BOROUGH OF WOODCLIFF LAKE
MAYOR AND COUNCIL AGENDA
NOVEMBER 21, 2016
8:00 PM

CALL TO ORDER

Notice of this meeting, in accordance with the "Open Public Meetings Law, 1975, C. "231", has been posted and two newspapers, The Record and The Ridgewood News, have been notified.

ROLL CALL

Mayor Carlos Rendo
Council President Corrado Belgiovine
Councilwoman Jeanine Chiavelli
Councilwoman Jacqueline Gadaleta
Councilwoman Angela Hayes
Councilwoman Kristy Herrington
Councilman Thomas Panso

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

November 10, 2016 (Closed)
November 10, 2016 (Open)

MAYOR'S COMMENTS

ENGINEER'S REPORT

NEW BUSINESS

- Park and Recreation Update, led by Councilwoman Jeanine Chiavelli
- DPW Update, led by Councilwoman Jeanine Chiavelli

ORDINANCES

Introduction

Ordinance 16-19
An Ordinance of the Borough Council of the Borough of Woodcliff Lake Authorizing the Acquisition by Purchase or Eminent Domain if Necessary, of the Real Property Known as 223 Woodcliff Avenue, Block 1402, Lot 7 on the Official Tax Map of the Borough of Woodcliff Lake

Public Hearing	Ordinance 16-17 An Ordinance Revising Chapter 349 of the Borough Code Governing Towing within the Borough

PUBLIC COMMENT

(limited to 5 minutes per speaker)

CONSENT AGENDA

Resolution No. 16-293	Resolution Authorizing Payroll and Payment of Claims
Resolution No. 16-294	A Resolution to Renew the Tri-Borough Fuel Depot Agreement in the Borough of Woodcliff Lake
Resolution No. 16-295	Resolution Rescinding Liquor License for Good Market Corp.
Resolution No. 16-296	2016 Budget Transfer
Resolution No. 16-297	Resolution Authorizing Raffle License to Park Ridge High School Soccer Booster Club
Resolution No. 16-298	A Resolution Approving of an Agreement with Suez Water of New Jersey for the Reservoir Walkway in the Borough of Woodcliff Lake
Resolution No. 16-299	A Resolution for an Inter-local Agreement with the Borough of Park Ridge for the Bidding of Improvements Necessary to Create the Continuous Reservoir Walkway in the Borough of Woodcliff Lake

ADJOURNMENT

******Disclaimer******

Subject to Additions and/or Deletions

RESOLUTION AUTHORIZING PAYMENT OF PAYROLL & PAYMENT OF CLAIMS

RESOLUTION NO. 16-293
November 21, 2016

BE IT RESOLVED, that the following Payroll Disbursements made by the Treasurer since the last meeting are proper and hereby ratified and approved:

Payroll Released 11/15/2016 - $183,681.73

BE IT FURTHER RESOLVED that the following current claims against the Borough for materials and services have been considered and are proper and hereby are approved for payment:

Current Fund:	$ 1,214,007.58
Animal Control:	$ 1.51
Trust/Other:	$ 3.03
Police Private Duty	$ 18.50
Affordable Housing:	$ 5,087.07
State Unemployment:	$ 3,148.01
Capital:	$ 2,966.84

CERTIFICATION OF FUNDS

I, Harold Laufeld, Chief Financial Officer of the Borough of Woodcliff Lake, hereby duly certify that fund(s) are available for Payroll Disbursements and Payment of Claims.

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Harold Laufeld
Chief Financial Officer

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of November 21, 2016.

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DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

A RESOLUTION TO RENEW THE TRI-BOROUGH FUEL DEPOT AGREEMENT IN THE BOROUGH OF WOODCLIFF LAKE

RESOLUTION NO. 16-294
November 21, 2016

WHEREAS, the Boroughs of Park Ridge, Montvale and Woodcliff Lake wish to renew the 2006 Agreement for the Tri-Borough Fuel Depot, copy attached to the original of this Resolution, for a five year period of time commencing October 1, 2016; and

WHEREAS, in addition, the parties to this Agreement wish to add that their diesel fuel will be available to each other in the event of an emergency, with the appropriate municipality being charged for their consumption; and

WHEREAS, the Borough of Park Ridge agrees to make available its mobile fueling unit for emergency use for fire trucks which are at extended incidents, with the appropriate municipality charged for their consumption.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Woodcliff Lake that the Mayor is authorized and the Borough Clerk shall attest to an Inter-local agreement for the renewal of the Tri-Borough Fuel Depot Agreement, for a five year period commencing October 1, 2016.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Borough of Park Ridge and the Borough of Montvale.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of November 21, 2016.

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DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

RESOLUTION RESCINDING LIQUOR LICENSE FOR GOOD MARKET CORPORATION

Resolution No. 16-295
November 21, 2016

WHEREAS, the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen, State of New Jersey passed Resolution No. 16-224 approving the application for renewal of Plenary Retail Consumption License No. 0268-33-001-008, hereby issued to Good Market Corporation; and

WHEREAS, due to the fact that the aforesaid Plenary Retail Consumption License became inactive on or before June 30, 2013, the Mayor and Council do not have the authority to renew the inactive license for the 2016-2017 license term unless the licensee first obtain a Special Ruling from the Director of the New Jersey Division of Alcoholic Beverage Control.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake that Resolution 16-224 is hereby rescinded.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of November 21, 2016.

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DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

2016 Budget Transfers

Resolution No. 16-296
November 21, 2016

DEPARTMENT	ACCOUNT NUMBER	FROM	TO
Financial Administration - Salaries and Wages	6-01-20-130-010	2,000.00	
Tax Collection - Salaries and Wages	6-01-20-145-010		2,000.00
Streets and Roads - Salaries and Wages	6-01-26-290-010	7,000.00	
Buildings and Grounds - Salaries and Wages	6-01-26-310-010		7,000.00
Gasoline	6-01-31-460-020	4,000.00	
Parks and Recreation - Salaries and Wages	6-01-28-370-010		4,000.00
Streets and Roads - Salaries and Wages	6-01-26-290-010	5,000.00	
Sewer - Salaries and Wages	6-01-31-455-010		5,000.00
Social Security	6-01-36-472-000	6,000.00	
Public Employees Retirement System	6-01-36-471-000		6,000.00
TOTAL		24,000.00	24,000.00

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of November 21, 2016.

