

**BOROUGH OF LINCOLN PARK
MORRIS COUNTY, NEW JERSEY
BOROUGH TOWING SERVICE
APPLICATION FORM**

Borough of Lincoln Park
34 Chapel Hill Rd.
Lincoln Park, New Jersey 07035

In accordance with your Notice to Wrecker Service and Storage Applicants, we do hereby request to be added to the rotation list of towing contractors servicing the Borough of Lincoln Park:

Applicant: _____

Business Address: _____

Phone #: _____ Submitted by: _____

Date: _____

ITEM #1a. Officers/Address/Title/Telephone:

1. _____
2. _____
3. _____
4. _____
5. _____

ITEM #1b. Stockholders Names/Addresses:

If more space is required, attach separate sheet.

ITEM #2.

List each unit by Make, Type, Model, Serial Number, Registration and name of registered owner:

1. Make: _____	2. Make: _____
Type: _____	Type: _____
Model: _____	Model: _____
VIN: _____	VIN: _____
Reg.: _____	Reg.: _____
Owner: _____	Owner: _____
3. Make: _____	4. Make: _____
Type: _____	Type: _____
Model: _____	Model: _____
VIN: _____	VIN: _____
Reg.: _____	Reg.: _____
Owner: _____	Owner: _____

ITEM #3a. [] check here if all vehicles are garaged at one location and enter #1 below or list address where each truck is individually garaged:

1. _____	2. _____
3. _____	4. _____

ITEM #3b. List all employee Drivers Name/Telephone/Address and Drivers License number (NJ Photo DL Required). Attach separate sheet if needed.

Driver #1	Name: _____	Phone: _____
	Address: _____	
	Drivers License Number: _____	
Driver #2	Name: _____	Phone: _____
	Address: _____	
	Drivers License Number: _____	
Driver #3	Name: _____	Phone: _____
	Address: _____	
	Drivers License Number: _____	

Driver #4 Name: _____ Phone: _____
 Address: _____
 Drivers License Number: _____

Driver #5 Name: _____ Phone: _____
 Address: _____
 Drivers License Number: _____

ITEM #4 STORAGE AREA

Location of Lot: _____

Lot Size: _____ Number of Vehicle Spaces: _____

Security Features: _____

ITEM #5: INSURANCE

Insurance Carrier(s): _____

Carrier(s) Address: _____

Business Policy Number: _____

Premises Policy Number: _____

Vehicles Policy Number: _____

ITEM #6. Attach a copy of your current Fee Schedule for Towing and Storage.

ITEM #7. Attach a Certification that towing, Storage Services and Fees will be available in compliance with this Chapter.

ITEM #8. Attach a Notarized Certification granting permission to the Lincoln Park Police Department to conduct inspections of the wreckers, tow trucks and storage facility, for the purpose of determining compliance with this Chapter and such other information as the Borough shall deem appropriate and necessary.

ITEM #9. APPLICATION FEES

AMINISTRATIVE COSTS:

Attach one (1) check for \$400.00 made out to the Borough of Lincoln Park to defray administrative costs. This check goes to the Borough Clerk with your application.

BOROUGH OF LINCOLN PARK
HOLD HARMLESS

BUSINESSES

1. DEFINITIONS:

"I/we/me/my" shall mean:

Name of Business:

Person Responsible: _____

Business Address: _____

Business Phone: _____

"You/Yours" shall mean the municipal corporation known as the BOROUGH of LINCOLN PARK its agents, servants, employees or contractors.

2. GENERAL INFORMATION:

Date Facility Needed: _____

Facility Requested: _____

Hours Facility is Needed: _____ am/pm to _____ am/pm

Activity to be held (describe in detail): _____

3. I sign this HOLD-HARMLESS as my voluntary act and by this act agree to hold YOU harmless and indemnify YOU from any claims, suits, or other actions arising from, caused by, or which are the alleged result of any act or omission of:

a. YOU; (applicable only if the user of this site is a Corporation)

b. Any quest, invitee, licensee, visitor or other person present on the premises listed above in order to participate in, organize, assist, enjoy, supervise or in any other way further the activity to be held (as described on page 1) on the date listed on page 1.

4. I also agree that where the Municipal Officer signing this Hold Harmless on YOUR behalf feels that I should provide to YOU a Certificate of Insurance I shall provide same to that Municipal Officer as soon as practicable and not less than two (2) business days before the date of the planned activity. The appropriate Municipal Official will check below if this paragraph is applicable to the activity listed on page 1.

_____ Applicable

_____ Not Applicable

5. (Applicable to Corporations Only)

I also agree that I am obligated to reimburse YOU for all reasonable Attorney's fees incurred by YOU to enforce the terms of this Hold Harmless or to defend YOURSELF against any claim, suit, demand for subrogation, or other action which a court of competent jurisdiction later determines by final order or judgment should have been defended by ME or MY sole cost and expense pursuant to this Hold Harmless.

