

**PUBLIC NOTICE**

**Ordinance No. 682-2009**

Intro: 1/28/2009

Final: 2/26/2009

Was introduced and passed on first reading by the Union County Board of Chosen Freeholders at a REGULAR MEETING on **January 28<sup>th</sup> 2009**, and said Ordinance has been published with Notice of Introduction thereof and of the time and place fixed for its further consideration and the Board has duly held a hearing thereof and has given all persons interested an opportunity to be heard. NOW, THEREFORE, BE IT RESOLVED, by the Union County Board of Chosen Freeholders that said Ordinance be and the same hereby is finally passed and adopted, and be it FURTHER RESOLVED, that the Ordinance published herewith has been finally adopted on **February 26<sup>th</sup> 2009**, and the 20 day period of limitations within which a suit, action or proceeding questioning the validity of such Ordinance can be commenced has begun to run from the date of first publication of this statement.

A copy of this ordinance has been posted on the Bulletin Board upon which public notices are customarily posted in the Administration Building of the County of Union, and a copy is available up to and including the time of such meeting to the members of the general public of the County who Shall request such copies, at the office of the Clerk of the Board in said Union County Administration Building in Elizabeth, New Jersey.

**Nicole L. DiRado, Clerk of the Board of Chosen Freeholders**

**AN ORDINANCE AMENDING AN ORDINANCE SETTING THE STANDARDS, REGULATIONS AND RATES FOR POLICE-REQUESTED AND NON PREFERENCE TOWING AND STORAGE SERVICES FOR THE COUNTY OF UNION**

**WHEREAS**, this Board adopted Ordinance No. 393-1994 dated August 11, 1994 Setting the Standards, Regulations and Rates for Police Requested and Non Preference Towing and Storage Services for the County of Union:

**BE IT ORDAINED** by the Board of Chosen Freeholders of the County of Union that Ordinance No. 393-1994 is hereby amended as outlined below.

**TOWING**

- § 1. Purpose.
- § 2. Definitions.
- § 3. License required.
- § 4. Licensing standards.
- § 5. License fees.
- § 6. Term of license.
- § 7. Number of operators; rotation.
- § 8. ~~[General rules and regulations]~~ Zones
- ~~§ 8.]~~ § 9. General rules and regulations.
- ~~§ 9.]~~ §10. License suspension or revocation.
- ~~§10.]~~ §11. License transfer.
- ~~§11.]~~ §12. Rates.
- ~~§12.]~~ §13. Department of Motor Vehicles Information.
- § 14. ~~[License issuing authority.]~~ County Takeover of Storage Operations.
- § 15. ~~[Violation and penalties.]~~ Implementation.
- ~~§16.]~~ §18. Effective date.
- §16. License-issuing authority.
- §17. Violation and penalties.

§ 1. **Purpose.**

The purpose of this chapter is to provide standards, regulations and rates for police-requested and nonpreference towing and storage services requiring a response thereto by the licensees. Said services shall be rotated weekly amongst qualified towers and provided under the supervision of the Department of Public Safety of the County of Union and the Police Department of the County of Union. All towing operators who wish to be licensed under this ordinance must also provide all the requisite paperwork prior to the commencement of any towing of vehicles.

The County of Union reserves the right to take over the storage portion of this license at any time. This chapter also addresses the process in such an instance.

§ 2. **Definitions.**

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

**BASIC TOWING SERVICE** - Means the removal and transportation of a vehicle 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. This does not mean moving a vehicle within a storage area or between storage areas or from a storage area to just outside of a storage area.

**CATEGORY I VEHICLE** - All vehicles 0 to 6,000 pounds GVW.

**CATEGORY II VEHICLE** - All vehicles 6,000 to 26,000 pounds GVW.

**CATEGORY III VEHICLE** - All vehicles 26,000 pounds and over GVW.

**CRUISING** - The operation of an unengaged tow truck along the public streets in any fashion intended or calculated to solicit business.

**EXTRA TOWING SERVICE** - Would include recovery of a vehicle from a position:

- 1) either partially or completely overturned
  - 2) beyond the right-of-way or berm
  - 3) where it is impaled upon any other object within the right-of-way
- and those towing situations where there exists a spillage of vehicle contents or cargo onto the travel portion of the roadway resulting in a protracted clean up operation utilizing either additional manpower or specialized equipment.

**GROSS VEHICLE WEIGHT** - The registration weight, the manufacturer's gross vehicle weight rating or actual weight, whichever is greatest.

**INSIDE STORAGE FACILITY** - Means a vehicle storage facility that is completely indoors and protected from the elements, having one or more openings in the walls for storage and removal of vehicles and that is secured by locking device on each opening.