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DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

RESOLUTION AUTHORIZING RAFFLE LICENSE TO PARK RIDGE HIGH SCHOOL SOCCER BOOSTER CLUB

November 21, 2016
RESOLUTION NO. 16-297

WHEREAS, application has been made by Park Ridge High School Soccer Booster Club for a 50/50 Raffle to be held at the Woodcliff Lake Manor, 25 Prospect Avenue, Woodcliff Lake, New Jersey on November 22, 2016;

WHEREAS, said application has been submitted to the Woodcliff Lake Police Department for investigation and have been found to be in good order.

NOW, THEREFORE, BE IT RESOLVED that the application of Park Ridge High School Soccer Booster Club is hereby approved and the Borough Clerk is authorized to issue Raffle License RA16-04.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of November 21, 2016.

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DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

A RESOLUTION APPROVING OF AN AGREEMENT WITH SUEZ WATER OF NEW JERSEY FOR THE RESERVOIR WALKWAY IN THE BOROUGH OF WOODCLIFF LAKE

RESOLUTION NO. 16-298
November 21, 2016

WHEREAS, the Mayor and Council of the Borough of Woodcliff Lake have resolved to create a nature walkway to serve the residents of Woodcliff Lake; and

WHEREAS, portions of the walkway traverse property owned by Suez Water of New Jersey; and

WHEREAS, the Borough of Woodcliff Lake desires to enter into a license agreement with Suez Water of New Jersey to govern the usage and duties of the parties for said use of the necessary property. A copy of the license agreement is attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Woodcliff Lake that the Mayor is authorized and the Borough Clerk shall attest to the License agreement between the Borough of Woodcliff Lake and Suez Water Company of New Jersey.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of November 21, 2016.

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DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

A RESOLUTION FOR AN INTER-LOCAL AGREEMENT WITH THE BOROUGH OF PARK RIDGE FOR THE BIDDING OF IMPROVEMENTS NECESSARY TO CREATE THE CONTINUOUS RESERVOIR WALKWAY IN THE BOROUGH OF WOODCLIFF LAKE

RESOLUTION NO. 16-299
November 21, 2016

WHEREAS, the and Council of the Borough of Woodcliff Lake have resolved to enter into an inter-local agreement with the Borough of Park Ridge to pursue the creation of the continuous reservoir walkway; and

WHEREAS, both Boroughs desire to jointly go out to bid and contract for the improvements necessary to pursue the creation of the reservoir walkway; and

WHEREAS, the Borough of Woodcliff Lake shall be the lead agency during the bidding process; and

WHEREAS, pursuant to N.J.S.A. 40A:65-1, at seq. any municipality of the State of New Jersey may contract with any other municipality or municipalities for the shared provision within their several jurisdictions of any service that any party to the agreement is empowered to provide within its own jurisdiction.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Woodcliff Lake that the Mayor is authorized and the Borough Clerk shall attest to an Inter-local agreement with the Borough of Park Ridge for the bidding of improvements to facilitate the creation of the reservoir walkway; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Borough of Park Ridge.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of November 21, 2016.

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DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

BOROUGH OF WOODCLIFF LAKE
Bergen County, New Jersey

ORDINANCE NO. 16-17

AN ORDINANCE REVISING CHAPTER 349 OF THE BOROUGH CODE GOVERNING TOWING WITHIN THE BOROUGH

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WOODCLIFF LAKE, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

Hereto introduced on the 10th day of November, 2016 at 8:00 PM did pass on first reading and that said Ordinance be further considered for final passage at a meeting to be held on the 21st day of November, 2016 at 8:00 PM or as soon thereafter as the matter can be reached at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance, and that the Borough Clerk is hereby authorized and directed to publish said Ordinance according to law with a notice of introduction and passage on first reading and of the time and place when and where said Ordinance be further considered.

WHEREAS , the Mayor and Council of the Borough of Woodcliff Lake has recognized a need to revise Chapter 349 of the Borough code to revise the practice of vehicle towing and the resulting vehicle storage within the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen, State of New Jersey, as follows:

Section 1: That the chapter 349 entitled "Towing" is stuck in its entirety and replaced with the following and shall now read as:

Chapter 349: Towing and Storage of Vehicles.

§ 349-1 Purpose and scope.

A. N.J.S.A. 40:48-2.49 authorizes the Borough to regulate the business of removal and storage of motor vehicles and to set rates and charges for the same.
B. The Borough of Woodcliff Lake seeks to exercise the authority conferred by the aforementioned statute and adopts this chapter establishing minimum requirements for a towing contractor to provide services and/or vehicle removal and/or impoundment and/or storage of vehicles when determined necessary by the Borough of Woodcliff Lake Police Department.
C. The provisions of this chapter shall not apply to the towing of a motor vehicle from private property. Towing from private property is governed by regulations set forth in N.J.A.C. 13:45A-31.6 and pursuant to § 349-4.

§ 349-2 Definitions.

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

ABSORBENT — A granulated or powdered substance used to soak up fluids used in the operation of motor vehicles. A bag or container of absorbent will be defined as weighing 50 pounds.

ADMINISTRATIVE CHARGES — Charges for post-accident services, including but not limited to services such as physical inspection, telephone and/or fax calls, removal of personal items, additional paperwork and more than three trips to the motor vehicle in storage.

BASIC ENVIRONMENTAL CLEANUP — The cleanup and removal of small quantities of fluids used in the operation of a motor vehicle which leak onto the ground.

BASIC TOW — Arriving at the site from which a motor vehicle will be towed, hooking a motor vehicle to, or unloading a motor vehicle onto a tow truck, transporting a motor vehicle to a storage facility, unhooking or unloading a motor vehicle from a tow truck and situating the motor vehicle in the space in which it will be stored.

BASIC TOWING SERVICE — The towing of a vehicle or the removal and transportation of a vehicle from a highway, street or other public or private property.

