

**TOWNSHIP OF WILLINGBORO
TOWING SERVICE APPLICATION FORM**

1. Company Name: _____

2. Company Owner Name: (Include Corporate disclosure form) _____

3. Company Address: _____

4. Business Phone: _____ Cell Phone: _____

5. Website and Email address: _____

6. Residential Address of Owner (note: Residential addresses are confidential) _____

7. All Subcontractors must provide the following information along with name of company for which it is towing.

8. Subcontractor's Company Name: _____

9. Subcontractor's Company Owner: (Include Owners with 10% or more interest Completed Corporate disclosure form) _____

10. Subcontractor's Company Address: _____

11. Subcontractor's Residential Address (note: Residential addresses are confidential): _____

12. Business Phone: _____ Cell Phone: _____

13. Website and Email address: _____

14. List Type of Vehicle, Year, Make and Model of Vehicles Used for towing: (List on separate page if necessary)

15. Location of Storage Facilities for Towed Vehicles: _____

16. Name and Address of Insurance Carrier: _____

17. Provide Initialed Checklist of each the following documents that must be enclosed with the completed application:

- A. _____ A list of active drivers including a copy of their driver's licenses
- B. _____ Copy of insurance card and vehicle registration(s)
- C. _____ A Copy of the current fee schedule for towing and storage services (must not be over maximum allowed by ordinance)
- D. _____ Certification that services will be available 24 hours per day for towing
- E. _____ List of hours that general public can claim their vehicles
- F. _____ Copy of State of NJ mechanic's certification (fatal accident vehicle inspections).
- G. _____ Names and addresses of two business or municipal references who have known applicant for at least 2 years.
- H. _____ A sketch plan showing the location of the storage area, number of cars that can be stored and provide total square footage of the storage area.
- I. _____ Certificates of insurance in the appropriate amount.
- J. _____ Consent of appointment of Township Clerk for service of process of any jurisdiction with regard to towing services rendered as requested by the Township only.
- K. _____ State of New Jersey Business Certificate.
- L. _____ Fully Executed Indemnification or Hold harmless agreement.

18. Do you have an indoor storage facility for conducting vehicle inspections and storing the vehicle? Yes _____ No _____

The license fee of \$100.00 per vehicle (3-year license) is due at the time the application is submitted.

19. Acknowledgment

I, _____, hereby agree to abide by and accept the terms and conditions of the Township of Willingboro to provide towing services. I agree to provide the requested services in compliance with all state and local rules, regulations, policies, and ordinances, as well as state and federal laws. I acknowledge that I am the authorized signatory of the above named company/corporation.

Signature: _____
Print Name/Title _____

Notary: _____

Date: _____ My Commission expires: _____

DISCLOSURE STATEMENT
Reference: N.J. Laws of 1977 Chapter 33

Stockholders in the corporation or partnership who own 10% or more of its stock, of any class:

| <u>NAMES</u> | <u>ADDRESSES</u> |
|--------------|------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

OR: All individual partners in the partnership who own 10% or greater interest therein:

| <u>NAMES</u> | <u>ADDRESSES</u> |
|--------------|------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

OR: If one or more such stockholder or partner is itself a corporation or partnership the stockholder, owning 10% or more of that corporation's stock, or the individual partners owning 10% or greater interest in that partnership as the case may be:

| <u>NAMES</u> | <u>ADDRESSES</u> |
|--------------|------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

THIS STATEMENT MUST BE INCLUDED WITH BID SUBMISSION TO BE COMPLIANT.

(Signature)

(Print name and title)

Date: _____

STATE OF NEW JERSEY LAWS OF 1977
CHAPTER 33

CONFLICT OF INTEREST

No corporation or partnership shall be awarded any contract nor shall any agreement be entered into for the performance of any work or the furnishing of any materials or supplies, the cost of which is to be paid with or out of public funds, by the State, or any county, municipality, or school district, or any subsidiary or agency of the State, or of any county, municipality or school district, or by any authority, board, or commission, which exercises governmental functions, unless prior to the receipt of the bid or accompanying the bid, of said corporation or partnership, there is submitted a statement setting forth the names and addresses of all stockholders in the corporation or partnership who own 10% or more of its stock, or any class or of all individual partners in the partnership who own a 10% or greater interest therein, as the case may be. If one or more such stockholder or partner is itself a corporation or partnership, the stockholders holding 10% or more of that corporation's stock, or the individual partners owning 10% or greater interest in that partnership as the case may be, shall also be listed. The disclosure shall be continued until names and addresses of every non-corporate stockholder, and individual partner, exceeding the 10% ownership criteria established in this act, has been listed.

Township of Willingboro, NJ
Wednesday, December 5, 2018

Chapter 350. Towing

§ 350-1. Statutory authority; purpose; applicability.