**LICENSEE** - Towing operator.

**NONPREFERENCE TOWING AND STORAGE SERVICES** - Means any request for towing and/or storage services initiated by the Department of Public Safety of the County of Union or the Police Department of the County of Union, regardless of the ultimate place to which the vehicle is towed and/or stored.

OUTSIDE STORAGE FACILITY - Means a vehicle storage facility that is not indoors and is secured by a fence, wall or other man-made barrier that is at least eight (8) feet high.

OWNER - A person, firm, corporation or other entity who owns, leases and/or operates, parks or abandons a vehicle on the roads and highways within the County of Union, which vehicle by reason of being disabled or being unlawfully upon said roads requires towing services.

POLICE - The Police Department of the County of Union and/or state police and/or municipal police or such other police as may have jurisdiction upon the roadways on which the vehicle may be found in said County of Union.

TOWING OPERATOR - A person, firm, corporation or other entity engaged in the business of providing tow truck services and storage services for vehicles towed, which services are made available to the general public upon such rates, charges and fees as determined by the Board of Chosen Freeholders of the County of Union, and which towing operator is licensed under the provisions of this chapter.

TOW TRUCK - A vehicle driven by mechanical power and employed for the purpose of towing, transporting, conveying or removing any and all kinds of vehicles or parts of vehicles which have been impounded, are required to be towed or are unable to be operated under their own power, for which a service charge or fee is exacted.

§ 3. **License required.**

No towing operator shall operate on the roads, parks and playgrounds owned, maintained or controlled by the County of Union without obtaining a license in accordance with the provisions of this chapter. Specifically exempted from this license requirement is the towing, transporting, conveying or removing of vehicles from private property, except in the case of a police emergency within the County, or by towing operators which are directly and privately engaged or designated by the owner of the vehicle to be towed, transported, conveyed or removed upon the streets of the County of Union.

§ 4. **Licensing standards.**

A. Equipment requirements. No license shall be issued to a towing operator who does not own or lease, for utilization in its business, the following equipment, which equipment must comply with all federal and state laws and shall be inspected by the Union County Police Chief or his authorized representative prior to a license being issued and a report of said inspection furnished to the Department of Public Safety. Said equipment shall be designated as follows:

- (1) ~~Two (2)~~ **One (1)** heavy-duty wrecker[s] capable of removing any Category III vehicles, such as: buses, tractor trailers, dump trucks and recreational vehicles.
- (2) ~~Two (2)~~ **One (1)** conventional wrecker[s] capable of removing any Category II vehicles, including cube vans and step vans.
- (3) ~~Three (3)~~ **Two (2)** flatbeds for Category I vehicles, including passenger vehicles, motorcycles and mopeds.
- (4) Safety equipment to be carried on all trucks shall include: a universal towing sling, (1) snatch block for three-eighths- to one-half-inch cable, two (2) high-test safety chains; auxiliary safety light kit to place on rear of towed vehicle; four-lamp or three-lamp revolving amber light or lamp bars of at least five hundred (500)

candle power pointed to the rear, mounted so as not to be obstructed by the towed vehicle(s) and said lights must be engaged during the removal of the vehicle(s); at least three flares or other suitable warning devices visible for a distance of not less than one thousand (1,000) feet from the disabled vehicle(s); toolbox with assortment of hand tools; rear working lights and rear marker lights; cab lights; body-clearing lights located to clear towed vehicle; blocking choke for wrecker while working; safety cones; shovel and broom; steering wheel lock or tie-down; two-way radio communication system; sand, and an operational fire extinguisher designed for vehicular fires.

