUCK**

Commercial motor vehicle designed exclusively to lift motor vehicles which have become disabled, wrecked, recovered stolen, and police impound by means of lifting from the front or rear by the following methods: sling-type, mechanical or hydraulic; wheel-lift type, mechanical or hydraulic.

- A. **LIGHT-DUTY TOW TRUCK** – Used to tow and recover small light-duty vehicles up to 10,000 pounds.
- B. **MEDIUM-DUTY TOW TRUCK** – used to tow and recover small commercial-type vehicles up to 33,000 pounds gross vehicle weight (GVW) or passenger vehicles unable to be recovered with light-duty tow truck or flatbed.
- C. **HEAVY-DUTY TOW TRUCK** – Commercial manufactured truck with wrecker body; minimum GVW 33,001 pounds, used to tow and recover commercial-type vehicles over 33,000 GVW as well as passenger vehicles unable to be recovered by other means.
- D. **HYDRAULIC FLATBED CAR CARRIER** – Commercial motor vehicle designed exclusively to transport motor vehicles which have become disabled, wrecked, recovered stolen, and police impound by means of bodily winching motor vehicles from roadway level up onto hydraulic bed for transporting purposes.
- E. **SPECIALIZED FLATBED CARRIER** – Equipped with special hydraulic oscillation knuckle boom crane. Commercial motor vehicle exclusively designed for special recovery procedures when needed and also to bodily lift and transport motor vehicles.

**TOW TRUCK OPERATOR**

Any individual employed by a licensee to operate any of its tow trucks while providing police towing services.

**TOWING**

When a tow truck and/or hydraulic flatbed carrier takes in its possession the care, control and custody of a motor vehicle by means of standard industry procedures.

**VEHICLE ACCESS CHARGE**

Accompanying an owner and/or insurance representative into the secured storage yard facility to inspect, remove personal belongings, adjust and take photographs. Documentation such as driver license of vehicle owner, business card of insurance representative must be photocopied and time stamped when this additional auxiliary service is performed. No fee shall be charged to a vehicle owner for the first visit to remove personal belongings. Vehicle access charges incurred by an insurance company, at the insurance company’s request, shall be billed directly to the insurance company.

**VEHICLE IMMOBILIZATION**

Use of a locking wheel boot that, when attached to the wheel of a vehicle, prevents free, self-propelled movement of the vehicle by the vehicle operator.

**WATER RECOVERY**

The process of recovering a vehicle or any other object, as requested, that is in water or under water, which requires the tow operator to enter the water to effectuate the recovery.

**WILLFUL ABANDONMENT**

An action deliberately taken by an owner or insurance company to leave a vehicle or vessel at a storage yard in order to attempt to avoid paying the towing, recovery, storage, etc., charges due against the vehicle. See N.J.S.A. 39:4-56.5 and 39:4-56.6.

**WINCHING**

A motor vehicle employed for the purpose of towing, transporting, conveying or removing any other motor vehicle which is unable to be operated under its own power, for which service a charge or fee is exacted.

**WRECKER**

A motor vehicle employed for the purpose of towing, transporting, conveying or removing any other motor vehicle which is unable to be operated under its own power, for which service a charge or fee is exacted.

**WRECKING**

The process of removing wreckage from the roadway (i.e., the vehicle and its debris), which includes the removal of pieces of vehicles from a crash scene, with the end result being to return the roadway back to pre-crash conditions.

**LICENSE.**

No person shall operate a tow truck on behalf of the Borough of Cliffside Park or any of its agencies or conduct any towing service on behalf of the Borough of Cliffside Park or at the request or direction of the Police Department without first having obtained a license.