- A. Pursuant to and in accordance with the terms of N.J.S.A. 40:48-2.49, the Township hereby regulates the removal of motor vehicles from public property by operators engaged in such practice and establishes the fees to be charged for said removal and storage, as well as penalties for any violations thereof. It is the express policy of the Township that no qualified applicant shall be excluded from this program or denied approval on the basis of race, religion, gender or national origin or be in any other way discriminated against unlawfully.
- B. This chapter shall apply to all motor vehicle towing and storage operations performed at the request of the Township of Willingboro.

§ 350-2. Definitions.

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

AUTOMOBILE

A motor vehicle of a private passenger, sport utility or station wagon type that is owned or leased and is neither used as a public or livery conveyance for passengers nor rented to others with a driver; and a motor vehicle with a pickup body, or delivery sedan, a van, or a panel truck or a camper-type vehicle used for recreational purposes owned by an individual or by husband and wife who are residents of the same household, not customarily used in the occupation, profession or business of the owner(s).

BASIC TOWING SERVICE

The removal and transportation of an automobile from a highway, street or other public or private road or a parking area or from a storage facility, and other services normally incident thereto, but does not include recovery of an automobile from a position beyond the right-of-way or berm or from being impaled upon any other object within the right-of-way or berm.

COMMERCIAL VEHICLE

Any vehicle other than that as defined as an "automobile" pursuant to the definitions as contained in this chapter.

INSIDE BUILDINGS

A vehicle storage facility that is completely indoors, having one or more openings in the walls for storage and removal of vehicles, and that is secured by a locking device on each opening.

MOTOR VEHICLE ACCIDENT

An occurrence in which a private passenger automobile comes in contact with any other object for which the private passenger automobile must be towed or removed for placement in a storage facility. This includes all situations which are accidental as to the

owner or operator of the motor vehicle, even if they were caused by the intentional acts of a perpetrator where the perpetrator was not the owner or operator of the motor vehicle.

OPERATOR

A person who is in physical control of a vehicle.

OUTSIDE SECURED

An automobile storage facility that is not indoors and is secured by a fence, wall or other man-made barrier that is at least six feet high. The facility is to be lighted at night.

OUTSIDE UNSECURED

An automobile storage facility that is not indoors and is not secured by a fence, wall or other man-made barrier, and all other storage facilities not defined above as "inside building" or "outside secured."

STORAGE CHARGES FOR TWENTY-FOUR-HOUR PERIOD

The maximum allowable amount to be charged by a storage facility for a twenty-four-hour period or fraction thereof. A new twenty-four-hour period begins at 12:01 a.m.

TOWNSHIP

The Township of Willingboro.

TOW VEHICLE

Only those vehicles equipped with a boom or booms, winches, slings, tilt beds, wheel lifts or under-reach equipment specifically designed by its manufacturer for the removal or transport of motor vehicles.

TOW VEHICLE'S BASE OF SERVICE

The towing operator's principal place of business, where the tow vehicle is stationed when not in use.

WINCHING SERVICE

Any operation in which a vehicle is moved onto a roadway from a position off the roadway, or any operation in which substantial work is required to prepare a vehicle for normal towing.

§ 350-3. Appointment of official towers; licensing requirements.

- A. The Township Council shall appoint persons or companies meeting the criteria set forth in this chapter and engaged in the business of offering the services of a motor vehicle towing or wrecker service, whereby damaged or disabled motor vehicles are towed or otherwise removed from the place where they are damaged or disabled, by use of a tow vehicle, as defined in this chapter. Such persons or companies shall be known as "official towers."
- B. Official towers shall be identified by means of a license that shall be issued in accordance with the provisions of this chapter.
- C. Not less than 75 days prior to the beginning of each three-year term of an official tower's license, the Township shall advertise for applications for towing licenses for providing towing services pursuant to this chapter. The advertisement shall be published in the legal newspapers of the Township.

- D. All applicants shall submit their applications at least 60 days prior to the commencement date for each three-year period, and the applications shall be reviewed in accordance with the procedures set forth in this chapter. The award of a license to the successful applicants shall be subject to compliance with the license requirements of this chapter.
- E. For the purposes of the licenses to be awarded, pursuant to this chapter, in the year in which it is adopted, the initial term of the license shall be from the date the license is issued until December 31, 2005. Licenses issued thereafter shall be for a three-year period commencing on January 1 of the year in which it was issued and terminating three years thereafter.
- F. Notwithstanding the provisions of this chapter that provide for a three-year term of the license, official towers shall submit, no later than December 1 of each year that the towing license is in effect, a detailed certification certifying that the official tower meets the requirements of this chapter in regard to the issuance of licenses. Said certification shall be submitted to the Willingboro Police Department for review and approval by the designated administrative officers. Failure to submit the certification or failure to continue to abide by the requirements of this chapter in regard to the issuance of a towing license shall subject the official tower to revocation of the license in accordance with the procedures contained herein.

§ 350-4. Services to be furnished; subcontracting.