- (5) All tow trucks must be properly lettered on both sides as provided by law.
  - (6) All trucks will be maintained and operated in accordance with all existing traffic regulations and in a safe and prudent manner.
  - (7) The towing operator must own or lease an operational fax machine capable of transmitting correspondence via telephone lines.
  - (8) The towing operator will submit a detailed list of all wreckers, tow trucks and service vehicles as well as supplemental/auxiliary equipment owned or leased which will be used in performance of this chapter. A copy of the vehicle registration, insurance cards, and leases, must also be provided with the list. The list must contain the following information: type of vehicle, year/make, capacity and condition of the vehicle.
- B. Other facilities. Each towing operator shall have an indoor, secured storage area sufficient to house ten (10) vehicles and provide twenty-four-hour security for the same for the storing of impounded vehicles involved in criminal matters. These vehicles may contain, or are themselves, evidence needed for potential criminal or civil cases. These vehicles shall not be removed from the safe and secure inside storage area until written permission is obtained from the respective Union County Law Enforcement agency.
- C. General area. The towing operator shall provide a separate outside storage yard, fenced and secured, for the exclusive use of Union County Law Enforcement agencies and large enough to accommodate at least ~~fifty (50)~~ twenty five (25) passenger vehicles and ~~ten (10)~~ two (2) tractor/trailers (with electrical supply if needed) as well as ~~fifteen (15)~~ five (5) motorcycles, recreational vans, etc.) at any given point in time.
- D. General standards.
- (1) The storage facilities shall have proper sign identification upon same and shall be kept clean so as to be reasonably accommodating to persons of the County or others who may come upon said premises.
  - (2) All storage areas must be entirely lit from dusk through dawn and must be entirely enclosed and secured by a sturdy fence of at least eight (8) feet.
  - (3) The towing operator must NOT store vehicles towed for Union County Law Enforcement agencies on top of one another, must not park any said vehicles on public roadways or sidewalks nor must the towing operator block any public roadways or sidewalks with said vehicles.

- (4) All towing operators and their drivers shall be fully trained and knowledgeable in the operation of all required equipment and shall be subject to background investigations by the Union County Police Department. Accordingly, the towing operator must submit a roster of all employees who will perform services under this chapter. The following information will be provided: name, address, date of birth, social security number, driver's license expiration date, type of license, signature of employee, name and address of an individual to contact in case of emergency. The towing operator must also supply photocopies of all New Jersey Commercial Driver's Licenses of all employees who will operate responding vehicles with the employee roster.
- (5) All new employees shall be registered with the Union County Police Chief prior to performing any services under this contract. Information on employees shall be updated every ninety (90) days in order to keep current with changes in personnel.
- (6) All responding employees must possess a valid New Jersey Commercial driver's license, with proper endorsements, necessary to legally tow all types of motor vehicles.
- (7) The responding employee(s) must be equipped with and trained in the basic tools necessary to perform minor roadside repairs.
- (8) The responding employee(s) must be equipped with and trained in the necessary tools and equipment to perform all facets of the safe and efficient removal of all types of motor vehicles under this chapter regardless of the physical condition of the vehicle.
- (9) The responding employee(s) must be equipped with and trained in the necessary equipment needed to completely remove, and **MUST** remove, all debris from the scene of the accident.
- (10) All responding employees must wear safety vests when engaged in the towing/repair of motor vehicles while on public roadways.
- (11) All responding employees must present a neat appearance at all times in a uniform identifiable with the towing operator.
- (12) All responding employees must follow the directions of the Union County Police Department with regard to the preservation of evidence needed for potential criminal and civil cases.
- (13) All drivers will relay information to the police on the following: crime, disabled vehicles, accidents, disasters, etc.
- (14) Tow truck drivers will request police assistance during the course of servicing when they find it necessary to turn around, back up, tow in the opposite direction, cross the median, etc.
- (15) All towing operators must be available for service on a twenty-four-hour, seven-day-a-week basis without exception.
- (16) In all dealings with the public in connection with this contract, the towing operator and its employees are expected always to act in a professional manner and at all times to be courteous and respectful towards members of the public as well as representatives from the County of Union. While members of the public, especially those whose cars may have been towed or impounded, may at times resort to strong language, threats and unbecoming behavior toward

the towing operator and its employees, the towing operator and its employees are expected to exercise restraint and not to respond in kind, and thereby reflect unfavorably on the County of Union and or the Union County Police Department. No employee of the towing operator shall represent to any member of the public that he is an employee of the County of Union. Reports of discourteous behavior by the towing operator or its employees which can be sustained and documented may be considered by the County as sufficient cause for termination of the contract.

~~[(17)] [The towing operation will be responsible for all vehicles and contents in their custody that were towed off the roadway under the direction of the police.]~~

~~[(18)]~~

(17) The towing operator will notify the police on a weekly basis and in accordance with §4 D (22) if they are in custody of any unclaimed vehicles.

~~[(19)]~~

(18) The towing operator will cooperate with other operators in the case of emergency services at the scene of accidents and/or disasters.

~~[(20)]~~

(19) The towing operator will dispatch, within the time permitted by this chapter, tow truck(s) when requested by the desk officer to respond to a police-requested call for service.

~~[(21)]~~

(20) The police officer investigating the incident is in complete charge of the incident scene, and all drivers shall comply with the officer's instructions.