6. LEGAL SIGNATURE

a. Individual: _____

On behalf of: _____
(Business)

(Corporation)

(Title)

b. Municipality: BOROUGH OF LINCOLN PARK

(Signature of Municipal Clerk)

Understandings and Agreements:

As an applicant for a position of tow truck operator, with the Borough of Lincoln Park, I understand and agree that I must provide truthful and accurate information in this application. I understand that my application may be rejected if any information is not complete, true and accurate. I give the Borough the right to investigate the information I have provided, including but not limited to criminal and driving histories. I release the Borough and its representatives from all liability for seeking such information. I understand that the Borough is an equal-opportunity employer and does not discriminate in its hiring practices. I also understand that some positions may involve complete background and criminal checks. *For your application to be considered, you must sign and date below.*

Applicant's Signature _____ Date _____

The Borough is an Equal Opportunity Employer

CRIMINAL HISTORY & MOTOR VEHICLE INVESTIGATION:

A separate check for each employee of the applicant, for criminal and motor vehicle investigations. Please check with the Lincoln Park Police Department for proper amount of these checks and to whom it should be made out to.

TOW OPERATORS

INSTRUCTIONS FOR SUBMITTING FOR 212A – Request for Criminal History

Originating Agency Identification Number (OR) for Lincoln Park is:

ORI number NJ0141600

- Log on to <https://www.njportal.com/njsp/criminalrecords/> and click on the ON LINE FORM 212A, a highlighted block located on the lower left side of the page.
- Follow the prompt for demographic and payment information (\$20.00).
- Reason for filing request: Local Ordinance
- Description of reason for filing request: Towing for Lincoln Park Borough
- Upon completion of the form, you will receive an email confirmation and receipt that will include a confirmation number.
- Your request will be forwarded to the Police Department's work queue for approval and submission to the NJ State Police for processing.
- You can find more detailed information by clicking on the "Help Tab" located on the top right side of the page.

A Criminal History check is required for each driver.

*Borough of Lincoln Park, NJ
Friday, September 2, 2022*

Chapter 426. Towing

[HISTORY: Adopted by the Borough Council of the Borough of Lincoln Park 10-21-2013 by Ord. No. 10-13, effective 11-11-2013 (Ch. 152 of the 1991 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Vehicles and traffic — See Ch. 450.

§ 426-1. Purpose.

The purpose of this chapter is to establish the requirements and procedures for the licensing of towing operators to be utilized by the Borough of Lincoln Park on a non-exclusionary, rotational basis for the towing of vehicles that are abandoned, illegally parked, involved in accidents or suspected of involvement with criminal activity within the Borough of Lincoln Park and when otherwise requested by the Police Department of the Borough of Lincoln Park.

§ 426-2. Definitions.

[Amended 3-17-2014 by Ord. No. 2-14, effective 4-6-2014]

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

ABANDONED VEHICLE

A motor vehicle that the owner or operator leaves on a public roadway, or other public property, or on private property without the consent of the owner or person in charge of that property, for more than 48 hours without notifying the Police Department of the Borough of Lincoln Park or attempting to repair and remove the same. A vehicle that remains on or along a highway or other public property for any period of time without current/valid license plates shall be presumed to be an abandoned vehicle. Vehicles used or to be used in the construction, operation or maintenance of public facilities and left in a manner that does not interfere with the normal movement of traffic shall not be considered abandoned vehicles.

ABSORBENT

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

ADMINISTRATIVE CHARGES

Charges paid to the Borough for post-tow services, including but not limited to services such as physical inspection and/or inventory of vehicles, removal of personal items, telephone and/or fax calls and completion of tow reports and vehicle release forms and as set forth in § 34-14B.

BASIC ENVIRONMENTAL CLEANUP

The cleanup and removal of small quantities of fluids associated with the operation of a motor vehicle which leak onto the ground.

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 land.

BOROUGH

The Borough of Lincoln Park.

BOROUGH STORAGE FACILITY

The Borough of Lincoln Park Garage located at 1 George Cobb Way, Lincoln Park, New Jersey, or the Borough of Lincoln Park Municipal Building, 34 Chapel Hill Road, Lincoln Park, New Jersey.

CHIEF OF POLICE

The highest ranking sworn officer within the Borough of Lincoln Park Police Department. Duties listed herein can be delegated to a designee approved by the Chief of Police.

CRUISING

The operation of a tow vehicle upon a roadway within the Borough of Lincoln Park to solicit vehicle towing and other related towing services except in response to a police request.

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 can be performed at the scene of a tow, including but not limited to flat tire changing, jump starting and gasoline deliveries.