- A. Official towers shall furnish adequate and proper wrecking, towing, storage and emergency repair services to motor vehicles damaged or disabled within the limits of the Township, when requested to do so by the Township of Willingboro Police Department's authorized designee.
- B. No official tower shall subcontract any work to be performed pursuant to this chapter except in an emergency situation. The Township of Willingboro will, within reasonable discretion, maintain objective guidelines on file as to emergencies and use of subcontractors. Any official tower shall be responsible for the services performed by the subcontractor and shall remain liable for any violation of this chapter by the subcontractor.

§ 350-5. Application process.

- A. Applications for inclusion on the official tower's list shall be made to the Township Council upon a form prepared by the Police Department and approved by the Township Attorney and shall contain all of the following information:
 - (1) The name, residence and business address and telephone number of the owner of the towing company. If the owner is a corporation, the application shall contain the name, residence and business address and telephone number of every stockholder owning more than 10% of the issued stock.
 - (2) Such information as may be required by the Township Council concerning the personnel, vehicles, equipment and storage facilities of such applicant, as hereinafter provided, showing that the applicant meets the minimum standards of performance.
 - (3) Policies or certificates of insurance coverage as hereinafter provided.
 - (4)

The names and addresses of two business references who have known the applicant for at least two years.

- (5) Certification that the applicant will be able to provide towing services anywhere in the Township with a maximum response time of 20 minutes, except when extraordinary circumstances occur.
 - (6) Certification that the applicant will be available for service on business premises 24 hours a day, seven days a week, and that they will abide by the fees contained in or referred to in this chapter.
 - (7) Consent to certification that will consent to appointment of the Township Clerk as the applicant's true and lawful attorney for the purpose of acknowledging service out of any court of competent jurisdiction to be served against the applicant.
 - (8) A sketch plan showing the location of the storage area, the number of cars that can be stored and the total square footage area of the storage area.
 - (9) Agreement to abide by the general rules and regulations established by the Police Department in connection with towing procedures within the Township.
- B. The applicant shall submit completed duplicate applications to the Township Manager, who shall forward a copy to the Public Safety Director for his review and approval. The review by the Township of Willingboro Police Department shall consist of the following:
- (1) A background check to determine if either the applicant or the applicant's personnel have been convicted of a criminal offense or have had their driver's licenses suspended or revoked within the past year. Conviction of a criminal offense or suspension of driver's license within the past year shall be a cause for disqualification from inclusion on the official tower's list.
 - (2) An inspection of the personnel, vehicles, equipment and storage area proposed to be utilized by the applicant to verify the accuracy of the information contained in the application and to determine compliance with applicable laws and regulations and the standards of performance required by this chapter.
- C. An applicant may be included on the official tower's list by the Township Council, by resolution adopted at a regular public meeting, when, from a consideration of the application and from such other information as may otherwise be obtained, it finds that all of the following circumstances exist:
- (1) The applicant has not knowingly and with intent to deceive made any false, misleading or fraudulent statements of material fact in the application or in any other document required pursuant to this chapter.
 - (2) The applicant has met the standards in this chapter and has forwarded the required hold harmless agreement and policies or certificates of insurance, which shall be reviewed and approved by the Township's risk management consultant.
 - (3) The application has been reviewed and approved by the Police Department designee.
 - (4) Neither the applicant nor the applicant's personnel have been convicted of a criminal offense or had their driver's license suspended within the past year.

- D. The Willingboro Police Department shall conduct a review and render a report to the Township Council, recommending either approval or denial of the application, within 45 days of receipt of the application. The Township Council shall take action with regard to the application within 45 days of receipt of the report of the Police Department. The applicant, or its representative, shall be given notice of the date on which the Township Council will consider the application and shall be permitted to appear and be heard at that time.
- E. Written notice of the approval or denial of the application shall be provided to the applicant within seven days of the decision of the Township Council.
- F. If the Township Council fails to take action within 60 days of receipt of a complete application, the application shall be deemed to have been denied.
- G. Applicants and/or operators shall be rejected if deficiencies are disclosed or verified as follows:
 - (1) Inaccurate information on the application form.
 - (2) Unsatisfactory County Consumer Affairs Office report.
 - (3) Lack of experience and/or has unsatisfactory references for the applicant's towing or storage service.
 - (4) Lack of available qualified personnel to carry out the duties of a tow operator or storage service.
 - (5) Lack of proper business/trade licenses.
 - (6) Unavailable or inappropriate tow vehicle for the services required.
 - (7) Failure to provide service on a twenty-four-hour, seven-day-a-week basis.
 - (8) Failure to maintain a communication system between the dispatch center and tow vehicles on a twenty-four-hour basis.
 - (9) Failure to provide evidence of adequate insurance.
 - (10) Criminal conviction of the operator or tow company employees, unless waived for cause by the Director of Police.

§ 350-6. Issuance of license.