~~[(22)]~~

(21) All towing operators shall maintain and produce proof to the County Police of the following insurance coverage: garage keepers' liability policy in the amount of one million dollars (\$1,000,000.00) for any one (1) claimant and two million dollars (\$2,000,000.00) for more than one (1) claimant with one million dollars (\$1,000,000.00) coverage for property damage for any one (1) event. Additionally, the following insurance is required:

- A. Automobile Liability Insurance in an amount of not less than one million (\$1,000,000.00) combined single limit for bodily injury and property damage liability. A certificate of such current insurance shall be provided to the County, and the towing operator must obtain prior written approval from the County before any cancellation or major change may be made in the policy.
- B. Workers Compensation Insurance insuring the obligation of the towing operator under the New Jersey Workers Compensation and Occupational Disease Laws as respects work performed under this contract. Insurance shall be extended to include any obligations under the United States Longshoreman's and Harbor Workers Act or any Maritime Act when applicable.

- C. General Liability Insurance shall be provided on a Comprehensive Form with a combined single limit of one million (\$1,000,000.00) per Occurrence for Bodily Injury Liability and Property Damage Liability and shall protect the interest of the County with respect to work emanating from the contract with the County. This insurance shall include the following:
  - 1. Personal Injury Liability
  - 2. Blanket Contractual Liability, applying to assumption of liability under any written contract,
  - 3. Products Liability and
  - 4. Completed Operations Liability.
- D. Certificates of Insurance shall contain a provision that insurance afforded under the policies will not be cancelled without at least 30 days prior written notice being given to the County of Union.
- E. The County of Union must be notified, in writing, of any cancellation, revision or interruption relative to any of the insurance policies required under this contract. Prior written approval of any such cancellation, revision or interruption of coverage must be given by the County of Union.
- F. The towing operator's policies must be endorsed to provide collision coverage for vehicles in tow.
- G. The County of Union must be listed as an additional insured and the insurance certificates must indicate such coverage.
- H. The failure of the towing operator to maintain the required insurance coverage set forth in these specifications shall be grounds for cancellation of the license issued under this chapter.
- I. Insurance coverage shall indemnify the County against any loss due to injuries, accidents or damages of any character whatsoever, where any such damage is the result of an act or omission of the towing operator, or due to the execution of the work called for under the contract.
- J. The providing of any insurance required herein does not relieve the towing operator of any of the responsibilities or obligations assumed by the towing operator, under this chapter or for which the towing operator may be liable by law or otherwise.
- K. Failure to provide and continue in force such insurance as required above shall be deemed a material breach of the towing operator's participation under this chapter and shall be treated as a reason for immediate termination of same.

~~[(23)]~~

(22) The towing operator must maintain as accurate file of all vehicles towed or serviced at the request of the Union County Police which file must be forwarded to the Union County Police on a weekly basis for examination and comparison. The towing operator shall record all vehicles towed on Union County Police approved invoices which clearly state the name of the owner, vehicle make, model and identification number along with all other pertinent information. The invoice shall also clearly state all services performed and provided with a copy of a Police Tow Sheet after one has been processed through the Records and Traffic Bureaus.

~~[(24)]~~

(23) The towing operator must maintain an accurate inventory of ALL towed vehicles stored in its impound site. The Union County Police will periodically inspect and compare the impound storage list to insure accuracy. Discrepancies will be investigated by the Union County Police.

~~[(25)]~~

(24) The towing operator must maintain an Impound File which is identical to that kept by the Union County Traffic Bureau.

~~[(26)]~~

(25) The towing operator must maintain all records by means of a computer system to facilitate an expedient and efficient means of retrieving information and must maintain all records at one central location. These records shall be kept for a seven (7) year period.

~~[(27)]~~

(26) The towing operator must maintain a record of all property found anywhere in a towed vehicle, including the trunk and glove compartment, if open, or key available and shall be responsible to safeguard and release contents to the owner **or to the County, if the County takes over the storage services portion of the license.**

~~[(28)]~~

(27) Authorized representatives of the Union County Police or their designees shall have access to any of the records required to be kept by the towing operator.

~~[(29)]~~

(28) The towing operator upon receiving a vehicle, shall immediately contact the owner of the vehicle by telephone and in writing and within one (1) business day, inform the owner that:

The towing operator is in possession of the vehicle;  
The costs the owner has incurred;  
The procedure for obtaining a release of the vehicle;  
The consequences for failure to retrieve the vehicle within the proper time frame.

~~[(30)]~~

(29) The towing operator must maintain accurate records of owner notification(s) and attempted notifications.



~~(31)~~

~~(30)~~ The towing operator must NOT release any vehicle from an impound site unless a valid Union County Police "Vehicle Release Form" is submitted to the towing operator.

