

ORDINANCE 32-2006

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 176 OF THE BOROUGH CODE ENTITLED "TOWING AND STORAGE"

WHEREAS, the Borough Chief of Police has recommended that Chapter 176 of the Borough Code entitled "Towing and Storage" be amended to revise the application requirements and to raise towing and storage fees to match the State Police rates; and

WHEREAS, the Borough Council agrees with this recommendation.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that Chapter 176 of the Borough Code entitled "Towing and Storage" shall be amended as follows:

SECTION 1: Section 176-3 entitled "Towing Regulations", subsection C entitled "Towing operators" shall be amended to read as follows:

§176-3 Towing Regulations.

...

C. Towing operators.

(1) Every three years the Borough Council shall establish by resolution a list of licensed towing operators pursuant to § 176-7 to be utilized by the Police Department on a rotating basis. Such list shall be utilized by members of the Police Department on a nondiscriminatory basis. Only those towing operators who meet the minimum standards of operator performance set forth in this chapter shall be included on such list. The list may be modified by Council at any time.

(2) Applications by towing operators shall be filed with the Borough Clerk between October 1 and November 30 of the year preceding the renewal of the three year towing operator list. The Borough Clerk shall advertise in the official newspaper of the Borough the availability of said applications on or before September 1 of the year preceding the renewal of the list of operators.

(3) Application.

(a) Towing Services owners applying for Police Department towing must submit to a criminal background investigation after authorizing the police to do so (N.J.S.A. 53: 1-20.5, *et seq.*). The required criminal history check for towing service owners will include the disclosure of any crime or lower disorderly persons offense or local ordinance offense as well. The applying towing service owner shall be fingerprinted (Applicant fingerprint card available at Police Headquarters) for this purpose and shall submit a cashier's check, certified check or money order drawn on an American bank, in the amount of \$54.00, payable to The Division of State Police-SBI. This fee covers the cost of the criminal history search.

(b) Additionally, any and all employees of a towing service applying for police towing who will be operating towing equipment involved in police towing shall be required to submit for a criminal background check. Employees of said towing companies shall be required to complete and submit a *Request for Criminal History Record Information* form for this purpose, at a cost of \$18.00. The form for tow company employees requires a cashier's check, certified check or money order payable to the Division of State Police-SBI.

(c) Results of background checks on both tow service owners and their employees shall be forwarded from the Chief of Police's Office to the Borough Clerk's Office along with his recommendation on the application.

(4) Equipment. . . .

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SECTION 2: Section 176-10 entitled "Towing and Storage Fees" is hereby amended to read as follows:

§ 176-10. Towing and storage fees.

A. The following is the fee schedule for towing services:

(1) Days:

(a) Ninety-five dollars, except for towing commencing on Route 24.

(b) All towing of vehicles commencing on Route 24 shall be \$3.50 per mile, round trip.

(2) Nights, weekends and New Jersey state holidays:

(a) Ninety-five dollars, except for towing commencing on Route 24.

(b) All towing of vehicles commencing on Route 24 shall be \$3.50 per mile, round trip.

B. The following is the fee schedule for storage services:

(1) Inside secured: \$45 per day or portion thereof.

(2) Outside secured: \$35 per day or portion thereof.

(3) Outside unsecured: \$25 per day or portion thereof.

C. The following is the schedule for road service other than towing:

(1) Days: \$60.

(2) Nights: \$60.

D. Call-out charges.

(1) The minimum charge for call-out charges shall be \$35, which shall be paid by the vehicle owner.

(2) If the Madison Police call out a duty wrecker for accident or impound, and the vehicle has no value (salvage), and the owner fails to respond for payment, then the Borough of Madison will obtain title to the vehicle for salvage. The towing company will absorb the storage charge until the vehicle title is conveyed to the towing company by the Borough of Madison to discard the vehicle.

(3) Administrative charges: \$35 per towing event.

SECTION 3: This Ordinance shall take effect as provided by law.

ADOPTED AND APPROVED

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Attest: ELLWOOD R. KERKESLAGER, Mayor

MARILYN SCHAEFER, Borough Clerk

Introduced and passed: May 8, 2006

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