CHIEF OF POLICE — The highest ranking sworn officer within the Borough of Woodcliff Lake Police Department.

CONSENSUAL TOWING — The towing of a motor vehicle, when the owner or operator of the motor vehicle has consented to have the towing operator tow the motor vehicle.

CRUISING — The operation of a tow truck within the Borough of Woodcliff Lake to solicit vehicle towing, emergency road service and/or other related towing services unless in response to a police request.

DECOUPLING — Releasing a motor vehicle to its owner or operator when the motor vehicle has been, or is about to be, hooked to or lifted by a tow truck, but prior to the motor vehicle actually having been moved or removed from the property.

DISABLED VEHICLE — A motor vehicle which has been abandoned or rendered inoperable by mechanical failure or accident. Any motor vehicle, operable or inoperable, which constitutes a hazard to the motoring public by its location shall be deemed disabled for the purposes of this chapter.

EMERGENCY ROAD REPAIR SERVICE — Repairs which may be performed at the location of a disabled vehicle, including, but not limited to, flat tire changing, jump-starting, gasoline deliveries, etc.

EXAMINATION AREA — An unobstructed, flat, forty-foot-by-twenty-five-foot area where a vehicle can be placed when needed for inspection by the police.

HEAVY-DUTY WRECKER — A tow truck with dual rear wheels and air brakes capable of towing and wheel lifting large vehicles damage-free and which meets the following minimum requirements:

A. Gross vehicle weight (GVW): 35,000 pounds minimum.
B. Gross vehicle weight rating (GVWR): 80,000 pounds.
C. Boom and winch rating: 50,000 pounds minimum or 25 TON rating.
D. Cable size: 5/8 inch.
E. Cable length: 200 feet.
F. Under-reaches rating: 80,000 pounds.
G. Wheel lift extended rating: 12,000 pounds.

IMPOUNDMENT — The storage of a motor vehicle upon the order of the Police Department at either the towing operator's storage area or at a Borough facility as a result of abandonment, involvement in an accident, suspected criminal activity and/or any violation of Title 39 of the New Jersey Statutes or municipal ordinances.

LICENSED WRECKER/TOW TRUCK — Any wrecker/tow vehicle licensed pursuant to the provisions of this chapter.

LICENSEE — Any person, firm, partnership, association, corporation, company or organization of any kind that has been issued a license by the Borough, pursuant to this chapter, to provide wrecker/towing services to the Borough.

LIGHT-DUTY WRECKER — A tow truck with dual rear wheels capable of towing or wheel lifting vehicles which meets the following minimum standards:

A. GVW: 14,000 pounds.
B. Boom rating: 8,000 pounds.
C. Winch rating: 8,000 pounds.
D. Cable size: 3/8 inch.
E. Cable length: 100 feet.
F. Wheel lift retracted rating: 6,000 pounds.
G. Extended rating: 3,000 pounds.

LOADED MILE — Distance in miles that a tow vehicle travels while towing a vehicle.

MEDIUM-DUTY FLATBED — A vehicle carrier equipped with a wheel lift and roll back/tilt bed with dual wheels capable of removing and transporting small trucks, full-size vans or large passenger cars damage-free and which meets the following minimum requirements:

A. GVW: 18,000 pounds.
B. Winch rating: 8,000 pounds.
C. Cable size: 3/8 inch.
D. Bed length: 17 feet.
E. Bed width: seven feet (inside side rails).
F. Wheel lift retracted rating: 6,000 pounds.
G. Wheel lift extended: 3,000 pounds.

MEDIUM-DUTY WRECKER — A tow truck with dual rear wheels capable of towing and wheel lifting small trucks damage-free and which meets the following minimum requirements:

A. GVW: 18,000 pounds.
B. Boom rating: 16,000 pounds.
C. Winch rating: 16,000 pounds.
D. Cable size: 3/8 inch.
E. Cable length: 200 feet.
F. Wheel lift retracted rating: 6,000 pounds.
G. Extended rating: 3,000 pounds.

MOTOR VEHICLE — All vehicles propelled other than by muscular power, excepting such vehicles as run only upon rails and tracks and motorized bicycles, motorized scooters, motorized wheelchairs, and motorized skateboards.

NONCONSENSUAL TOWING – The towing of a motor vehicle without the consent of the owner or operator of the vehicle. Nonconsensual towing includes towing of a motor vehicle when law enforcement orders the motor vehicle to be towed, whether or not the owner or operator consents.

ORDINARY CARE — That care which is normally used to protect a motor vehicle from further damage, including but not limited to the use of tarps for environmental protection and security protection for storage areas.

OUTSIDE SECURED STORAGE FACILITY — Any motor vehicle storage facility that is not located within an enclosed structure and that conforms to the following minimum standards:

A. The entire land area shall be enclosed by a fence of sturdy construction, a wall or other manmade barrier that is at least seven feet in height, with a minimum of one lockable gate for ingress and egress, in accordance with local zoning regulations.
B. All entry points shall have a locking device.
C. The area shall have adequate lighting to protect stored vehicles from vandalism.
D. The towing operator shall submit proof that he owns or leases an area, for the storage of a minimum of 50 vehicles, within a fifteen (15) minute response time to any call for towing or service within the Borough of Woodcliff Lake. Said proof shall include the deed or deeds to the property or the leases to the same. The towing operator shall submit proof of local zoning compliance for use of the storage facility.

OWNER — A person, firm, corporation or partnership who owns and/or operates a motor vehicle on the roads and highways within the Borough of Woodcliff Lake.

PERSON — Any natural person, firm, partnership, association, corporation, company or organization of any kind.

POLICE — The Borough of Woodcliff Lake Police Department.

PRINCIPAL LOCATION — The licensed place of business of the towing operator. The towing operator shall maintain a place of business where trucks, in response to police requests, are normally kept. The impound area shall be located adjacent to, or be part of, the principal location and shall comply with the local zoning ordinances. The principal location must be open to the public, between 8:00 a.m. and 6:00 p.m. at least five days per week and the principal location shall contain a clean, comfortable waiting area with toilet facilities.