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**(31) The towing operator shall provide telephonic notification to the Union County Police immediately upon release of a vehicle.**

- (32) The towing operator must report any unusual or questionable attempts to release any vehicle from impound to the Union County Police. Questionable release documents must be verified by telephone with the Union County Police Record Bureau or office issuing the document.
- (33) The towing operator must follow the proper procedures and directions of all applicable laws for the disposal of vehicles not retrieved by the owner. Any vehicles which are not released according to proper procedure shall be reported to the Union County Police Traffic Bureau and shall be identified in writing on the weekly report.
- (34) All towing operators shall be located within the County of Union in order to ensure response within ~~twenty (20)~~ **thirty (30)** minutes to calls, as needed.
- (35) All towing operators shall be obligated to tow county vehicles **from within the County** in the event that they become disabled or involved in an incident at **no cost to the County**. All County owned vehicles are to be towed to either the Westfield location (300 North Avenue) or the Elizabeth location (Cherry Street and Rahway Avenue). Dump trucks are to be towed to either the Scotch Plains location (2171 South Avenue) or the Kenilworth/Galloping Hill service yard (21 North 31<sup>st</sup> Street).
- (36) The towing operator must provide towing, storage and basic mechanical service on a 24-hour, 7 day-a-week basis, including holidays and must have an employee on duty at all times with access to the primary telephone system, fax machine and the base station of the mobile radio system.
- (37) The towing operator must have its facilities available to the public a minimum of eight (8) hours per day (9:00 a.m. – 5:00 p.m.), six (6) days a week (Monday through Saturday) and during limited daylight hours on Sundays and Holidays for the reclaiming of towed vehicles.
- (38) The towing operator must handle removal of all abandoned and junk vehicles for the Union County Police.
- (39) The towing operator must have the capability of towing/removing abandoned vehicles without wheels, locked (including steering), or any/all other conditions.
- (40) The towing operator must have the capability of towing/removing of all heavy equipment regardless of size and weight.
- (41) The towing operator shall remove any vehicle which the Union County Police Department may lawfully direct them to do so and shall store same at their lot(s) until said vehicle(s) is reclaimed by the lawful owner, or is otherwise disposed of according to law.

- (42) The towing operator shall be responsible for any vehicle and the contents thereof towed off the roadway under the direction of the police and after receiving said vehicles in their custody and control, and shall reimburse the owner of such vehicle removed for any such damage or loss sustained to any vehicle or its contents while the said vehicle is in the towing service company's custody and control.

If the County exercises its right to takeover the storage services portion of this license, the towing operator shall remain responsible for any vehicle and the contents thereof after receiving said vehicle and until received and inspected by the County as set forth herein. The County will inspect the vehicle upon its receipt at the County's storage location and document any damages and/or contents in the vehicle at such time. The towing operator shall reimburse the owner of such vehicle for any such damage or loss sustained to any vehicle or its contents while said vehicle is in the towing service company's custody and control as documented by the County inspection.

- (43) The towing operator shall not make any repairs to any vehicle towed or removed as provided for hereunder without first receiving written authorization of the owner thereof or its authorized agent.
- (44) The towing operator shall use at a minimum the manufacturer's suggested towing or removal method for removal of damaged or impounded passenger cars or light vehicles, including pick-up trucks, mini-vans, motorcycles and vans, including but limited to a hook, tow, dolly, winch, sling, wheel lift, underreach, or flatbed.
- (45) The towing operator must, in addition to the removal of all debris from an accident scene, which includes sweeping the roadway, preserve any evidence the Union County Police determines necessary for potential criminal and civil cases.
- (46) The towing operator must be capable of providing general vehicle repair services on foreign and domestic motor vehicles and must warrant those repairs.
- (47) Storage locations must be in compliance with all applicable codes and municipal ordinances and must be zoned for all of the uses for which they are, or will be, dedicated.
- (48) All storage locations must satisfy all licensing requirements promulgated by the State of New Jersey and the municipality regarding all aspects of their use, and/or intended use, including but not limited to the towing, storage, repair and sale of motor vehicles.
- (49) The towing operator must submit with the license application, certifications from the Zoning Officers of the municipalities in which the vehicles are to be stored, stating that the storage of Motor Vehicles at this location is permitted under Local Zoning regulations.
- (50) All areas of the facility where the public enters in order to retrieve their motor vehicles must have a clean rest room and waiting room.
- (51) The towing operator must maintain a storage location within the County to facilitate reasonable towing distance.