- A. Upon approval of the application as herein provided, the Township Manager shall issue the applicant an official tower's license to be utilized in providing services pursuant to this chapter.
- B. Said licenses shall be in a form approved by the Township Council.
- C. The licenses shall be valid for the three-year period as set forth in this chapter, shall be nontransferable and shall be subject to revocation by the Township Council for any of the following reasons, subject to the proceeding below:
 - (1)

- If it is subsequently determined that the applicant knowingly and with intent to deceive made false, misleading or fraudulent statements of material fact in the application or in any other document required pursuant to this chapter.
- (2) Violation of any federal or state law or municipal ordinance or regulation relating to the operation of a motor vehicle or the provision of towing services.
 - (3) Violation of any rule or regulation promulgated by the New Jersey Department of Insurance.
 - (4) Unsatisfactory service provided pursuant to this chapter.
 - (5) Failure to annually certify compliance with the requirements of this chapter as required by § 350-3F.
- D. The license fee for the license issued under this chapter shall be \$100 per license per vehicle. The fee for the annual review of certification and inspection of vehicles and equipment submitted by the official tower pursuant to § 350-3F of this chapter shall be \$50.
- E. Licenses shall not be transferable without the consent of the Township Council, if the licensee demonstrates that the transferee complies with all of the requirements of this chapter.

§ 350-7. Minimum standards.

To qualify for inclusion on the list of official towers, applicants must meet the following minimum standards:

- A. Minimum vehicle requirements.
- (1) Every official tower shall maintain and have available to render services required by this chapter a minimum of one regular tow vehicle, one flatbed vehicle and one heavy-duty wrecker.
 - (2) Vehicle classes.
 - (a) Regular tow vehicles must be equipped with a boom or winch assembly mounted on the chassis, a dolly assembly, a tow sling or wheel lift assembly at least 100 feet of either 3/8 inch or 7/16 inch cable attached to a motor-driven winch.
 - (b) Flatbed vehicles must be equipped with a winch or hydraulically operated bed which slides or tilts to accommodate transporting of vehicles.
 - (3) Every official tower shall have available a heavy-duty wrecker, and under-reach shall be rated at 35,000 pounds and shall be capable of towing new-style buses and trucks with fiberglass front ends.
 - (4) All equipment shall comply with all state and federal regulations, and all vehicle operators shall possess a CDL license for over 18,000 pounds.
 - (5) Each applicant shall submit, along with its application, proof of ownership, lease or other written agreement demonstrating availability as needed of the vehicles which will be utilized to provide services pursuant to this chapter.

B. Minimum equipment requirements.

- (1) Every tow vehicle or flatbed vehicle shall be equipped with the following:
 - (a) At least one amber rotating beacon or strobe light mounted on the highest practical location of the vehicles, visible from 360° when in use and visible at a minimum distance of 500 feet during daylight hours.
 - (b) One snatch block per winch.
 - (c) Safety tow lights or magnetic tow lights for towing vehicles at night, amber-colored.
 - (d) Extra chains and cable for pulling or securing a towed vehicle.
 - (e) At least one heavy-duty broom, a shovel, a crowbar or prybar, a set of jumper cables, a flashlight, one two-pound or larger fire extinguisher of dry chemical type, one dozen flares or similar warning devices for placement at the scene of an accident or behind a disabled vehicle, at least 40 pounds of dry sand or a drying compound for gasoline and oil spilled onto the roadway and a container of sufficient size to remove the used compound, a sufficient quantity and types of tools to enable the tow operator to perform proper and adequate emergency repair services for the tow.
- (2) Every tow vehicle or flatbed vehicle shall comply with any and all state, federal and local laws, regulations and ordinances pertaining to safety, lighting and towing equipment requirements and shall be subject to inspection by the Police Department at any time. No changes may be made in said vehicles or equipment unless prior written approval is obtained from the Township.
- (3) Every tow vehicle or flatbed vehicle shall display the official tower's license and shall have the name of the official tower displayed on the vehicle in such manner and of such lettering as conforms to the provisions of N.J.S.A. 39:4-46.
- (4) All towing operators' trucks must be equipped with either two-way radio and/or mobile telephone communications equipment with their principal place of business, including their garage and/or office facilities, to ensure the proper availability of services and equipment on behalf of the Township and motorists.
- (5) The towing operators' wrecker(s) and all other vehicles shall be properly licensed and registered with the New Jersey Division of Motor Vehicles.
 - (a) Towing operators' vehicles shall display New Jersey commercial license plates.