**LICENSE APPLICATION.**

- A. Every applicant for a license under this chapter shall complete, sign and verify a written application on the forms furnished by the Clerk. At the time of submission of said application, a fee in the amount of \$750 shall be paid which fee shall be nonrefundable and shall be used to defray the costs incurred by the Borough in connection with the investigation of and action on the application submitted.
- B. The application shall state:
  - 1. The name and address and social security number of the applicant and its employees and, if a corporation, LLC or partnership, the name and address and social security number/EIN of each shareholder, officer and director member thereof;
  - 2. The name and address and social security number of the owner(s) of the tow trucks, if other than the applicant;
  - 3. The serial numbers and registrations of each wrecker and flatbed to be operated by the applicant;
  - 4. The exact location of storage areas for the equipment, such as wreckers, flatbeds, cars and other vehicles, and the amount of available space for the storage of vehicles towed;
  - 5. The name, address and policy number for all insurance required by this chapter (inclusive of insurance cards);
  - 6. Power to appoint the Clerk attorney-in-fact for acknowledging service of process in connection with the ordinance licensure;
  - 7. Consent by the applicant and each of its officers, agents and employees employed by the licensee to conduct a background check, including but not limited to criminal and motor vehicle records with the local, state and federal authorities. Further, the licensee shall, after the issuance of the license, notify the Clerk and the Police Chief in writing within two days after the employment of any new employees or change in officers or agent, at which time the licensee shall comply with the requirements set forth in this Ordinance;
  - 8. The location or locations of premises at which the wreckers are domiciled or garaged;

9. The location or locations of the premises to which vehicles will be towed, a map or diagram accurately drawn depicting the proposed layout and size of the vehicle storage spaces, and fire lanes and the maximum number of vehicles to be stored at such premises;
10. A complete list of all criminal convictions, except minor traffic violations, of the applicant or owner, partner, officers or local office Administrator of applicant;
11. Whether the wrecker is to be used solely as an accessory use to a gasoline service station;
12. Acknowledging that the towing company will be included on the rotating police tow list;
13. The applicant's primary place of business, registered with the State of New Jersey, located in the State of New Jersey within four miles of the Borough;
14. A copy of the Certificate of Occupancy issued by the municipality for its primary place of business;
15. Evidence that the applicant has at least three years' experience in providing properly insured towing services;
16. Applicants must demonstrate the ability to tow at least two vehicles at the same time for light-duty towing calls;
17. The applicant shall file the completed application forms with the Police Department annually after November 1 and before November 30 of each year. Applications presented for filing after November 30 date shall not be considered and shall be regarded as failure to meet the filing date requirement;
18. The Chief of Police shall make a recommendation to the Borough Council either:
  - i. Accepting the Applicant; or
  - ii. Rejecting the Applicant; or
  - iii. Upon written notification to the Applicant of the existences of any deficiencies in the Application, the Applicant shall have 10 days from the date of notification to cure such deficiencies and submit same to the Clerk and the Police Chief for review. In the event that the Applicant fails to properly cure any deficiencies in the notice within the ten-day period, the Application shall be regarded as incomplete and will be deemed rejected.
19. All licenses shall expire yearly on December 31 of each year;
20. The Clerk shall send a copy of the license to the Police Department for filing and shall keep a permanent record of all licenses issued;
21. The towing license fee shall be established annually by Council Resolution.

**LICENSE NONTRANSFERABLE; DISPLAY OF LICENSE.**

- A. A license issued under this Ordinance shall not be transferable, and only one license shall be granted to an applicant. The Applicant who obtains a license shall not have any interest, direct or indirect, in any other Cliffside Park towing license. In the event that it is determined that a licensee does have an interest in another towing license, that licensee shall immediately forfeit their respective licenses.
- B. Each licensee shall produce his license whenever called upon to do so;
- C. The assigned towing vehicle must be registered or leased for one year to the applicant. The registration card or lease must be submitted to the Borough with the Application.