- (52) The towing operator shall submit with the license application proof of ownership or rental of the storage location. In the case of ownership, a copy of the deed shall be submitted. In the case of rental, a fully executed lease agreement covering at least six months beyond the term of the license issuance shall be submitted. Said lease shall state that the storage of towed vehicles will be allowed under the lease provisions. All leased property must comply with the zoning and licensing requirements detailed in Subparagraphs § 4 D (47) and (48).
- (53) Storage fees shall be charged in accordance with the following:
  - a. vehicles stored after 1 p.m. will not be charged for storage that day.
  - b. vehicles claimed prior to 11 a.m. will not be charged for storage that day.
- (54) The towing operator is required to submit a detailed site list and must respond to a questionnaire provided by the Union County Police which describes each garage and storage site owned or leased by the towing operator which will be used in performance under this chapter.

§ 5. License fees.

- A. The following schedule of fees is hereby adopted for obtaining and maintaining a towing operator's license ~~pursuant to~~ under this chapter:
  - (1) Application fee: ~~one~~ three hundred fifty dollars ~~(\$150)~~ (\$350).
  - (2) License ~~(s)~~ (s) fee(s): ~~five~~ fifteen hundred dollars ~~(\$500)~~ (\$1500.00) ~~per licensed operator.~~ for one license;  
twenty two hundred and fifty dollars (\$2250.00) for two licenses;  
three thousand dollars (\$3000.00) for three licenses;
- B. Fees paid pursuant to this section shall not be refundable for any reason.

§ 6. Term of license.

Licenses issued pursuant to this chapter shall be for a term of ~~one (1) year~~ twenty-four months. ~~(September 1—August 31)~~ The initial term shall be from May 1, 2009 through April 30, 2011 and shall follow every two (2) years thereafter. All license applications must be received by ~~August 31~~ February 1st of every odd numbered calendar year for the next license ~~year~~ term.

§ 7. Number of operators; rotation.

- A. In order to assure provision of safe and efficient towing service throughout the County to benefit the public good, all qualified operators pursuant to this chapter shall be issued a towing license.
- B. Each towing operator shall be placed on a rotational list as compiled by the County of Union Police Chief. Such towing operator shall be called upon to respond to the needs of the Police Department of the County of Union on a weekly rotational basis.

§ 8. Zones

A. The County shall be divided into three (3) zones in order to ease compliance with the response time. Each zone shall have its own rotational list. Towing operators can elect to be included in multiple zones but are required to be able to comply with the stated response time and must purchase a separate license for each zone. Towing operators only need to complete one application regardless of the number of zones requested.

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B. Zones

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<u>Zone 1:</u>	<u>Zone 2:</u>	<u>Zone 3:</u>
<u>Plainfield</u>	<u>Berkeley Heights</u>	<u>Rahway</u>
<u>Fanwood</u>	<u>New Providence</u>	<u>Linden</u>
<u>Scotch Plains</u>	<u>Mountainside</u>	<u>Winfield</u>
<u>Westfield</u>	<u>Summit</u>	<u>Clark</u>
<u>Garwood</u>	<u>Springfield</u>	<u>Roselle</u>
<u>Cranford</u>	<u>Union</u>	<u>Hillside</u>
<u>Roselle Park</u>	<u>Kenilworth</u>	<u>Elizabeth</u>

§ 9. General rules and regulations.

- (1) No towing operator shall engage in cruising as defined in this chapter.
- (2) No towing operator shall solicit or attempt to divert patrons of another towing operator whether or not licensed under this section, nor shall a towing operator solicit or divert prospective patrons of a given repair service to any other repair service, nor shall any police officer designee or suggest any towing operator to perform service.
- (3) No flashing lights or sirens shall be used by a towing operator except as granted by the Chief of Union County Police in and/or under the provisions of N.J.S.A. 39:1 et seq.
- (4) The Board of Chosen Freeholders hereby designates the Union County Police Department, generally, its specific designee and the Police Chief, particularly, as the supervising authority to enforce the provisions of this chapter as well as the rules and regulations adopted hereunder with the ultimate authority vesting in the Board of Chosen Freeholders of the County of Union.
- (5) Prior to issuance of the initial license and license renewal during the month of ~~August~~ February of every odd numbered calendar year, each towing operator licensed under this section shall be inspected for fitness by a representative of the County Police Department and shall appropriately complete a new application for each license term ~~year~~.
- (6) Each licensed towing operator at all times shall maintain and carry the necessary equipment to remove disabled or locked vehicles or equipment necessary to the operator to open vehicles to enable public safety personnel to remove entrapped passengers.
- (7) No towing operator, licensed under this chapter shall respond to the scene of an accident except upon notification by the Union County Police Department. The officer investigating accidents which require towing service shall obtain authorization, in writing, when able, on forms provided by the Police Department, from the driver or owner of cars or

other vehicles when any specifically named towing service, whether licensed or unlicensed, is requested.