C. Minimum personnel requirements; availability and response time.

- (1) Official towers shall have available, at all times, a minimum of two persons to provide the services required by this chapter. All persons employed by official towers to provide the services required by this chapter shall meet the following requirements and be subject to the following regulations. They shall:
 - (a) Be competent mechanics able to provide minimum road service for disabled vehicles;
 - (b)

Have a valid driver's license having no restrictions or conditional endorsements other than a condition requiring the wearing of eyeglasses;

- (c) Be mentally alert and present a neat appearance at all times;
 - (d) Obey all traffic laws and regulations;
 - (e) Be subject to inspection by the Police Department of the Township and shall be approved by the Township prior to rendering any services pursuant to this chapter.
 - (f) Not have been convicted of a crime nor had their driving privileges suspended or revoked within the past year.
- (2) Employees of the towing operator, in responding to a call, shall request and be afforded police assistance during the course of providing towing, emergency road services or removal of abandoned or accident vehicles when such employees find it necessary to turn around, back up, tow in the opposite direction of traffic, or cross the median.
 - (3) A towing operator shall not permit a vehicle to be removed from the site of a vehicular accident, the scene of a crime or any other instance or situation without the prior approval and permission of a police officer and/or superior at the scene.

D. Minimum storage requirements.

- (1) Every official tower shall maintain an outside secured storage area meeting the following requirements:
 - (a) The storage area shall be capable of storing a minimum of six passenger vehicles and one tractor and trailer. The area shall have at least 800 square feet of storage facilities to hold and protect police hold vehicles.
 - (b) The location of the towing facility and storage area shall be within a two-mile radius from the Township of Willingboro Municipal Building or located within a municipality which is contiguous with the Township of Willingboro's border. This location is established to ensure reasonable response and towing distances.
 - (c) The storage area shall be fully enclosed by a sturdy fence having a minimum height of six feet, with at least one lockable gate for ingress and egress, and shall be lighted from dusk to dawn.
 - (d) The storage area shall be in an area legally zoned for such use.
 - (e) The storage facility shall be available 24 hours a day, 365 days per year, and shall be open to the public on weekdays during normal business hours and for four hours on Saturdays. The applicant shall specify the hours on which the facility will be open on Saturdays. The applicant is not required to be open on Sundays.
 - (f) The official tower shall have an employee on duty during all hours in which the storage facility is open.
 - (g) The official tower shall not charge a release fee or other charge for releasing vehicles to their owners after normal business hours or on weekends.
 - (h)

The applicant shall, with its application, submit proof of ownership or lease of the storage area.

- (i) The official tower shall be responsible for ensuring the proper and safe storage of all vehicles towed pursuant to this chapter. The official tower shall be liable for any damage incurred by such vehicles while in transit to or while stored in the storage areas.

§ 350-8. Utilization of official tower's list.

- A. Official towers shall be placed on the official tower's list at the beginning of each year in accordance with the procedures as set forth in this chapter. The official towers shall rotate on the list for one week at a time or for such a period as designated by the Township of Willingboro. The one-week rotation shall commence at 12:00 midnight on Sunday and terminate at 11:59 p.m. the following Saturday.
- B. The Township shall request wrecking, towing and storage services from each official tower in rotation. When called, the tower shall advise the dispatcher if a vehicle is available and the estimated time of arrival. If no tow vehicle is available or if, in the discretion of the Township official making the request, the response time is insufficient under the circumstances to properly protect the public health, safety or welfare, the next official tower on the list shall be called for that particular towing event. The official tower who is at the top of the list, however, shall remain on the top of the list for any subsequent calls until that tower's one-week period at the top of the list is finished.
- C. All requests for service shall be made by the Police Department.
- D. The Police Department shall request service only from official towers; provided, however, that if no emergency or imminent road hazard exists, the Township shall request such service from such other person as the owner of the motor vehicle in need of such services may request; and provided further that if none of the official towers are available or able to provide such services as are requested by the Township, or if an emergency exists, the Township may request such services from any other available source.
- E. During adverse weather conditions, heavy traffic conditions or emergency conditions, official towers shall give priority to requests from the Township over any other requests which may be received by the official towers.

§ 350-9. Hold harmless agreement.

The applicant shall agree in writing to assume the defense of and indemnify and hold harmless the Township, its elected officials, boards, commissions, officers, employees and agents, from all suits, actions, damages or claims, fees, costs, expenses, fines or penalties to which the Township may be subjected of any kind and nature whatsoever resulting from, caused by, arising out of or as a consequence of the provisions of towing, wrecking, storage and/or emergency services provided at the request of the Township pursuant to this chapter. Official towers shall enter into a hold harmless agreement in a form to be prepared by the Township Attorney prior to being included on the official tower's list.

§ 350-10. Insurance requirements.