PRIVATE PROPERTY TOWING — The nonconsensual towing from private property or from a storage facility of a person's motor vehicle that is parked illegally, parked during a time at which such parking is not permitted, or otherwise park without authorization or immobilization of, or preparation for moving or removing of such motor vehicle to which a service charge is made, either directly or indirectly.

RECOVERY — The procedure in which the tow operator applies his knowledge in a skillful manner to preserve the condition of the motor vehicle while moving the vehicle to a towable position; can be achieved by several actions that may include but are not limited to winching and rigging.

ROADWAY CLEANUP — The sweeping and removal of all debris left on the roadway as a result of an accident or incident.

ROTATING LIST — The list of towers prepared by the Chief of Police from which, each week, the on-duty tower for the week is designated.

SITE CLEANUP — The use of absorbents to soak up any liquids from a motor vehicle at the site from which the motor vehicle will be towed and sweeping and removal of all debris left on the roadway as a result of an accident or incident.

STORAGE DAY — Any twenty-four-hour day or any portion thereof, with a new day beginning at 12:00 midnight.
STORAGE SERVICES — The storage and/or holding of vehicles indoors or outdoors by a licensee under the authority of this chapter.
TARPING — Covering a motor vehicle to prevent weather damage.
TOWING OPERATOR — A person, firm, corporation or partnership engaged in the business of providing towing, road service and storage services for motor vehicles.
UNCLAIMED VEHICLE — Any vehicle towed by a licensed tower pursuant to this chapter that is left unclaimed for a period in excess of seven calendar days.
UNLOADED MILE — Distance in miles traveled by a tow vehicle to a disabled vehicle or the distance in miles traveled by a tow vehicle after dropping off a vehicle out of town at the customer's request.
VEHICLE — Every device in or upon or by which a person or property is or may be transported upon a highway, except devices moved by human power.
WAITING TIME — Additional time that a tow operator spends at the scene, other than the time required for the actual tow and/or recovery. Examples of waiting time may include but are not limited to emergency medical services (EMS) which must be performed and/or police investigations.
WINCHING — The process of moving a motor vehicle, by the use of chains, nylon slings or additional links of winch cable, from a position that is not accessible for direct hookup for towing a motor vehicle. Winching also includes recovering a motor vehicle that is not on the road, and righting a motor vehicle that is on its side or upside down, but does not include pulling a vehicle onto a flat bed tow truck.
WINDOW WRAP — Any material used to cover motor vehicle windows that have been damaged.
WRECKER/TOW TRUCK A vehicle driven by mechanical power and employed for the purpose of towing, transporting, conveying, recovering or removing any and all kinds of motor vehicles which are unable to be and actually are not operated under their own power from the place where they are disabled to some other place, or any vehicle(s) which the Police Department has ordered to be impounded. A tow vehicle must be manufactured by a tow-truck manufacturer that is nationally recognized by the towing industry.
YARD CHARGE — A charge for a motor vehicle, towed into the storage facility of the licensed tower that is inoperable and must be towed from the licensed tower's storage facility to a public street for towing by a secondary tower.

§ 349-3 Licensing required.

A. Towing operators meeting the qualifications set forth below shall submit an application, in writing, to the Borough Clerk to be considered for placement on a rotating list of towing operators. There shall be a minimum of two (2) towers on the list per calendar year.
B. All applicants for a towing license, in order for the application to be deemed complete, must provide the following:
    (1) The complete legal business name, business address, principal location address and Department of Transportation (DOT) number.

(2) The complete home address, home telephone number, date of birth and social security number of the applicant, if a sole proprietorship, or the complete home addresses, home telephone numbers, dates of birth and social security numbers of the principal officers and partners if the licensee is a corporation or partnership.

(3) Photocopies of all registrations of every tow vehicle to be operated by the applicant. If the tow vehicle is leased, the applicant is required to submit a copy of the lease agreement.

(4) The names, addresses and telephone numbers of any persons possessing any liens and/or encumbrances on the principal location.

(5) The name, address and telephone number of the applicant's insurance carrier and photocopies of each certificate of insurance issued by the carrier.

(6) Photocopies of all towing vehicle operators' current driver's licenses, along with their social security numbers.

(7) Photocopies of criminal and civil background searches for all towing vehicle operators'.

(8) Evidence demonstrating that the applicant has at least five years of personal experience in the field of towing and storing of vehicles.

(9) Proof that the applicant has a principal location within a fifteen (15) minute response time to any call for towing or service within the Borough of Woodcliff Lake.

(10) Proof that the applicant's principal location meets all zoning requirements applicable to the jurisdiction in which it is located.

(11) Proof that the applicant can guarantee a fifteen (15) minute response time on all calls with the exception of delays caused by unexpected traffic or unusual conditions.

(12) The applicant shall provide an affidavit that the information given in the application is true and correct.

(13) The applicant shall provide an agreement that, upon issuance of a license, the licensee shall indemnify and hold harmless the Borough of Woodcliff Lake, its agents, servants and/or employees from and against all claims of a third party relating to the towing and/or storage service of the licensee.

(14) Applications will be processed according to the order in which they were filed with the Borough Clerk.

§ 349-4 Exceptions.

A. Owner required service. No license shall be required for the on-site repair and/or towing or storage of any vehicle when the request is received by the towing operator from the owner prior to a police request or if the owner or operator of a vehicle requests the police contact a tow company of his choice.

B. Towing from private property. No license shall be required by the police to tow any vehicle from private property without the consent of the owner except on the express instruction of the police in the event of an emergency.

§ 349-5 Application fee.

All initial applications shall be accompanied by a nonrefundable fee of $500 payable to the Borough of Woodcliff Lake. A renewal application shall be accompanied by a nonrefundable application fee of $250 payable to the Borough of Woodcliff Lake. The application fees are in addition to any fee for criminal background checks required in in this chapter as well as any other fees required by this chapter. Said fees are in addition to the license fees as set forth in this chapter.

§ 349-6 Investigation and inspection by police.