- (8) ~~[[Towing operators shall arrive at the scene to which dispatched within twenty (20) minutes to at least three (3) simultaneous requests for service by the Union County Police Department].~~ Primary response MUST be given to the Union County Police at ANY given point in time. In the event that the towing contractor scheduled to respond to a request for service, does not perform or does not respond within the time period set forth in these specifications, the Union County Police will call the next towing service on the list for that particular job, and return to the scheduled rotating order thereafter. Failure to arrive within the allotted time will be considered a violation of the provisions of the license agreement by the towing operator to penalties up to and including revocation of the license.
- (9) Where no storage designation by an owner or the police has been made, licensed towing operators are authorized to remove the vehicle to the towing operator's place of business.
- (10) Where a vehicle is towed to premises controlled by the Police Department for the purpose of utilizing the vehicle or its contents as evidence or for other purposes, such vehicle shall not be released from police custody unless the owner of the vehicle furnishes the Police Department with a receipt that towing service fees have been paid.
- (11) In all cases where cars are to be towed for illegal parking summonses, such summonses shall be issued prior to towing.
- (12) No towing operator operating under the license issued hereunder shall employ, directly or indirectly, any sworn officers of the Union County Police Department.
- (13) The Union County Police Department shall maintain a log record of calls to licensed towing operators under this chapter. Said record shall be available for inspection by any licensed towing operator upon reasonable notice. Additionally, the Union County Police Department shall maintain records of fees charged to towed vehicle owners. Such fees shall be kept as records by the Union County Police Department, and then all such records shall be forwarded to the Department of Public Safety not less than semiannually, which latter records may be inspected by the towing operators or the public generally.
- (14) Such additional rules and regulations as may be promulgated by the Board of Chosen Freeholders pursuant to this chapter shall take effect after notification of such rules and regulations upon all the holders of licenses as towing operators. Service shall be made by certified mail, return receipt requested, to the licensee at the address listed in its most recent application. The towing operator shall be given a reasonable opportunity to be heard on such changes.
- (15) At the direction of the Union County Police Department, the towing operator shall remove junk and/or abandoned vehicles from the roadway or any other public property, including but not limited to County parking lots, parks and playgrounds.
- (16) A junk vehicle shall be defined as a motor vehicle incapable of being operated safely or of being put in a safe operational condition except at a cost in excess of the value thereof. If the vehicle is unclaimed by the owner or other person having legal right thereto for a period of fifteen (15) business days, the towing operator shall notify the Chief of Police or

designee that the vehicle has been held for the statutory time and that the vehicle is ready for sale.

- (17) An abandoned vehicle shall be defined as a motor vehicle which cannot be certified for a junk title certificate pursuant to N.J.S.A. 39:10A-3. If the vehicle is unclaimed by the owner or other person having legal right thereto for a period of twenty (20) business days, the towing operator shall notify the Chief of Police or designee that the vehicle has been held for the statutory time and that the vehicle is ready for sale.
- (18) Proceeds from the sale of junk or abandoned vehicles shall be used to satisfy any towing or storage charges which may have accumulated on the vehicle. Excess proceeds shall be paid to the County Treasurer. If the proceeds are insufficient to cover the accumulated costs, such excess costs shall be waived by the towing operator and no further funds will be due from the County or the purchaser of the vehicle. This waiver does not apply to the owner or other person entitled to the vehicle who shall remain liable for the towing operators bill. This section will be administered in accordance with N.J.S.A. 39:10A-1 et seq.
- (19) The towing operator covenants and agrees to comply with any federal and state laws and local ordinances governing:
  - (a) the operation of vehicles
  - (b) towing cars
  - (c) storage areas
- (20) All charges made by the towing service company shall be paid by the owner, or any person, firm or corporation claiming the right to possession of any vehicle removed or stored by the towing operator as provided for herein, and the County of Union shall not be liable for the payment of any sum of the towing operator which may be due on account of any towing, removal or storage.

(21) All fees associated with towing and/or storage services collected pursuant to this license and due to the County shall be paid by licensee and forwarded to the Union County Police with the files and invoices of all vehicles towed and serviced on a weekly basis in accordance with §4 D (22).