- A. The tower shall maintain, during the life of its license, insurance policies of the type and with the minimum limits indicated below and in a form satisfactory to the Township. The tower shall provide a certified copy of the policies and/or certificates of insurance satisfactory to the Township prior to commencement of work. All policies and/or certificates shall be submitted to the Township risk management consultant for review and approval.
- (1) Garage liability insurance. Limit of liability shall not be less than \$1,000,000 combined single limit (bodily injury and property damage) per occurrence, including premises operations and products/completed operations.
 - (2) Automobile liability insurance. Limit of liability shall not be less than \$1,000,000 combined single limit (bodily injury and property damage) per occurrence.
 - (3) Garagekeepers insurance. Physical damage insurance policies shall be specifically endorsed to provide direct primary insurance, where applicable, for vehicles in tow, possessed or stored on property owned or controlled by the tower. Limit of said coverage shall be not less than \$100,000 per location.
 - (4) Excess umbrella insurance. Limit of liability shall be not less than \$1,000,000, providing protection in excess of the one-million-dollar garage and auto liability coverage. Note: This requirement may be waived if the limits of liability in Subsection A(1) and (2) are not less than \$2,000,000 combined single limit.
 - (5) Workers compensation insurance. New Jersey statutory coverage, including employers liability coverage, shall be provided.
- B. On all liability policies, the Township shall be added as an additional insured, and insurance policies and/or certificates shall indicate such coverage as primary coverage notwithstanding any insurance carried by the Township.
- C. The tower shall indemnify the Township and the public against any loss due to injuries, accident or damages of any character whatsoever where any such damage is the result of an act or omission of the tower, his agents or employees in or due to the execution of the work called for under the contract.
- D. Certified copies of all insurance policies provided above or certificates thereof satisfactory to the Township of Willingboro shall be furnished forthwith. Each such policy or certificate shall contain a provision that it is not subject to material change, cancellation or nonrenewal unless 30 days' prior written notice via certified mail/return receipt shall have been given to the Township of Willingboro by the tower's insurer. These must be received 30 days prior to commencement of work.
- E. The providing of any insurance required herein does not relieve the tower of any of the responsibilities or obligations assumed by the tower for which the tower may be liable by law or otherwise.
- F. If any policies contain deductible or copayments, it shall be the responsibility of the tower to pay such sums at the same time a claim is settled by the tower's insurance company.
- G. If any policies contain limits of liability with an aggregate limit, the tower or tower's insurance company shall provide the Township, quarterly, during the policy period, a statement evidencing the limits of liability required under the contract to be in force.
- H.

Failure to provide and continue in force such insurance as required above shall be deemed a material breach of the contract and shall cause an immediate termination thereof.

- I. All policies shall be written in either a company licensed to do business in the State of New Jersey or a New Jersey eligible Surplus Lines Company, with a minimum Best rating of A-VII (A minus seven). They shall be written on an ISO (Insurance Services Office) form or better.
- J. Policies must be endorsed to provide collision coverage for vehicles in tow.
- K. Proof of the above insurance shall be provided at the time of application.

§ 350-11. Towing and storage fees.

- A. Fees for towing and storage of private passenger vehicles, damaged in an accident or recovered after being stolen, may not exceed the fees established by the New Jersey Department of Banking and Insurance pursuant to N.J.S.A. 17:33B-47^[1] and as set forth in Subchapter 38 of N.J.A.C., Sections 11:3-38.3 and 11:3-38.67,^[2] and the amendments and supplements thereto, which are hereby incorporated by reference.

(1) The following is the present fee schedule for towing services:

- (a) Wheel lift tow truck: \$65 (maximum).
- (b) Flatbed tow truck: \$70 (maximum).

(2) The following is the fee schedule for storage: \$15 per day (maximum).

(3) Pursuant to law, the fee schedules shall be reviewed by the New Jersey Commissioner of Insurance on an annual basis and may be revised if necessary. In the event the above schedules are revised by the Commissioner of Insurance, the revised fees shall be the maximum fees that may be charged by official towers, and this chapter shall be deemed amended accordingly.

[1] *Editor's Note: N.J.S.A. 17:33B-47 was repealed by P.L. 1997, c. 387.*

[2] *Editor's Note: Said provisions were repealed in 1991.*

- B. Fees for towing and storage of private passenger vehicles, other than those damaged in an accident or recovered after being stolen, shall be the same as those set forth in Subsection A if the official tower is called to the scene by the Police Department of the Township of Willingboro in accordance with this chapter. Any other towing services to private passenger vehicles not involved in accidents or recovered after being stolen when requested privately by individuals shall be at the rates as agreed to between the individual and the tower.
- C. Fees for all other types of vehicles other than private passenger vehicles, pursuant to Subsections A and B of this section, shall be determined in accordance with this subsection:
 - (1) The following is the fee schedule for towing of Class 1 and Class 2 vehicles during day and night:

| | Class 1 | Class 2 |
|----------------|------------------------|-------------------------|
| | All Vehicles | All Vehicles |
| | 6,000 to 16,000 | 16,000 to 80,000 |
| | Pounds GVW | Pounds GVW |
| Days: | | |
| Standard tow | \$100 | \$150 |
| Wheel lift | \$125 | \$175 |
| Flatbed | \$150 | \$200 |
| Nights: | | |
| Standard tow | \$125 | \$175 |
| Wheel lift | \$150 | \$200 |
| Flatbed | \$175 | \$225 |