EXAMINATION AREA

An unobstructed flat paved area 25 feet by 15 feet where a vehicle can be placed when needed for inspection by the Police Department. Examination areas must be outlined by painted markings on the pavement.

HEAVY-DUTY WRECKER

A tow truck with dual rear wheels and air brakes capable of towing and wheel lifting large vehicles and shall meet the following minimum requirements:

- A. Gross vehicle weight (GVW): 30,000 pounds.
- B. Gross combined weight rating (GCWR): 80,000 pounds.
- C. Boom and winch rating: 50,000 pounds.
- D. Cable size: 5/8 inch.
- E. Cable length: 200 feet.
- F. Wheel lift retracted rating: 25,000 pounds.
- G. Wheel lift extended rating: 12,000 pounds.

IMPOUNDMENT

The act of storing and confining a motor vehicle upon an 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 or other violation of the New Jersey Motor Vehicle Title 39 Statutes that the Police Department may act upon.

JUNK VEHICLE

A motor vehicle incapable of being operated safely or of being put in safe operational condition except at a cost in excess of the value thereof.

LICENSEE

Any person, firm, partnership, association, corporation, company, or organization of any kind issued a towing license by the Borough of Lincoln Park pursuant to the provisions of this chapter.

LIGHT-DUTY WRECKER

A tow truck with dual rear wheels capable of towing or wheel lifting vehicles and shall meet the following minimum standards:

- A. Gross vehicle weight (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.

MEDIUM-DUTY FLATBED

A vehicle carrier equipped with a wheel lift and rollback/tilt bed with dual wheels capable of removing and transporting small trucks, full-size vans or large passenger cars damage-free and shall meet the following minimum requirements:

- A. Gross vehicle weight (GVW): 18,000 pounds.
- B. Winch rating: 8,000 pounds.
- C. Cable size: 3/8 inch.
- D. Bed length: 19 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 and shall meet the following minimum requirements:

- A. Gross vehicle weight (GVW): 18,000 pounds.
- B. Boom rating: 16,000 pounds.
- C. Winch rating: 16,000 pounds.
- D. Cable size: 1/2 inch.
- E. Cable length: 200 feet.
- F. Wheel lift retracted rating: 10,500 pounds.
- G. Extended rating: 8,500 pounds.

ORDINARY CARE

Care that is normally given to protect a motor vehicle from further damage, including but not limited to usage of tarps for environmental protection and security protection for storage areas.

OUTSIDE SECURED STORAGE FACILITY

A motor vehicle storage facility that is not completely indoors and must meet the following minimum standards:

- A. Area completely secured by a fence, wall or other man-made barrier that is at least six feet in height. Fencing must have vision obstruction material.
- B. All entry points shall have a locking device.
- C. Total area shall have adequate lighting to protect stored vehicles from vandalism.
- D. Area must be able to accommodate at least 50 vehicles.

OWNER

A person, firm, corporation or partnership that owns and/or operates a motor vehicle on the roads and highways within the Borough of Lincoln Park.

PERSON

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

POLICE

The Borough of Lincoln Park Police Department.

PRINCIPAL LOCATION

The business office of the licensee where the licensee shall conduct business associated with the towing and storage of vehicles under the authority of the towing license issued by the Borough of Lincoln Park. A principal location must be staffed during business hours and shall maintain a clean, comfortable waiting area with toilet facilities and an accessible pay phone.

RECOVERY

Recovery can be achieved by several actions that may include but are not limited to winching and rigging. A recovery is when 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.

STORAGE SERVICES

The storage, housing or holding of vehicles indoors or outdoors by a licensee under authority of this chapter.

TOWING OPERATOR

A person, firm, corporation or partnership engaged in the business of providing towing, road service and storage services for motor vehicles.

TOW VEHICLE

A wrecker and/or flatbed tow truck driven by mechanical power and employed for the purpose of towing, transporting, conveying, recovering or removing inoperable vehicles or any vehicles which the Police Department has ordered to be impounded. Tow vehicles must be manufactured by a tow truck manufacturer that is nationally recognized by the towing industry.

UNCLAIMED VEHICLE

Any vehicle towed by a licensee under this chapter that is left unclaimed for a period of two weeks or more.

VEHICLE

Every device in, upon or by which a person or property is or may be transported upon a highway except devices moved by human power.

VEHICLE REMOVAL CHARGE

Charge for a motor vehicle towed into the storage facility of a licensee that is not movable and must be towed from the licensee's storage facility to a public street for towing by a secondary tower. Vehicle removal charges are prohibited as set forth in § 426-9A and § 34-14I.

WAITING TIME

Additional time a licensee 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 EMS services which must be performed and/or police investigations.

WINCHING

The process of moving a motor vehicle by the use of a cable from a position that is not accessible for direct hookup by conventional means for loading onto a tow vehicle. Winching is not pulling a vehicle onto a tilt bed or carrier, nor lifting a motor vehicle with a conventional tow sling.