A. Applications received by the Borough Clerk shall be referred to the Chief of Police within five business days of receipt. The Chief of Police or his designee shall initiate an investigation to be made of the applicant and of its proposed business operation and shall perform inspections of the vehicles to be licensed.
B. As part of the Chief of Police's investigation of the license application, criminal and civil background checks on all persons listed in the application will be reviewed.
C. The licensee and all employees must be trustworthy in that the licensee must safeguard vehicles and personal property belonging to others as well as secure and protect evidence when a vehicle is impounded by the police due to an accident investigation or criminal activity. Therefore, to protect the public interest, the Borough may disqualify any applicant wherein an employee, owner, principal, agent and/or officer has been convicted of a crime involving moral turpitude or excessive moving violations or a substantial violation under this chapter.
D. The Chief of Police shall, within fourteen (14) days after the receipt of the completed application, complete the investigation and inspection and submit a written report to the Borough Clerk. The report shall include recommendations that the applicant be accepted or denied.
E. The licensee shall notify the Borough Clerk in writing of any criminal charges, motor vehicle offenses or ordinance violations that are issued against the licensee or its employees during the term of the license. Failure to make the proper notification to the Borough Clerk may result in the revocation of the license.
F. If a towing company charges a consumer a fee for a private property or other nonconsensual towing service that is disputed by the consumer, the parties shall make a good faith effort to resolve the dispute with the Police Department. If the parties are unable to resolve the dispute, the complaint may be forwarded to the Director of the New Jersey Division of Consumer Affairs, who shall make a determination as to whether or not the fee is unreasonable under N.J.A.C. 13:45A-31.5. The Director may order the towing company to reimburse the consumer for an amount equal to the difference between the charged fee and a reasonable fee, plus interest.

§ 349-7 Issuance of licenses; fees; term of license.

A. Upon written notification by the Chief of Police to the Borough Clerk that an application has been reviewed and the Police investigation has been completed, the Borough Council shall at a public meeting, consider the issuance of a license.
B. In addition to the application or renewal application fees set forth in this chapter the yearly license fee shall be $100, payable to the Borough of Woodcliff Lake.

C. Upon approval by the Borough Council, the Borough Clerk of the Borough of Woodcliff Lake shall issue a license to the licensee pursuant to this chapter, as well as individual stickers for each wrecker that has been inspected and approved by the Chief of Police to be operated during the term of the license.
D. All towing licenses will be issued for a period of one year beginning January 1 of each year and expiring on December 31, except that the initial license issued after the effective date of this chapter shall be for the period commencing on April 1, 2015, and expiring on December 31, 2015. Applications for license and license renewal are to be completed and returned to the Borough Clerk by October 1 of each year for a license for the following calendar year. Licenses or renewals filed after October 1 will not be accepted for the following calendar year.
E. Licenses are the property of the Borough of Woodcliff Lake and may not under any circumstances be assigned, leased, shared, transferred or sold to another person, corporation or proprietorship.
F. Upon the issuance of the license, the licensee may during the term of the license advertise and place on his equipment that the licensee is an authorized police tower for the Borough of Woodcliff Lake.
G. The licensee shall pay an administrative fee of $50 for each tow truck that the licensee adds to his fleet during the year that provides service under this chapter. The licensee shall also pay a fee of $35 for each wrecker driver he adds during the year that provides service under this chapter.

§ 349-8 Rotating list; cruising prohibited.

A. The towing operator must be able to provide, 24 hours a day, seven days a week, towing services for the Borough, on a rotating basis, at the direction of the Chief of Police or his designee.
B. The Chief of Police or his designee shall assign call-out weeks from the rotating list. A tower that wishes to change his assigned week due to vacation or conflict may do so with the approval of the Chief of Police or his designee.
C. The Chief of Police or his designee shall prepare two lists:
   (1) Light-duty/medium-duty towing and recovery.
   (2) Heavy-duty towing and heavy recovery.
D. The on-duty tower shall be called for the removal and storage of the disabled vehicle. In the event that the on-duty tower is unable to respond to calls or to respond in a timely manner due to unusual conditions, the next tower on the rotating list shall be called.
E. Cruising by a towing company's vehicles is not permitted.

§ 349-9 Enforcement; Revocation of license.

A. Enforcement.
   (1) All complaints received by the Borough regarding a towing operator's performance under the provisions of this chapter shall be investigated by the Chief of Police or his designee and resolved to the satisfaction of all parties. In the event that the complaint cannot be resolved to the mutual satisfaction of the parties, the matter shall be submitted to the Business Administrator or his

designee. The decision of the Business Administrator or his designee shall be final.

(2) The towing operator shall at all times comply with this chapter, or the Borough shall remove the towing operator from the rotating list after written notification from the Police Department and an opportunity for a hearing conducted by the Business Administrator.

(3) The Chief of Police is hereby designated to enforce the provisions of this chapter in accordance with due process of law.

(4) The Chief of Police shall investigate and keep, and maintain for a period of five years, a record of all complaints that are received regarding the provisions set forth in this chapter.

B. Revocation of license.

(1) The Chief of Police shall have the right to suspend any license issued under this chapter upon the determination that there have been two violations of the licensed towing company guidelines and regulations.

(2) The Chief of Police shall be the sole administrator of this list, and any violations or complaints concerning any licensed tow truck company shall be addressed to the Chief of Police.

(3) Any license suspended shall cause the company to be removed from the list for one year from the date of the suspension. The licensed tow company which has been suspended may reapply to be on the rotating list on January 1 of the year after the suspension has been lifted.

(4) The Chief of Police has the authority to suspend any license at any time for criminal activity, Title 39 violations or any violation(s) of this chapter. When a license is suspended, the Chief of Police shall forward a full report to the Mayor and Council within 15 business days after said suspension. If the licensee objects to the determination of the Chief of Police, the licensee may request a hearing before the Council. The licensee must notify the Borough Clerk in writing of a request for a hearing within 20 days of the suspension notice issued by the Chief of Police. The Council, at the conclusion of the hearing, may affirm or reverse the decision of the Chief of Police.

(5) The Chief of Police may inspect any or all licensed wreckers at any time. If at any time the Chief of Police finds the equipment inadequate or unsafe, the Chief of Police may demand immediate correction and suspend the wrecker license until such time as the violation is corrected. Once a wrecker license is suspended, all identifiers listing the wrecker as a Borough of Woodcliff Lake police wrecker shall be removed from the wrecker by the licensee.