(2) The following is the fee schedule for storage services per day:

| | Class 1 | Class 2 |
|--|-------------------------------|--------------------------------|
| | All Vehicles | All Vehicles |
| | 6,000 to 16,000 Pounds | 16,000 to 80,000 Pounds |
| Facility | GVW | GVW |
| Inside building-storage facility capacity | \$25 | \$50 |
| Outside building-storage facility capacity | \$25 | \$50 |

(3) The fees set forth for nonpassenger vehicles in this section are the maximum charges that shall apply for basic towing services. The official towers, however, shall be allowed for winching and wrecking services over and above the basic towing services an additional \$50 per hour for a light-duty wrecker, \$100 per hour for a medium wrecker and \$150 per hour for a heavy-duty wrecker. There shall be no additional charges for any other services, including but not limited to waiting time, cleanup costs and additional labor, when only basic towing services, as defined, are provided.

(4) The fees set forth in Subsections A and B of this section for towing rates are the maximum charges that shall apply to a private passenger automobile for basic towing services. There shall be no additional charges other than those provided herein, including, but not limited to, flatbedding, waiting time, winching, cleanup costs and additional labor, when only basic towing services, as defined, are provided. The official towers, however, shall be allowed to charge for services other than basic towing services as defined in this chapter the sum of \$25 per hour for any additional winching service required over and above the basic towing services when removing a vehicle from a position beyond the right-of-way or berm or from being impaled upon any other object within the right-of-way or berm. In addition, the official towers may charge a flat fee of \$30 for any road service for private passenger vehicles which do not need to be towed.

(a) Tow vehicles transporting multiple passenger cars at one time shall receive the applicable fees for each vehicle transported.

D.

The fees set forth on the schedule for storage fees are the maximum storage charges per twenty-four-hour period that shall apply to a private passenger automobile that is stored by a person.

§ 350-12. Miscellaneous provisions.

- A. Copies of this chapter and the schedule of fees that may be charged by official towers shall be made available to the public during normal business hours at the Township Municipal Building and Police Department. Copies shall also be made available to the public at each official tower's place of business.
- B. All official towers shall post, in a prominent place at each storage area clearly visible to the public, a schedule of the fees that may be charged for all services provided pursuant to this chapter.
- C. The Township reserves the right to make periodic unannounced inspections of the personnel, vehicles, equipment and storage areas of all official towers.
- D. The relationship between an official tower and the Township is one of an independent contractor. Neither party shall be construed in any manner whatsoever to be an employee of the other, nor shall any employee or agent furnished by any party be construed to be an employee or agent of the other party. Inclusion on the official tower's list shall not be construed or considered as a joint venture, partnership, association, contract of employment or profit-sharing agreement.
- E. The municipality shall not be liable or responsible for compensating the official towers for any of the services performed under this chapter unless those services are performed for the Township vehicles. Compensation shall be the responsibility of the owner of the towed motor vehicle, and the official tower shall proceed directly against the owner.
- F. The official tower shall, at all times, be solely responsible for the conduct of its employees. No licensee shall discriminate as to hiring or employment practices. Licensees shall be required to sign a nondiscrimination statement.
- G. Each official tower shall keep and maintain adequate and complete records showing all vehicles towed, stored and released, all services rendered and all fees charged and collected. All records shall be available for inspection by the Township at any time during normal business hours. Records shall be kept and maintained by the official tower at one central location and shall be retained for a period of seven years. Records may be written, printed or computerized, as long as the requirements of this subsection are met.
- H. The official tower shall comply with all state and federal laws and regulations concerning wages, hours and terms of employment.

§ 350-13. Dispute resolution; suspension or revocation of license.

- A. In the event a complaint is received by the Township of Willingboro involving the improper or unsatisfactory performance of services by an official tower in violation of this chapter, excessive charges or damage to a motor vehicle while in custody of the tower, written notice

of same shall be provided by the Township Manager to the official tower involved. The tower shall have the opportunity to respond, in writing, within seven days.

- B. Within 14 days of receipt of the tower's response, or within 21 days of receipt of the complaint, if no response is received, the matter shall be presented by the Township Manager to the Township Council.
- C. The Township Council shall, thereafter, consider the matter at the regular public meeting and may request that the complainant and the tower involved appear and give testimony regarding the complaint.
- D. After considering the matter and the evidence presented, the Township Council shall make certain findings and conclusions relative to the complaint, which shall constitute its decision. If the Council finds in favor of the complainant and against the official tower, the Council may consider and impose the following penalties:
 - (1) Suspension of the official tower's license;
 - (2) Revocation of such license for a fixed period or duration;
 - (3) Permanent revocation of the official tower's license;
 - (4) Such other penalty as the Township Council deems just and appropriate under the circumstances. In considering the imposition of a suspension, revocation or other penalty, the Council shall take into account factors including, but not limited to, any prior violations of the tower, the nature and seriousness of the complaint and the danger to the health, safety and welfare of the public.
- E. Failure to surrender the license upon revocation shall constitute a violation of this chapter.
- F. Nothing contained herein shall prevent or limit the right of any person to commence or maintain an action for damages or any other relief directly against an official tower in a court of competent jurisdiction.