**EQUIPMENT AND REQUIREMENTS.**

- A. Applicants for a license under this chapter shall own, at a minimum, the following equipment:
  1. One light-duty flatbed (rollbacks) with wheel lift;
  2. One light-duty wrecker with wheel lift;

In addition, if the licensee owns any of the following equipment, the licensee shall submit all proper documentation with their original license:

3. One heavy-duty wrecker with wheel lift (minimum capacity of 25, 000 pounds). Heavy-duty wreckers must be a minimum gross vehicle weight of 35,000 pounds with air brakes and must be fully hydraulic;
4. One Landoll-type trailer;
5. One tractor;

It is highly recommended that all licensees shall have a:

6. Computerized filing system to track towed vehicles.

**B. Insurance requirements:**

1. Each application for a license shall be accompanied by certificates of automobile and garage keeper's liability insurance, issued by an Insurance Company authorized to do business in the State of New Jersey, with policy limits of not less than the following:
  - i. \$1,000,000 of general liability;
  - ii. \$1,000,000 of automobile liability, endorsed to provide collision coverage per tow;
  - iii. \$3,000,000 of umbrella coverage.
2. All Insurance policies shall name the municipality as an additional insured and shall indemnify and hold harmless the municipality from any claims for injury or property damage arising out of, or in any way related to, the operation of a tow truck or wrecker or storage yard, pursuant to this chapter.

- C. The municipality reserves the right to annually by Resolution modify the insurance coverage amounts.

**STORAGE AREAS.**

- A. Each applicant for a new license must meet and provide, and continue to provide during the licensing year, the following storage requirements for vehicles:
- B. All licenses must have sufficient storage areas on premises owned by them or leased directly to them under a written lease. The written lease shall be submitted annually with the application and shall contain an endorsement, by the owner, indicating that the leasehold remains in effect. The written lease shall contain a restriction that the leased premises shall be solely occupied by the tenant/licensee, and said premises shall be occupied by no other person or entity; subleasing shall not be permitted. The lease shall be for a term of at least 18 months and shall provide a notification provision to the Clerk if termination occurs while a license under this chapter is outstanding.
- C. Attached to the lease shall be scaled drawing on eight-and-one-half-by-eleven-inch paper, of the area which shall include any structure or improvement and each point of ingress and egress for vehicles.
- D. Vehicle storage spaces and lots shall conform to all requirements of the applicable municipal building and fire codes, and shall conform to the ordinances of the respective municipal jurisdiction where the storage space is located.
- E. If the storage area is not situated within the boundaries of the Borough, a current and valid certificate of occupancy or other proof of the legal use of the premises to store vehicles must be presented with the application.
- F. The exterior of each storage location must be fully fenced-in, with a fence not less than six feet in height covered in such a manner so as to prevent visibility of stored vehicles from the street. Gates shall be locked when the location is not attended and it shall be continuously lighted from dusk until dawn so as to safeguard vehicles from vandalism and/or theft.
- G. No licensee shall be permitted to pile vehicles.
- H. It being the intention of this chapter to provide persons with a readily accessible and secure storage area for their vehicles, all vehicles towed pursuant to this chapter must be stored in the aforesaid location. No vehicles may be stored on any public thoroughfare, right-of-way or roadway.
- I. The Borough shall have access to any part of designated storage location, exterior and interior, at any time of the day or night for the purpose of inspection and/or investigation. However, during the periods the licensee is not the regularly scheduled licensee, access to the yard for purposes of inspection shall be during the licensee's regular business hours.

- J. Licensee shall prevent and prohibit any unescorted access to the storage area by the public. Vehicles which are impounded by the Police or other police authority and which are required to be maintained as evidence shall be maintained in a secure indoor facility and shall be properly roped off from other vehicles in an area which shall be kept non-accessible to any person, including employees of the licensee, other than a police authority.
- K. Vehicles which have been impounded or confiscated by the Police Department or any other duly authorized law enforcement agency shall not be released without proper authorization from the Police Department;
- L. Vehicles shall be released between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday and between the hours of 9:00 a.m. and 5:00 p.m. on Sunday;
- M. Releases shall be accommodated promptly during normal business hours (Monday thru Saturday 8:00 a.m. – 6:00 p.m.). On Sundays or holidays between the hours of 9:00 a.m. and 5:00 p.m. within two hours of police notification;
- N. The owner of an impounded vehicle shall be entitled to remove personal property from such vehicle upon reasonable notice to the tow service provider and upon appointment if said company requires same. A person's personal property, excepting the automobile, shall not be unreasonably withheld pending payment of fees or for any other cause without written authorization from a police officer having a rank of sergeant, lieutenant, captain or chief.