§ 349-10 Equipment requirements.

A. The equipment to be used by the towing operator shall meet the following requirements:

(1) All equipment must be of the type, condition and design to efficiently perform the work required by the Borough of Woodcliff Lake.

(2) A licensee, when filing an application and at all times while holding a license under this chapter, shall own or lease for use in performing the services required by the license the following pieces of equipment

(a) Regular wrecker service: a minimum of two (2) trucks (two flatbed tow trucks and one wrecker).

(b) Heavy-duty wrecker service: a minimum of one heavy-duty wrecker. It shall not be a requirement that each operator maintain a heavy-duty wrecker. Only those operators that maintain a heavy-duty wrecker in addition to the regular wrecker service equipment shall be placed on the heavy-duty wrecker call-out list.

B. The following safety equipment shall be carried on all towing trucks:

(1) Chains and tie-downs to secure vehicles.

(2) A snatch block.

(3) An auxiliary safety light kit to be placed on the rear of a towed vehicle that does not have functioning taillight flashers.

(4) Rotating amber emergency lights mounted on top of truck. (A state-issued permit is required and must be in the truck.)

(5) Two white work lights facing from the rear of the truck.

(6) One shovel and broom.

(7) Fifty pounds of absorbent.

(8) Jumper cables or a jump box.

(9) A steering wheel tie down.

(10) A toolbox with assorted hand tools normally used to conduct emergency roadwork and towing.

(11) Two reflectorized traffic safety vests.

(12) One five-pound A-B-C-rated dry powder fire extinguisher.

(13) One flashlight.

C. A reflectorized traffic safety vest shall be properly worn as the outside garment by all employees performing work while on a roadway, 24 hours a day.

D. The towing operator shall provide all trucks with a shovel, broom and other equipment necessary to clean up broken glass and debris from the scene of any accident to which they are summoned. The towing operator shall be responsible for the subsequent cleanup. Each truck shall have a minimum of 50 pounds of absorbent for oil and/or any other liquid, except gasoline, that might be spilled onto a roadway as a result of an accident. If gasoline is spilled as a result of any accident, it shall be the responsibility of the Police Department to notify the Fire Department for immediate removal. Absorbed liquids, other than gasoline, shall be removed from the roadway by the tower, placed in plastic bags and then placed in the towed vehicle by the towing operator and shall be disposed of by the owner of said vehicle. The towing operator may charge a fee as set forth in § 349-112E(3).

E. All trucks used by the towing operator shall be kept in a clean, good-working condition. The towing operator shall have displayed on all of his trucks in such a manner and of such lettering as conforms to the provisions of N.J.S.A. 39:4-46.

F. Each towing operator shall furnish the following information with respect to the aforementioned trucks: the make, model, year and registration number of each truck and the DOT number. A photocopy of each registration and insurance card shall also be included. For leased trucks, the towing operator shall be required to furnish a copy of each lease. Only trucks listed shall be used by the towing operator.

§ 349-11 Storage facility requirements

The towing operator shall have a storage facility that meets the following requirements:

A. The outside storage facility used for storage of vehicles shall be paved or stoned.
B. The outside storage facility shall provide a minimum of 3,000 square feet of storage space.
C. All storage facilities shall be located within five (5) miles of the Borough of Woodcliff Lake Municipal Building located at 350 Hudson Avenue, Borough of Woodcliff Lake, NJ.
D. Signs which readily identify the storage facility and which comply with all applicable laws and local zoning regulations shall be installed.
E. No towed vehicle shall be parked upon a public or private street or sidewalk. Said vehicle shall be stored by the towing operator within the licensed storage area so provided.
F. The entire outside storage area shall be enclosed by a fence or sturdy construction, a wall or other manmade barrier that is at least seven feet high which may include one foot of barbed wire, with at least one lockable gate for ingress and egress, in accordance with local zoning regulations.
G. The impound area shall be properly lighted from dusk to dawn and must be properly safeguarded from vandalism and/or theft.
H. The Borough of Woodcliff Lake Police Department shall be granted access to any part of the impound area at any time, day or night, for the purpose of inspection and/or investigation. This shall include indoor and outdoor areas.
I. There shall be no unescorted access to the aforementioned impound area by the public. Said area shall be posted in accordance with Borough of Woodcliff Lake Police Department regulations.
J. A small storage area shall be set aside for vehicles that may be involved in a police incident. In addition, an indoor secured area shall be provided for at least one vehicle, when requested by the police. These vehicles may contain, or are themselves, evidence needed for potential criminal or civil cases. These vehicles shall not be removed from the safe and secure inside storage area until written permission is obtained from the Borough of Woodcliff Lake Police Department.
K. The towing operator shall conspicuously post at his place of business the fee schedule for storage and towing of vehicles. Reference to this Chapter shall be posted on the fee schedule.
L. There shall be no piling of vehicles.
M. The storage area shall be located adjacent to, or be part of, said licensed principal location and shall comply with the local zoning ordinances. Use of satellite storage facilities by the towing operator is prohibited.
N. All wreckers owned or leased by the towing operator shall be stored at the principal location as listed on the Application.
O. The towing operator shall provide reasonable accommodations for after-hours release of stored motor vehicle and shall not charge a release fee or other charge for the release of motor vehicle to their owners during their normal business hours or on weekends.

§ 349-12 Towing operator personnel

The employees of the towing operator shall meet the following requirements:

A. An employee of the towing operator shall under no circumstances be deemed an agent, servant and/or employee of the Borough or represent to the public that he/she is an employee of the Borough of Woodcliff Lake.

B. No person shall be employed by the towing operator unless he/she has obtained a Background Investigation and has been approved by the Borough of Woodcliff Lake Police Department. Any towing operator with a record of a felony criminal conviction shall not be qualified to receive a license. Any of its employees with a felony conviction may not perform any services under this Ordinance.

C. The towing operator and his employees are prohibited from collecting or attempting to collect a fee, commission, pay or charge other than as provided for in this chapter.