§ 350-14. Violations and penalties; enforcement agency.

- A. Any person who shall violate any of the provisions of this chapter shall, upon conviction, be punished by a fine not to exceed \$1,000, and each violation of any of the provisions of this chapter and each day the same is violated shall be deemed and taken to be a separate and distinct offense.
- B. In addition to the fine provided above, a violation of any of the provisions of this chapter shall be cause for suspension or revocation of the official tower's license.
- C. The Township Police Department or any member thereof is hereby declared to be the enforcement agency of this chapter in accordance with due process of law.



TOWNSHIP OF WILLINGBORO

ORDINANCE NO. 2006- 4

AN ORDINANCE AMENDING
CHAPTER 13 OF
THE TOWNSHIP OF WILLINGBORO CODE
PROHIBITION OF PARKING TRUCKS AND OTHER OVERSIZED VEHICLES

§ 13-13 Overnight parking of trucks or other vehicles over four tons prohibited on certain streets.

a. No person shall park a truck, bus, tractor, trailer, recreational vehicle, camper, boat, omnibus or any other vehicle over four tons gross weight or over 25 feet in length upon any of the streets or parts of streets or parking lots described in Schedule I (§13-14) in attached to and made a part of this Chapter, except for the purposes of loading and unloading, in the Township of Willingboro at any time.

§ 13-14 Schedule I: Parking of Trucks or Other Vehicles Over Four Tons or Over 25 Feet in length Prohibited.

| Name of Street | Location |
|---|---------------|
| All streets | Entire length |
| All Public Parking Lots | Entire Lot |
| All Shopping Center and Strip Mall Parking Lots | Entire Lot |

§ 13-15. Certain trucks exempt from provisions.

This chapter shall not be construed to prevent any vehicle from making deliveries of merchandise or other property to the premises on the streets along which said vehicle is parked, nor to prevent the parking of any vehicle used by public utility companies in connection with the construction, installation, operation or maintenance of public utility facilities, nor to prevent the parking of vehicles attending to an emergency, nor to prevent the parking of emergency, utility or police vehicles at locations designated for their use, nor to prevent the loading or unloading of construction vehicles permitted to be used for work at that designated property.

§ 13-16. Enforcement, Authorization to cite and tow illegally parked vehicles.

- a. This chapter shall be enforced by the Police Department of the Township of Willingboro (hereinafter, Police Department).
- b. The Police Department shall enforce the violation and issue summons to individuals who park or to vehicles that are parked in restricted areas as defined above.

- c. The Police Department is authorized by this section to tow vehicles that are illegally parked within the township.
- d. All police officers are empowered to engage the services of a Township authorized or licensed towing service to tow all vehicles illegally parked within the Township.
- e. Said vehicles shall be towed and stored at an authorized towing facility until claimed by the lawful owner thereof. The owner or claimant of the vehicle shall be responsible for all fees and charges associated with the storage of said vehicle.
- f. The Police Department shall make a reasonable effort to ascertain the name and address of the owner of the towed vehicle and shall notify such owner that said vehicle has been towed for violating parking regulations of the Township of Willingboro. The Police Department shall advise the owner of the vehicle of the location where the vehicle is stored and shall advise him of his right to reclaim the vehicle.

§ 13-17. Penalty.

Unless another penalty is expressly provided for by state statute, any person who shall violate this section or who shall do any act or thing in this chapter prohibited shall, upon conviction thereof, forfeit and pay a minimum fine of \$100.00. The maximum fine for a violation of this chapter shall not exceed the sum of \$ 2000.00. The penalties for violation of this chapter may also include imprisonment not exceeding 90 days or 90 days community service, as shall be determined and imposed by the Judge before whom such person shall be tried and convicted; provided, however, that such Judge shall have the power, in his discretion, to impose both fine and imprisonment or community service not exceeding the respective maximum limits herein fixed.

Any person who violates any provision of this chapter shall, upon conviction thereof, be punished in accordance with this section. A separate offense shall be deemed to be committed on each day during or on which a violation occurs or continues.

NOTICE OF PENDING ORDINANCE

Notice is hereby given that the Ordinance entitled above was adopted at a meeting of the Township Council of the Township of Willingboro, County of Burlington, State of New Jersey, held on July 11, 2006, and will be considered for final passage after public hearing to be held on July 25, 2006 at 8 PM in the Municipal Complex, One Salem Road, Willingboro, New Jersey.

Marie Annese, RMC
Township Clerk