**REGISTRATION OF WRECKER OPERATORS.**

Each employee or agent of licensees under this chapter who operates a wrecker within the municipality shall be registered upon the request of the Police Department. The registration shall include at least the name and address of the employee; the name of the employer; criminal convictions, if any, of the employee; the length and type of the employee's experience in the wrecker business and with the employer; and such other information as may be prescribed by the Chief of Police.

**SUPERVISION AND ENFORCEMENT.**

- A. The governing body hereby designates the Police Department as its designee to supervise the enforcement and provisions of this chapter and the rules and regulations adopted hereunder.
- B. No individual, owner or operator of a wrecker shall respond to the scene of an auto accident except upon notification by the officer in charge of the police investigation.
- C. Nothing contained herein shall be construed to prevent an owner or person in charge of a motor vehicle from calling a garage or tow truck operator of his or her choice, unless the vehicle is to be or has been towed under the authority of or impounded by the Borough and any of its agencies including the police department or any other duly authorized law enforcement agency.

**FILING OF REPORT.**

- A. Within 48 hours after a licensee is requested to render service by the municipality the licensee shall file a report with the Police Department setting forth the following information:
  - 1. The make of the vehicle;
  - 2. The license number of the vehicle;
  - 3. The vehicle identification number;
  - 4. The number of tires on the vehicle;
  - 5. A description of all tools and other personal property which are found in the vehicle;
  - 6. A description of the general condition of and any damage to the vehicle;
  - 7. If the vehicle was towed, the place from which it was towed and the place to which it was towed;
  - 8. If the vehicle was stored, the place where it was stored;
  - 9. All other necessary and pertinent information requested by the Police Department.
- B. In the event that the Police Department has implemented a procedure that satisfies the requirements of this section, then, in that event, the licensee shall not be required to comply with the filing requirement set forth in this section. However, upon notice to the licensee that the Police Department no longer is implementing said procedure, then the licensee shall be required to comply with the filing of a report in accordance to this section.

**VEHICLE RESTRICTIONS AND REQUIREMENTS.**

- A. No licensee shall maintain a police frequency radio receiver set for the purpose of intercepting police calls in regard to disabled vehicles except if authorized by the Chief of Police in writing.
- B. At least two amber rotating beacons or strobe lights mounted on the highest practical location of the vehicle, visible from 360° when in use and visible at a minimum distance of 500 feet during daylight hours. An amber light permit, as required by the State of New Jersey, must be filed by the licensee in the office of the Chief of Police.
- C. Safety tow lights or magnetic tow lights to be mounted upon any vehicle being towed.

- D. At least one heavy-duty broom, shovel, crowbar or pry bar, a set of jumper cables, flashlight, one two-pound or larger fire extinguisher or dry chemical type, one dozen flares or similar warning devices for placement at the scene of an accident or disabled vehicle, at least 10 pounds of dry sand or a drying compound for gasoline and oil spilled onto a roadway and a sufficient quantity and types of tools to enable the tow operation to perform proper and adequate emergency repair services for the tow.
- E. Every tow truck shall, at all times, comply with any and all state, federal and local laws, regulations and ordinances pertaining to safety, lighting and towing equipment requirements and shall be subject to inspection by representatives of the Borough, including the Chief of Police or his designee, at any time. Where applicable, all permits required by any governmental authority relating to the equipment shall be provided to the Borough upon its request.
- F. Every tow truck shall have the name, address and telephone number of the official tower, by a permanently affixed or painted sign, prominently displayed on the vehicle in such manner and of such lettering as conforms to the provisions of N.J.S.A. 39:4-46 on the outside door panels of both sides of the vehicle. Temporary, magnetic or other easily removable signs are not acceptable.
- G. The licensee must be able to respond to the scene where its services are required within 30 minutes from the issuance of a telephone notice at any time of the day or night.