D. The name of the individual tow truck employee shall be listed on the towing ticket/receipt.

E. The towing operator shall provide sufficient number of employees to maintain the requirements of this Ordinance.

F. The towing operator shall provide the Borough of Woodcliff Lake with a list of said personnel and copies of each operator's commercial driver license (CDL) and social security number. All new employees shall be registered with the Borough of Woodcliff Lake prior to performing any services under this contract. Information on employees shall be updated every six (6) months in order to keep current with changes in personnel.

G. No towing operator shall employ, directly or indirectly, any employee of the Borough of Woodcliff Lake Police Department.

H. No cruising by personnel shall be permitted.

I. The licensee shall be responsible for basic environmental cleanup and may charge the owner of the vehicle involved in the actual spill a fee as outlined in § 349-112E(2).

J. The licensee shall be responsible for roadway cleanup, which shall include but not be limited to removing broken glass and debris at the scene of an accident, as per N.J.S.A. 39:4-56.8b, and may charge the owner of the vehicle that created the debris a fee as outlined in § 349-112.E(3).

K. The police officer at the scene of an accident or disabled vehicle shall be in complete charge and shall be responsible to guarantee that the scene is properly cleared and safe for traffic to resume safely.

L. The towing operators and all employees must be trustworthy and the towing operator must safeguard vehicles and personal property belonging to others, as well as secure and protect evidence when a vehicle is impounded by the police, due to an accident investigation or criminal activity.

M. The towing operators shall notify the Borough Clerk in writing of any criminal charges, motor vehicle offense or ordinance violations that are issued against the towing operators or its employees.

§ 349-13 Records and inspections.

A. The towing operator shall maintain records of all vehicles towed, stored and released by it. Records shall be kept for a three-year period. These records shall include the name of the responding police officer, name of towing employee, the date and time

of tow-in, destination towed, vehicle tag number and state, vehicle identification number, make, model, color and year of vehicle, itemized charges to the owner of the vehicle and the disposition of the vehicle and date thereof.

B. The towing operator shall maintain a record of all property found anywhere in the towed vehicle, including the trunk and glove compartment when open and where a key is available.

C. The Borough of Woodcliff Lake shall, upon request have access to any and all of these records.

D. The licensee shall notify the Borough of Woodcliff Lake Police Department, in writing, of any vehicle that is left unclaimed for a period in excess of seven calendar days.

E. The licensee shall prepare and issue to the owner/operator a written itemized invoice for all services rendered under this chapter. The invoice shall reflect the date, time, location and the employee that performed the service and that the service performed was at the request of the Borough of Woodcliff Lake Police Department. A copy of the invoice shall be retained by the licensee and filed in a manner that coincides with the licensee's current filing methods that will allow immediate access to such record when requested by the Borough of Woodcliff Lake Police Department.

F. The licensee shall incur the cost of preparing a payment rate circular for fees listed under this chapter and shall distribute this rate circular at the time of tow to all customers, at no cost, which also includes directions to the storage location, business hours, phone numbers, major credit cards accepted and other methods of payment accepted.

§ 349-14 Education of drivers.

A. Tow-truck drivers shall have and maintain a valid driver's license for the tow vehicle that they operate. Drivers that operate heavy duty wreckers shall have the following endorsements on their commercial driver's license:
   (1) Hazardous materials endorsement.
   (2) Double- and triple-trailer endorsement.

B. Within two years of the effective date of this chapter, all tow-truck drivers that operate tow vehicles must obtain the Towing and Recovery Association of America (TRAA) National Driver Certification Level 1 or other nationally recognized certification. Drivers that operate the heavy-duty tow truck must obtain the Level 2 certification.

C. New employees shall have one year from their date of hire to obtain the TRAA Level 1 certification or other nationally recognized certification. During the initial year of employment, they may perform services as listed under the provisions of this chapter, provided that the licensee documents that he has trained the employee in the proper use of the equipment he will operate.

D. To perform any recovery operation, the licensee must have at least one employee certified as a TRAA Level 3 or other nationally recognized certification.

§ 349-15 Compensation.

A. The Borough and its Chief shall not be liable to a licensee with respect to service rendered to any owner pursuant to the license or otherwise. The licensee shall look

only to the owner of such vehicle for payment of service charges or any other compensation.

§ 349-16 Insurance requirements.

A. The towing operator shall provide and maintain the following types of insurance coverage to be obtained from insurance companies licensed to do business in the State of New Jersey and shall provide the Borough with certificates of insurance evidencing proof of the following required coverage:
   (1) Automobile liability in an amount not less than $1,000,000 for bodily injury per person, $3,000,000 for bodily injury per accident and $500,000 for property damage per accident.
   (2) Workers' compensation as required by statute.
   (3) Garagekeeper's liability in an amount not less than $500,000 per claimant and $1,000,000 for more than one claimant.
   (4) Garage liability in an amount not less than $2,000,000 combined single limit.
   (5) Comprehensive general liability in an amount not less than $2,000,000
B. Policies shall be endorsed to provide collision coverage for vehicles in tow.
C. On all policies except workers' compensation, the Borough shall be named as an additional insured & as the Certificate Holder.
D. All policies must contain a provision requiring notification to the Borough of any policy cancellation or revision at least 30 days prior to either cancellation or revision.
E. The towing operator shall provide an excess or umbrella liability insurance policy in the amount of $2,000,000.

§ 349-17 Indemnification.

A. The application of a towing operator for a license pursuant to this chapter shall include an agreement by the towing operator that upon the issuance of a license, the licensee shall indemnify the Borough against all claims of third parties relating to towing services provided by the licensee.

§ 349-18 Rules and regulations.

The Chief of Police may issue rules and regulations from time to time on the operation of the towing services and storage facilities to implement but not exceed the purposes of this chapter.

§ 349-19 Fees; methods of payment; heavy-duty vehicle recovery.

A. The following is the fee schedule for basic automobile, motorcycles, motorized bikes, towing services and heavy-duty vehicle recovery:
   (1) Basic towing service (two-axle vehicle) under 8,000 pounds.
      (a) Rate: $100.
      (b) Additional axles: $35 each.
   (2) Basic towing service (two-axle vehicle) over 8,001 pounds to 16,000 pounds.
      (a) Rate: $295.
      (b) Additional axles: $35 each.
   (3) Basic flatbed rate: $110.