§ 426-3. License required; application for license.

[Amended 3-17-2014 by Ord. No. 2-14, effective 4-6-2014]

- A. No person, firm or corporation, while acting as an official tow service for the Borough of Lincoln Park, shall operate a tow vehicle upon or along any street in the Borough until the owner thereof shall obtain a license therefor.
- B. A maximum of six licenses will be issued by the Borough. If the Borough receives in excess of six applications that comply with all of the requirements of this chapter, the six available licenses will be awarded to qualified applicants by random lottery. The qualified applicants will be notified of the date, time and place of the lottery and the lottery will be open to members of the public.
- C. Applications for towing licenses shall be obtained from and filed with the Borough Clerk not later than September 30 of the pre-licensure year. Applications filed after September 30 will not be accepted. All applications must include the following information:
 - (1) The complete legal business name, business address and business telephone number of the applicant;
 - (2) If a sole proprietorship, the complete home address, home telephone number, date of birth and social security number of the applicant. If a corporation or partnership, the complete home addresses, home telephone numbers, dates of birth and social security numbers of the principal officers and partners;
 - (3) The year, make, type, model number and serial number of every tow vehicle to be operated by the applicant;
 - (4) Photocopies of the registrations of every tow vehicle to be operated by the applicant. If a tow vehicle is leased, the applicant is required to submit a copy of the lease agreement. If a tow vehicle is financed, the applicant is required to submit a copy of the financing agreement. If a tow vehicle is owned by the applicant, the applicant is required to submit a copy of the title to the vehicle;
 - (5) A certification stating that the applicant does not share any of its tow vehicles with another towing operator or company;
 - (6) The name, address and telephone number of the applicant's insurance carrier(s), the policy numbers of all insurance policies issued for the business, the business premises and the tow vehicles and photocopies of all certificates of insurance issued by the carrier(s);
 - (7) The names, addresses and telephone numbers of any persons or entities possessing any liens or encumbrances on any tow vehicle to be operated by the applicant;
 - (8) Photocopies of current driver's license for every employee that operates tow vehicles;
 - (9) A certification stating that the applicant does not share any of its employees with another towing operator or company;
 - (10) The social security numbers of every employee that operates tow vehicles;

- (11) A separate background check on the applicant and every employee of the applicant, which shall be obtained from the Lincoln Park Police Department. If a corporation or partnership, a background check shall be provided for each of the principal officers and partners;
 - (12) Proof that the applicant can ensure a ten-minute response time on all calls with exceptions for heavy or unusual traffic conditions;
 - (13) Proof that the applicant owns, operates, controls and does not share its storage facility with another towing operator or company and that the location of the applicant's storage facility is within five miles of the Borough of Lincoln Park Municipal Building, 34 Chapel Hill Road, Lincoln Park, New Jersey. Mileage will be calculated by the shortest travel route;
 - (14) Proof that the applicant's storage facility can accommodate at least 50 vehicles and that the security features of the storage lot are sufficient to safeguard against vandalism and theft;
 - (15) Proof that the applicant satisfies the insurance requirements set forth in § 426-6;
 - (16) A certification granting permission to the Police Department to conduct inspections of the applicant's tow vehicles and storage facility for the purpose of determining compliance with this chapter; and
 - (17) Such other information as the Borough shall deem appropriate and necessary.
- D. The application for license shall be accompanied by an application fee in the amount set forth in § 34-14 of Chapter 34, Fees, of the Code of the Borough of Lincoln Park, which shall defray Borough administrative costs.
- E. Review of application; investigation of applicants.
- (1) The Borough Clerk shall forward all completed applications to the Chief of Police, who shall conduct or cause to be conducted such investigation as he deems necessary to determine the truth and accuracy of the information contained in the application and the applicant's compliance with this chapter, including a review of a driver's abstract for the applicant and all employees that operate tow vehicles. If a corporation or partnership, a driver's abstract will be reviewed for each principal officer and partner and all employees that operate tow vehicles.
 - (2) The Borough recognizes that licensees must be trustworthy in that they are safeguarding vehicles and personal property belonging to others and securing and protecting evidence when a vehicle is impounded by the Police Department due to an accident investigation or criminal activity. Therefore, to protect the public interest, the Chief of Police may disqualify an applicant if an employee, owner, principal, partner, agent and/or other officer of the applicant has been convicted of a crime or violation that would indicate that the applicant may not be responsible to perform in the best interest of others.
 - (3) The Chief of Police shall, following review of the application, endorse his approval or disapproval of the application. If the application is disapproved, the reasons therefor shall be set forth in writing.
 - (4) If an application is denied, the tow operator denied a license is prohibited from responding to service calls from the Police Department within the Borough.

§ 426-4. Issuance of license; term.