**GRATUITIES.**

No police officer, agent or employee of the Borough shall be paid, receive or accept any commission, fee money or anything of value in connection with the removal of any vehicle from a street or road or highway under the jurisdiction of the Borough; however, nothing in this section is intended to prohibit any police officer, agent or employee of the Borough from obtaining a license to operate a tow truck or conduct any towing services within the Borough and to collect such fees which are permitted by this ordinance.

**PRIVATE PROPERTY TOWS.**

Persons who own or are in responsible charge of "private property" may have a need to summons and have certain vehicles removed from their property. The following policy shall be adhered to:

- A. The person wishing to have said vehicle summonsed and/or removed from the property shall notify the police department;
- B. A police officer will be dispatched;
- C. The person in responsible charge of the property may sign a summons;
- D. If a summons is issued the person in charge may request that the vehicle be removed;
- E. The police department shall provide the person in charge the phone number for a "tow service provider."
- F. The person in charge of the property shall be advised that they may use any Borough licensed tow service provider.
- G. No attempt to gain entry in the vehicle shall be made unless extenuating circumstances exist, and in police presence.
- H. The licensed or private tow service provider may only charge fees as per the municipal ordinance fee schedule.
- I. Department of Community Affairs Public Sign as noted in Exhibit "A" must be affixed or posted on the property.

**TOWING RATES FOR ALL VEHICLES.**

- A. No owner or driver of a tow truck vehicle covered by this chapter may charge in excess of the following rates for towing, conveying, repairing, servicing, or storage of vehicles.
- B. A vehicle shall be considered "towed" when the tow truck has hooked up to and lifted the vehicle or part of, from the ground.
- C. If the vehicle has not yet been towed but the towing service has already responded to the scene then the tow service provider is authorized to charge the "road service" fee.

**Fee Schedule:**

- 1. All fees will be established annually by resolution and shall be incorporated herein as if set forth in their entirety.
- 2. **Service charges:**
  - 1. Road service: \$50
  - 2. Gasoline delivery: \$50 (plus current gasoline price; receipt given to customer)
  - 3. Removing damaged tires and replacing same with spare: \$50
  - 4. Removing damaged tires, repairing and remounting same: \$50
- 3. **Towing charges: wheel lift or flat bed**
  - Type of Vehicle:
  - Automobiles: \$100
  - Trucks (one-ton capacity or less): \$100
  - Trucks (over one-ton but under five-ton capacity): \$150

Straight job truck: \$200  
Buses, tractor trailers and other heavy equipment over five-ton capacity: \$400  
Motorcycles or motor scooters: \$100  
Police or other municipal vehicles:  
Road service: \$0  
Inside or outside of Cliffside Park (tow): \$0

4. **Winching service charges:** There will be no additional charge for winching to facilitate the tow. Winching service charges apply to, but are not limited to, vehicles that are positioned in embankments, overturned or positioned in such a precarious manner that normal winching to facilitate the tow is unsuitable.
  1. Light wreckers: \$75 per hour/unit
  2. Heavy wreckers: \$125 per hour/unit
  3. Snow-locked vehicles: \$20 per tow, additional charge
5. **Storage charge (after first 24 hours):**
  1. Trucks, automobiles, motorcycles and motor scooter (one and a half-ton capacity or less): \$35
  2. Trucks (over one-and-one-half-ton but under five-ton capacity): \$50 per day or part thereof.
  3. Trucks, buses, tractor trailers and other heavy equipment over five-ton capacity: \$75 per day or part thereof.
6. Any person found to be in violation of the terms and conditions of this chapter two times within any one year shall have his license to operate a wrecker or towing service in the Borough of Cliffside Park suspended for six months.
7. It shall be the duty of all wreckers and towing services to maintain a listing of the rates shown herein in their vehicles and to have a sign permanently affixed to the vehicle reading "Cliffside Park Schedule of Rates in Cab" on the outside of said vehicle.

