



**BOROUGH OF FLORHAM PARK
COUNTY OF MORRIS, STATE OF NEW JERSEY
ORDINANCE #23-24**

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF FLORHAM PARK, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 228 "TOWING/WRECKER OPERATORS" OF THE CODE OF ORDINANCES OF THE BOROUGH OF FLORHAM PARK

WHEREAS, municipalities are expressly authorized to enact, amend and repeal ordinances managing and regulating the towing and removal of vehicles from private and public property within the municipality; and

WHEREAS, the Chief of Police has assessed and evaluated the specific and particularized needs of the Borough of Florham Park as it pertains to the number of towing operators needed at any given time.

WHEREAS, upon recommendation of the Chief of Police, the Mayor and Council have deemed it appropriate to amend Chapter 228 of the Code of the Borough of Florham Park to properly regulate the towing and storage of vehicles within the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Florham Park, in the County of Morris, State of New Jersey as follows:

SECTION 1. Chapter 228, "Towing/Wrecker Operators", § 228-3, "License required; number of licenses issued," of the Code of the Borough of Florham Park is hereby amended and supplemented as to subsection B only as follows:

- B. Subject to § 228-12, there shall be a maximum of two (2) licenses issued and in effect at one time, provided that each licensee meets the requirements of this Chapter. Notwithstanding any other provision of this Chapter, in the event that the number of qualified applicants is determined to exceed the amount of available licenses, the Borough shall evaluate each applicant on the basis of the provisions of this Chapter and select the two (2) most qualified applicants determined to be in the best interests of the Borough and to meet and exceed all of the criteria and standards for licensure.

SECTION 2. Chapter 228, "Towing/Wrecker Operators", § 228-8, "Suspension and revocation of license", of the Code of the Borough of Florham Park is hereby amended and supplemented as follows:



§ 228-8, Suspension, revocation and denial.

- A. Notwithstanding and in addition to any violations, penalties or other remedies authorized pursuant to this Chapter, any license issued under this Chapter may be suspended, revoked or denied for good cause upon determination by the Chief of Police or the Borough of a violation or failure to comply with a material term or provision of this Chapter, the license issued hereunder, or applicable Federal or State statute or regulation or Borough Ordinance.
- B. Prior to the suspension, revocation or denial of the license, written notice setting forth the basis of the violation, noncompliance or other circumstance for which such action and of the right of an opportunity for a hearing, shall be issued to the applicant or licensee who may, within ten (10) days of receipt of such notice, request a hearing by service of a written request on the Borough.
- C. Notwithstanding any other provisions of this Section, when the Borough has reasonable grounds to believe that a licensee has engaged in deliberate and willful violation of any applicable law or regulation and/or in such fashion so as to cause a potentially substantial risk, danger or detriment to, or to otherwise jeopardize, the public health, safety and general welfare and that requires emergency action, the Borough may enter a summary suspension order for immediate suspension of such license pending further investigation and a hearing.
1. The summary suspension order shall be in writing and shall state the reasons therefore. The licensee shall be afforded an opportunity for a hearing in the manner provided in this Section, provided that any such hearing must be scheduled no later than thirty (30) days of the date of the suspension.
 2. Upon determination of a violation, the Borough may take appropriate action to suspend or revoke the license issued to the licensee by the municipality in the same manner as otherwise provided in this Section.
- D. Any person or entity aggrieved by the denial of an application for a license or other formal action or decision as provided in this Chapter or by the suspension or revocation of a license as provided in this Chapter may request a hearing thereon by service of a written request on the Borough Clerk within ten (10) days of the receipt of the decision by which applicant or licensee is aggrieved. Said hearing request shall contain a general statement of the decision by which the applicant or licensee is aggrieved and reasonably describe the basis upon which the decision is being contested. Upon receipt of such request, the Borough will set a time and place for such a hearing, which will be no later than thirty (30) days from the date of receipt of the request, unless otherwise agreed. At the time of the hearing, the applicant or licensee shall be afforded full opportunity to be heard, challenge the basis of any findings and reasons cited for denial, suspension or revocation of an application or license, present such evidence and testimony as applicant or licensee may



deem appropriate and otherwise show cause as to why the proposed action should not be taken. Upon conclusion of the hearing, the Borough shall render a decision either on the record, if applicable, or, in writing, within thirty (30) days.

SECTION 3. Chapter 228, "Towing/Wrecker Operators", of the Code of the Borough of Florham Park is hereby amended and supplemented to create a new § 228-12, "Implementation", as follows:

§ 228-12, Implementation.

- A. The initial term of the licenses issued pursuant to this Chapter shall commence on January 1, 2026 and shall be issued for a term of three (3) years in accordance with § 228-5C.
- B. Provided that the license holder continues to meet all of the qualifications and requirements for licensure, the term of any license issued pursuant to this Chapter for the license term commencing January 1, 2022 and expiring December 31, 2024 shall be extended until December 31, 2025.
- C. Notwithstanding any other provision of this Chapter, any towing licenses issued from the effective date of this Ordinance and until before the January 1, 2026 term as provided in § 228-12A shall expire December 31, 2025.

SECTION 4. Repealer. All ordinances or parts of ordinances contrary to or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

SECTION 5. Severability. Each section, subsection, paragraph, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase. If any portion of this Ordinance, or its application to any person or circumstances, shall be adjudged or otherwise determined to be invalid, unconstitutional, preempted, void, or ineffective for any clause or reason, such determination shall not affect the remaining provisions of this Ordinance, and the application of such remaining provisions shall not be affected thereby and shall remain in full force and effect, and to this end, the provisions of this Ordinance are severable.

SECTION 6. Effective Date. This Ordinance shall take effect immediately upon final passage and publication according to law.

SECTION 7. Prior actions. All actions of the Borough of Florham Park taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

SECTION 8. Codification. This Ordinance may be renumbered for codification purposes.

INTRODUCED: November 30, 2023

ADOPTED: December 14, 2023



Mark Taylor

Mark Taylor, Mayor

ATTEST:

Danielle M. Lewis

Danielle M. Lewis, Borough Clerk

I HEREBY CERTIFY this to be a true and correct copy of an Ordinance of the Mayor and Borough Council of the Borough of Florham Park, and adopted on December 14, 2023.

Danielle M. Lewis

Danielle M. Lewis, RMC