- A. Licenses shall be issued no later than December 31 of the pre-licensure year by the Borough Clerk to be effective on January 1 for the next succeeding year.
- B. Licenses issued pursuant to this chapter shall be effective on January 1 and expire on December 31 of the calendar year for which the license is issued.

- C. Licenses issued under this chapter shall be prominently displayed on all tow vehicles and at the licensee's principal location and/or storage facilities.
- D. Licenses are the property of the Borough and cannot be assigned, leased, shared, transferred or sold to another person, corporation or proprietorship under any circumstances.
- E. Licensees shall notify the Chief of Police in writing of any criminal charges, motor vehicle offenses and ordinance violations issued against any employee, owner, principal, partner, agent and/or other officer during the term of the license. Failure to make prompt notification to the Police Department may result in revocation of the license.
- F. If a licensee wishes to hire a new employee to operate tow vehicles, the licensee shall provide the Chief of Police with all of the information required by § 426-3, including a background check from the Lincoln Park Police Department for the new employee. The new employee cannot operate a tow vehicle under a license granted by the Borough until the Chief of Police approves the addition of the new employee to the license.
- G. Upon issuance of the license, licensees shall pay the Borough a fee in the amount set forth in § 34-14, Towing, of Chapter 34, Fees, of the Code of the Borough of Lincoln Park for each vehicle towed and as identified in the written log required by § 426-7T. Said fee is for costs incurred by the Police Department for administrative services, such as removal of personal items from towed vehicles, telephone and/or fax calls and completion of tow reports and vehicle release forms. Licensees shall pay the above fees on a monthly basis to the Borough Clerk and payment is due on the 15th of every month. If payments are not made on a timely basis, the Chief of Police may suspend or terminate licenses.

§ 426-5. Revocation of license; appeals.

- A. Licenses issued under this chapter may be revoked by the Chief of Police, after reasonable notice and an informal review, for any of the following reasons:
 - (1) Materially false or inaccurate information in the application or a change of circumstance which would have caused disapproval of the application, if the circumstances had existed at the time of application.
 - (2) Failure of the licensee to comply with any of the requirements of this chapter or any additional regulations promulgated by the Chief of Police.
- B. Any applicant or licensee aggrieved by action taken by the Chief of Police or the Borough Clerk in the denial of an application for a license or revocation thereof may appeal to the Borough Administrator by filing with the Borough Clerk, within 14 days after notice of the action complained of, a written request for an informal review setting forth the grounds for the appeal. The Borough Administrator will set a time and place for an informal review on such appeal and notice of the time and place shall be served upon the applicant or licensee at least five days prior to the date of the informal review. The Borough Administrator will issue a determination on the appeal within 14 days of the informal review.

§ 426-6. Insurance; indemnity.

- A. All licensees shall maintain, during the term of the license, the following minimum insurance coverage, naming the Borough as an additional insured:
 - (1) Automobile liability insurance, including uninsured motorists' liability, in an amount not less than \$1,000,000 combined single limit, covering all owned, non-owned and hired vehicles utilized by the licensee.

- (2) Statutory workers' compensation insurance, including employers' liability insurance, as required by the State of New Jersey in an amount not less than \$500,000 for bodily injury by accident, \$500,000 for bodily injury by disease and \$500,000 for bodily injury for each employee.
 - (3) Garage liability insurance, including premises and completed operations insurance, in an amount of not less than \$1,000,000 for each occurrence and \$2,000,000 in the general aggregate.
 - (4) Garage keepers' insurance, in an amount not less than \$100,000, providing comprehensive and collision insurance for all non-owned vehicles in the care, custody or control of the licensee. Coverage must include "on hook" while vehicles are in tow.
- B. All policies of insurance shall contain an endorsement requiring that at least 10 days' notice shall be given to the Borough Clerk in the event of any material change in or cancellation of the policy.
- C. Licensees shall indemnify and hold harmless the Borough from all damages and claims for damages which may be made by any person for bodily injury or property damage arising out of, or in any way related to, the operation of any tow vehicle or storage facility pursuant to this chapter. Licensees shall further defend the Borough, at the licensee's expense, against any claim, suit or action brought against the Borough that arises out of the operation of any tow vehicle or storage facility pursuant to this chapter.
- D. All policies of insurance shall be issued by insurance companies authorized to do business in the State of New Jersey, with an AM Best Rating of "A-" or better, and shall remain in full force and effect during the entire term of the license.
- E. The Borough of Lincoln Park shall be named as additional insured, including completed operations on all liability insurance policies. Additional insured coverage shall be primary and non-contributory.

§ 426-7. Rotating call list.