(a) The basic flatbed rate applies to vehicles that cannot be towed by another means.
(b) Flatbed towing of a vehicle with wheel lift does not qualify for the flatbed rate.

(4) Motorcycles and motorized bikes. Rate: $100.

(5) Heavy-duty towing (over 16,001 pounds).
(a) Rate: $325 per hour (one-hour minimum), billed in thirty (30) minute increments.
(b) Shaft removal: $45.
(c) Brake release: $45.
(d) No mileage fee from the point of tow to the licensee's storage yard.

(6) Air cushion device in heavy-duty vehicle recovery.
(a) Rate: $550 per hour.

B. The following is the fee schedule for storage services for all types of vehicles:
(1) Inside building, storage facility capacity:
(a) Under 10,000 pounds: $45 per day.
(b) Each additional axle: $20 per day.

(2) Outside secured, storage facility capacity:
(a) Under 10,000 pounds: $35 per day.
(b) Additional axle: $20 each per day.
(c) Over 10,000 pounds: $75 per day.
(d) Over 10,000 pounds, tandem axle: $100 per day.
(e) Tractor-trailer combination: $140 per day.

C. Emergency road service: $60.
(1) Emergency road service: jump start, bringing up to two gallons of fuel, tire change.
(2) If a tow results, there will be no charge for road service, except cost of emergency gas if placed into the vehicle's tank.

D. Rates for vehicle recovery and/or winching:
(1) Wreckers and personnel.
(a) Medium-duty wrecker: $150 per hour, to be charged in thirty (30) minute increments with a one-half-hour minimum.
(b) Heavy-duty wrecker: $300 per hour to be charged in thirty (30) minute increments with a one-hour minimum.
(c) Additional manpower: $60 per hour per man.
(d) Level 3 Recovery Supervisor: $90 per hour.

(2) Licensees may, however, charge additional fees for extraordinary recovery and/or winching. All services must be itemized on the statement for services.

E. Additional services that may be required:
(1) Axle pull/drive shaft/transmission disconnect: $40 flat rate.
(2) Hookup air: $25 flat rate.
(3) Roadway cleanup: $50 per hour, to be charged in thirty (30) minute increments with a one-half- hour minimum.
(a) When basic environmental cleanup is required, a charge of $25 for each fifty-pound bag of absorbent and plastic bags for removal may be charged.

(b) Cleanup services, including time and absorbent, must be itemized on the statement.

(4) Administrative charges:

(a) Maximum of $25.

(b) Services must be itemized on the statement.

(5) No yard charge may be billed.

(6) Waiting time: $40 per hour, in excess of fifteen (15) minutes, which shall be calculated based upon each fifteen (15) minutes spent at the site from which a motor vehicle will be towed, with fewer than fifteen (15) minutes, rounded up to fifteen (15).

(7) The use of window wrap or tarping is $25.

(8) The licensee shall prepare an itemized billing invoice for all services rendered.

F. A towing company that engages in private property towing or other nonconsensual towing shall calculate storage fees based upon full 24-hour periods a motor vehicle is in the storage facility. For example, if a motor vehicle is towed to a storage facility at 7:00 p.m. on one day and the owner of the motor vehicle picks up the motor vehicle before 7:00 p.m. the next day, the towing company shall charge the owner of the motor vehicle only for one day of storage. If a motor vehicle is stored for more than 24 hours, but less than 48 hours, the towing company may charge for two days of storage.

G. Customers must be able to use cash, insurance company check, debit card, charge card or credit card to pay for services. The Borough will not be held liable for, or assist the towing operator in the collection of any unpaid fees that are incurred for performing towing or storage services.

H. The rates on the "Borough of Woodcliff Lake Towing and Storage Rate Schedule" represent the maximum rates permitted under this chapter. It shall be unlawful for any licensee to charge a rate in excess of the rates prescribed or for any service not specifically covered in this chapter.

I. Mileage rates. There shall be no mileage charge, for any vehicle towed under this chapter, to respond to the service call or from the point of service back to the licensee's principal location. If the owner or operator designates the vehicle to be towed to another location other than the licensee's principal location, then the licensee may charge for loaded mileage outside the boundaries of the Borough of Woodcliff Lake. Mileage charges per mile outside of Woodcliff Lake shall be $4 per mile or part thereof.

J. Heavy vehicle recovery (over 16,000 pounds).

(1) To perform heavy vehicle recovery, the Borough requires that the licensee have on-scene a recovery supervisor with a Level 3 certification from the Towing and Recovery Association of America (TRAA) or other nationally recognized certification.

(2) To perform heavy vehicle recovery under this chapter, the licensee must:

(a) Visually document the recovery scene through photos or videotape.

(b) Prepare a written report of all procedures employed, actions taken, equipment used and manpower requirements to complete the recovery process in the safest manner and provide a copy to the vehicle owner with the statement for services.

(c) Prepare an itemized billing invoice for all services rendered.

(3) If the licensee finds it necessary, due to the nature of the recovery, to contract additional recovery services to supplement its equipment and manpower recovery, the contracted service providers must work under the supervision of the licensee. The licensee may not subcontract the entire recovery. In the event that the heavy-duty wrecker operator is unable to handle the recovery, then the next heavy-duty wrecker on the rotating list shall be called.

§ 349-20 Violations and penalties.

A. Any person or towing operator who violates the provisions of this chapter shall, upon conviction, be fined as follows:

(1) First offense: not less than $100 nor more than $500.

(2) Second offense within a one-year period: not less than $500 nor more than $1,000.

(3) Third offense within a one-year period: not less than $1,000 and a one-year license suspension.

B. In addition to any penalties that may be imposed by the Municipal Court, the Borough Council may, after conducting a hearing regarding the violation(s), terminate the license issued pursuant to this chapter for repeated violations of this chapter. "

Section 2: The terms of this ordinance shall not be deemed and are not intended to impair the provisions and enforcement of any other chapter of this Code, which shall remain in full force and effect.

Section 3: The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 4. All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section 5: This ordinance shall take effect upon passage and publication according to law.

Date: November 10, 2016
Attest: Deborah A. Dakin
Borough Clerk