#### **MAINTENANCE AND DISPLAY OF RATE SCHEDULE.**

Every owner and operator of a tow truck shall maintain a written schedule of all rates and charges in compliance with the limitations set forth in this chapter and shall make the schedule or rates available to any person requesting them at any time. Every tow truck operator shall have conspicuously displayed on their vehicle or at the storage facility the following statement: "Service, towing and storage charges are regulated by municipal ordinances and will be made available upon request."

#### **REMOVAL OF ABANDONED VEHICLES.**

- A. An abandoned vehicle means any vehicle so designated by an authorized representative of the police department. Removal is to be performed under the direction and supervision of the police department 24 hours a day, seven days a week, anywhere within the municipality.
- B. All abandoned vehicles must be removed by the tow service provider called by the police department within one-half hour after notification by the police department. Failure to do so will be documented and filed with the traffic bureau.
- C. The municipality shall retain the right to have abandoned vehicles towed to its own property and retain the vehicle and/or monies realized from the sale of such vehicles.

#### **REMOVAL OF VEHICLE WITHOUT OWNER'S CONSENT.**

Every licensee shall, upon removal or towing of any vehicle without the express consent of the owner or driver thereof, immediately notify the police department, of the year, make, model and license number of the vehicle, the location from which the vehicle was removed and the location which the vehicle was removed to and the place of storage thereof.

#### **NOTIFICATION OF UNCLAIMED VEHICLES.**

Licensees shall notify the Police Department, Traffic Bureau within five calendar days of the towing of any vehicle.

#### **POLICE DEPARTMENT CALL LIST.**

- A. The police department shall establish and publish a call list for all licensees selected by the Council for the performance of towing services with the municipality. Each licensee agrees with the municipality to provide 24 hours; towing and other emergency services upon such terms and conditions not inconsistent with the provisions of this chapter. The call list shall be in alphabetical order and shall be rotated so as to provide equal treatment to all licensees. Any licensee shall be removed from the call list upon:
  1. Written request from the licensee; or

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2. Failure to comply with the aforesaid terms and conditions as established by this chapter;  
or
3. Revocation of towing license.

B. No shows.

1. If during normal business hours the tow truck does not arrive on scene within 30 minutes of request, 30 minutes after business hours, (on "Call-Day"), the desk officer shall make a second call to that company. If the called tow service provider does not arrive on scene within 10 minutes of that second request, the desk officer shall formally advise the department's traffic officer who will note same in the municipalities' "Tow log." The police department shall call the next listed tow service provider. This procedure shall also apply to the tow service provider called on an "off day."
2. The Borough reserves the right to revoke the tow license from non-complaint towing companies.

**FEES.**

All fees shall be established annually by Resolution and shall be incorporated herein as if set forth in their entirety.

- A. Annual application fee \$750

**SEVERABILITY.** If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid in whole or in part or as applied to any particular circumstance or individual by a court of competent jurisdiction, such order of judgment shall not effect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this ordinance.

**REPEALER.** All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies only.

**EFFECTIVE DATE.** This ordinance shall take effect immediately upon final passage and publication as required by law.

**COMMITTEE REPORTS:** ALL COMMITTEE REPORTS ON FILE IN THE CLERK'S OFFICE.

**PUBLIC PORTION:**

On a motion by Councilwoman Bongard, seconded by Councilwoman Martinotti, the meeting was opened to the public. Carried.

The Clerk stated that any member of the public wishing to be heard could now do so, by coming to the podium and stating their name and address for the record.

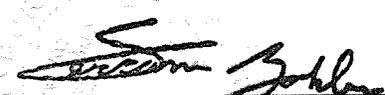
**PUBLIC PARTICIPATION:** None.

On a motion by Councilman Bongard, seconded by Councilwoman Martinotti, the meeting was closed to the public.

**ADJOURN:**

On a motion by Councilman Bongard, seconded by Councilwoman Martinotti, the meeting was adjourned at 7:13 p.m.

**ATTEST:**

  
SERCAN ZOKLU, RMC  
BOROUGH CLERK

**APPROVED:**

  
THOMAS CALABRESE  
MAYOR