- A. Licensees shall be placed on a rotating list to respond to service calls from the Police Department (rotating list).
- B. Calls to licensees on the rotating list shall be made on a nondiscriminatory, biweekly rotating basis. Licensees shall be responsible for the towing of automobiles on a twenty-four-hour basis, seven days a week during their biweekly rotations, which will begin at 0000 hours on each Sunday and continue to 2359 hours on the second following Saturday. The Chief of Police will set up and monitor the biweekly rotation list, and any licensee that wishes to change its assigned biweekly period due to vacation, conflict or other reason may do so with the approval of the Chief of Police.
- C. A licensee shall respond within 10 minutes to all requests for towing service by the Borough during its biweekly rotation unless heavy or unusual traffic conditions within the Borough prevent the licensee from arriving within the allotted time. In that event, the licensee shall arrive in a reasonable time given allowance for said traffic conditions. If a licensee fails to arrive promptly, the Police Department may call the next licensee on the rotating list. Repeated late arrivals without satisfactory cause shall constitute grounds for the Chief of Police to revoke the license issued to a licensee.
- D. Licensees shall conduct vehicle inventories for every vehicle towed under this chapter. Towed vehicle reports will be completed by the Police Department before vehicles enter a licensee's storage facility.
- E. Licensees shall provide all towing, storage and related services free of charge for all Borough motor vehicles and shall change tires on Borough vehicles free of charge. Licensees shall not charge the Borough for any bags of absorbent used at the scene of an accident involving Borough motor vehicles.

- F. Nothing in this chapter shall prevent the owner or operator of a vehicle from contacting a towing operator of his own choice to remove his vehicle from the public streets of the Borough after it has become disabled or otherwise inoperable, unless the vehicle is involved in a police investigation or the police officer on the scene determines that public safety requires that the vehicle be immediately removed from the scene.
- G. The owner or operator of a disabled vehicle retains the right to direct a licensee to remove the disabled vehicle to a garage or workshop of his own choosing.
- H. Licensees shall be responsible for the towing of vehicles from public streets, public alleys, public rights-of-way, public easements, avenues, thoroughfares, public or quasi-public places, including parks and playgrounds, or any other Borough-, county- or state-owned lots, as directed by the Police Department.
- I. Licensees shall remove and tow vehicles for storage to either the licensee's storage yard or a Borough facility, as directed by the Police Department, according to the following categories of vehicles for tow:
 - (1) Vehicles to be towed to the licensee's storage facility include, but are not limited to, abandoned vehicles, illegally parked vehicles, disabled vehicles, vehicles involved in accidents, unregistered/uninsured vehicles or vehicles involved in a violation of N.J.S.A. Title 39 such that the Police Department is authorized to remove the vehicle from the roadway.
 - (2) Vehicles to be towed to the Borough storage facility include, but are not limited to, vehicles suspected of involvement in criminal activity, vehicles confiscated or seized pursuant to the forfeiture statute and vehicles which may be involved in any fatal accident. After investigation is completed, the licensee will be directed to remove the vehicle to its storage lot. A vehicle removal charge shall be paid by the vehicle owner for this service and the licensee may begin storage when the vehicle enters its lot. In cases where the licensee is directed to tow a vehicle to the Borough storage facility, the Police Department shall direct the licensee where to place the towed vehicle upon arrival.
- J. When a licensee has been contacted to tow a disabled vehicle by the Police Department and the owner or operator of that vehicle appears prior to the licensee's arrival and requests his own towing service, the licensee may not charge for the response. However, if the licensee arrives prior to the owner's request for his/her own towing service, the licensee will be allowed to charge the rate for emergency road service.
- K. Licensees shall be responsible, at no charge to vehicle owner, to clean up and remove all broken glass and debris at the scene of accidents as per N.J.S.A. 39:4-56.8b. Licensees will also be responsible for basic environmental cleanup and may charge the vehicle owner a fee as provided in § 34-14 of Chapter 34, Fees, for each bag of absorbent used at the accident scene. Licensees shall also be responsible for replacing any bags of absorbent that the Borough Fire Department or other emergency responders use at an accident scene and may charge the vehicle owner a fee as provided in § 34-14 of Chapter 34, Fees, for each bag of absorbent given as a replacement to the Borough Fire Department or other emergency responders.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- L. In the event that an emergency arises and the on-call licensee cannot provide adequate service when requested, the Police Department may at its discretion contact other licensees to respond.
- M. Licensees may not charge a vehicle owner for damage to their tow equipment or storage facilities resulting from a request for towing service initiated by the Borough.
- N. Before towing a vehicle, licensees shall remove or secure anything that may fall from the vehicle while being towed.
- O. Licensees are prohibited from cruising for potential towing or servicing of vehicles on Borough roadways.

- P. Licensees are prohibiting from soliciting, demanding or receiving from any person any pay, commission or tip except the rate fees established by the Borough.
- Q. Licensees are prohibited from paying any gratuity, tip or commission to any third party to obtain a license or receive work from the Borough pursuant to this chapter.
- R. In all underwater recoveries of a non-emergent nature (threats to life or public safety), it shall be the responsibility of the licensee to be either certified or assisted by a New Jersey certified underwater specialist for the proper towing of such vehicles.
- S. Licensees shall prepare bills for towing, storage and related charges for each vehicle towed consistent with this chapter. Prior to the release of any vehicle, the vehicle owner shall obtain authorization for the release of said vehicle from the Police Department.
- T. The licensee will maintain a written log of all towing, storage and related services provided at the request of the Police Department. The log shall identify the type of service provided, date and time the service was provided, the location where the service was provided and the employee that provided the service. The log shall also indicate whether any bags of absorbent were utilized or provided as a replacement to the Borough Fire Department or other emergency responders.

§ 426-8. Minimum standards.

[Amended 3-17-2014 by Ord. No. 2-14, effective 4-6-2014]

- A. Tow vehicles. Tow vehicles must meet all of the requirements of N.J.S.A. Title 39, Motor Vehicles and Traffic Regulation.
 - (1) Licensees, when filing an application, and at all times while holding a license under this chapter, shall own or lease, at a minimum, one heavy-duty wrecker, one medium-duty wrecker/flatbed and one light-duty wrecker. Licensees shall not share any of their tow vehicles with another towing operator or company.
 - (2) The following safety equipment must be carried on all tow vehicles:
 - (a) Chains and tie-downs to secure vehicles.
 - (b) Snatch block.
 - (c) Auxiliary safety light kit to be placed on rear of towed vehicle that does not have functioning tail light flashers.
 - (d) Amber emergency lights mounted on top of truck (state-issued permit required and must be in truck).
 - (e) One shovel and one broom.
 - (f) Fifty pounds of absorbent.
 - (g) Jumper cables or jump box.
 - (h) Steering wheel tie-down.
 - (i) Toolbox with assorted hand tools normally used to conduct emergency roadwork and towing.
 - (j) One reflectorized traffic vest.
 - (k) One five-pound A-B-C rated dry powder fire extinguisher.
 - (l) One flashlight.

- B. Storage facilities.

- (1) Licensees, when filing an application, and at all times while holding a license under this chapter, shall have sufficient space to accommodate at least 50 vehicles, adequately safeguarded against vandalism, theft and further damage, and to hold towed vehicles until such time as said vehicles are claimed or are disposed of in accordance with the law.
 - (2) Storage facilities shall be owned, operated and controlled by the licensee, and the storage facilities shall not be shared with another towing operator or company. Storage facilities shall be located within five miles of the Borough of Lincoln Park Municipal Building, 34 Chapel Hill Road, Lincoln Park, New Jersey. Mileage will be calculated by the shortest travel route.
 - (3) There shall be no unescorted access to storage facilities by the general public. Storage facilities shall be visibly posted in accordance with Police Department requirements.
 - (4) The Police Department shall have access to any part of a storage facility, 24 hours a day, seven days a week, for the purpose of inspection or investigation. Access, under this provision, means an emergency contact person must be available to the Police Department to provide entry to the storage facility.
 - (5) No vehicles towed by licensees under the authority of licenses granted pursuant to this chapter shall be stored outside a secured area.
 - (6) Licensees shall maintain the following hours for release of vehicles from storage facilities: Monday through Friday 8:00 a.m. to 5:00 p.m. and Saturday 8:00 a.m. to 12:00 p.m. Licensees may close during any and all New Jersey state holidays. Licensees or their designees must be available during normal business hours to handle complaints and business transactions.
 - (7) The Borough reserves the right during any emergency to designate temporary areas owned or leased by the Borough for the storage of vehicles at the direction of the Chief of Police. During said emergency, licensees shall not be entitled to charge the owners of the vehicles for storage of vehicles so removed to those temporary storage areas.
 - (8) Licensees must provide an area within their storage facilities for Police Department examination of towed vehicles. Within a reasonable amount of time after a request from the Police Department, licensees are required to move towed vehicles into said examination areas.
- C. Required communications. Licensees must maintain twenty-four-hour telephone service for the Police Department to contact licensees and/or their employees. The use of answering machines or similar equipment or services is not permitted. Licensees or their employees must have constant two-way communication, radio or cellular, with their towing vehicles.
- D. Abandoned vehicles.
- (1) Junk vehicles. If a vehicle is unclaimed by the owner or other person having legal right thereto for a period of 15 business days, licensees shall notify the Police Department that the vehicle has been held for the statutory time and that the vehicle is ready for sale. The Police Department shall supply title for abandoned junk vehicles in accordance with N.J.S.A. 39:10A-1 et seq.
 - (2) Abandoned vehicles. If a vehicle that is not a junk vehicle is unclaimed by the owner or other person having legal right thereto for a period of 20 business days, licensees shall notify the Police Department that the vehicle has been held for the statutory time and that the vehicle is ready for sale in accordance with N.J.S.A. 39:10A-1 et seq. After notification from licensees and the expiration of the time period of 20 business days, the Police Department shall submit an application for title to the New Jersey Motor Vehicle Commission.
 - (3) Public auction. The public auction of abandoned vehicles shall be conducted in accordance with N.J.S.A. 39:10A-1 et seq.

- (4) Distribution of proceeds from sale. In the event a vehicle is sold at auction, the licensee shall receive from the proceeds of the sale all outstanding towing and storage charges due up to and including the date of the sale. In no event shall the proceeds to the licensee exceed the total towing and storage charges. The Borough shall retain all proceeds received in excess of the total outstanding towing and storage charges, if any.
- (5) Vehicles not sold at public auction. In the event a vehicle is not sold at auction, the Borough shall have the option of either submitting payment to the licensee for the outstanding towing and storage charges, but not to exceed a total of \$400, and retaining the vehicle for Borough use or, in lieu of payment of the outstanding towing and storage charges, conveying title transferring the vehicle to the licensee so that the licensee may dispose of the vehicle. The licensee shall reimburse the Borough for the cost of the Borough acquiring title upon receipt of the same.

§ 426-9. Fee schedule.

[Amended 3-17-2014 by Ord. No. 2-14, effective 4-6-2014]

- A. Towing charges. All fees and charges for towing services shall be established by ordinance of the governing body. Vehicle removal charges are prohibited.
- B. Storage charges. All fees and charges for storage services shall be established by ordinance of the governing body.
- C. Violations. Any operator engaging in a pattern or practice of knowingly violating or exceeding the fee schedules established herein shall be liable to the Borough for a civil penalty pursuant to N.J.S.A 40:48-2.51, or any amendment thereto.

§ 426-10. Rights of owners.

- A. The owner of any vehicle towed shall have the right to remove his/her personal property from the stored vehicle unless a "police hold" is marked on the towing form. Licensees shall notify the Police Department prior to the release of any vehicles or personal property.
- B. Vehicle owners, or their representatives, shall be afforded access to take photographs of their stored vehicles during regular business hours.
- C. In the event of an accident or vehicle breakdown, the owner or operator of the vehicle shall be afforded the opportunity to have the vehicle towed to a place of his choice.
- D. The owner or operator of a vehicle involved in an accident or vehicle breakdown shall be permitted to contact an outside towing operator if the vehicle is not a hazard to the public health and safety.
- E. Licensees shall inform vehicle owners and operators of the rate schedule for towing and storage of vehicles prior to towing.

§ 426-11. Police powers.

- A. In addition to the powers and duties of the Police Department set forth herein, the investigating police officer on the scene, in his sole and absolute discretion, may utilize any tow vehicle that is available to clear the scene if traffic conditions or other emergency precludes waiting for the designated licensee from the rotating list.
- B. Notwithstanding any provision of this chapter to the contrary, any vehicles alleged to be involved in criminal activity may be towed to any storage facility designated by the Chief of Police or his designee.

§ 426-12. Complaints by vehicle owners.

Any complaint or dispute by an owner of a vehicle that is towed or stored without the owner's consent pursuant to the provisions of this chapter shall be submitted to the Chief of Police. Following the Chief of Police's review and/or investigation of said complaint, the Chief of Police shall make a recommendation for disposition of the complaint which shall be accepted, rejected or modified by the Borough Administrator.

§ 426-13. Recordkeeping.

- A. Licensees shall prepare and issue to the owner or operator of the motor vehicle a written invoice of all towing, storage and related services rendered pursuant to this chapter. The invoice shall identify the type of service provided, date and time the service was provided, the location where the service was provided and the employee that provided the service. The invoice shall also indicate whether any bags of absorbent were utilized or provided as a replacement to the Borough Fire Department or other emergency responders. A copy of invoices shall be retained by licensees and filed in a manner that will allow immediate access to such record when requested by the Police Department.
- B. Licensees have discretion to establish the method of payment and shall forfeit all mechanic lien rights once they physically release a vehicle from their custody. The Borough will not be held liable for, or assist licensees in, collecting any unpaid fees that were incurred under the provisions of this chapter.
- C. Licensees shall post the rate schedule established by the Borough in a conspicuous location at their principal locations and anywhere that transactions for the payment of fees are conducted.
- D. Licensees shall not release any motor vehicles until authorization is obtained from the Police Department.
- E. All records, payment invoices and other documentation relating to compliance with this chapter must be kept by licensees for a period of two years.

§ 426-14. Regulations and procedures.

The Chief of Police shall be responsible for the promulgation and enforcement of such regulations and procedures, not inconsistent with this chapter, as may be reasonable and necessary to carry out the provisions of this chapter.