~~[(21)]~~

(22) The rotational system established under this chapter will continue until supplemented by subsequent ordinances. ~~[(The County reserves the right to terminate this rotational system if the Appellate Division rules favorably on behalf of the County in connection with the matter entitled: "NERI Corporation, et al. v. Board of Chosen Freeholders, County of Union, et al. and Sevell's Auto Body Co., Inc." A-4742-93T3.)]~~

~~[(22)]~~

(23) The failure on the part of the towing operator to comply with any of these specifications is just cause for revocation of the license. Any towing operator found to have submitted fraudulent or inaccurate information or violated any New Jersey Department of Insurance Rules or Regulations may be subject to the revocation of the license(s) and/or prosecution pursuant to §17 of this chapter ~~[(The County may revoke the license if the towing operator has submitted fraudulent or inaccurate information or has violated any New Jersey Department of Insurance Rules or Regulations).]~~

~~[(23)]~~

(24) Any towing operator with a record of a felony criminal conviction shall not be qualified to receive a license. The County of Union may waive this requirement for just cause.

~~[(24)]~~

(25) The award of any license is subject to County inspection and approval of the towing operator's facilities and equipment and the receipt by the County of a satisfactory Better Business Bureau Report.

~~[(25)]~~

(26) The County of Union requires the submission of a Background Information Form, available from the Police Department of the County Police, which details the ownership of the corporation, partnership or proprietorship submitting the license application.

~~[(26)]~~

(27) The towing operator must render all services with its equipment and personnel as well as storing all impounds on his sites. Subcontracting is expressly prohibited!

~~[(27)]~~

(28) This contract shall be governed by the laws of the State of New Jersey.

§ ~~99~~ 10. **License suspension or revocation.**

The Board of Chosen Freeholders shall have the right to suspend or revoke any license issued under this chapter for good cause, upon written complaint of the Chief of Police of the County of Union following his determination that there is probable cause for revocation or suspension based upon violation of this chapter. Written notice of such complaint and the basis of the complaint shall be given upon ten (10) day notice to the towing operator, and said operator shall have an opportunity to be heard.

§ ~~100~~ 11. **License transfer.**

No controlling interest in a license issued pursuant to this chapter shall be assigned, transferred or, sold, except on specific approval of the Board of Chosen Freeholders of the County of Union, and, upon cessation of activity or authority under the license through revocation or otherwise, the license shall be determined null and void. In no event shall any such license be posted as collateral. At the time of application for said license, the towing operator shall complete and submit, on County forms, a statement of ownership. Any controlling interest transfer of ownership in a licensee's business be it actual transfer of stock ownership, without County approval, shall render the license void. In the event of sale or transfer, the new applicant, if any, shall make a new application and pay fees and be approved by the County of Union, New Jersey.

§ ~~111~~ 12. **Rates.**

A. The following rates are applicable within the purpose and intent of this chapter:

<b>Service</b>	<b>Rate</b>
Towing Charge	Category I (all vehicles 0 to 6,000)

	Lbs GVW)	<del>[\$40.00]</del> <b><u>\$150.00</u></b>
	Category II (all vehicles 6,001 to 26,000 lbs. GVW)	<del>[\$ 60.00]</del> <b><u>\$175.00</u></b>
	Category III (all vehicles 26,001 lbs.and over GVW)	<del>[\$75.00]</del> <b><u>\$325.00</u></b> /single unit <del>[\$115.00]</del> <b><u>\$450.00</u></b> /combination unit
Winching Cable	(to be used <u>only</u> when vehicle has left the roadway)	<del>[\$1.50]</del> <b><u>\$3.50</u></b> per cable foot
<del>Heavy Duty Underreach</del>	<del>(Categories II &amp; III Vehicles Only)</del>	<del>\$200.00]</del>
Recovery-Winching Heavy Duty	(Category II & III Vehicles Only) – - per hour -	
One Person-One Tow Truck		<del>[\$100.00]</del> <b><u>\$250.00</u></b>
Release Brake Cylinder		<del>[\$15.00]</del> <b><u>\$75.00</u></b> each
<del>Bumper Removal</del>		<del>\$20.00]</del>
Release Air Brakes		<del>[\$15.00]</del> <b><u>\$75.00</u></b>
Drop Drive Shaft		<del>[\$15.00]</del> <b><u>\$75.00</u></b>
Axle		<del>[\$15.00]</del> <b><u>\$75.00</u></b> each
<del>Inside Storage</del>	<del>Category I (above)</del>	<del>\$15.00 per day</del>
<del>“ “</del>	<del>Category II (above)</del>	<del>\$25.00 per day</del>
<del>“ “</del>	<del>Category III (above)</del>	<del>\$40.00 per day]</del>
Outside Storage	Category I (above)	<del>[\$10.00]</del> <b><u>\$35.00</u></b> per day
“ “	Category II (above)	<del>[\$20.00]</del> <b><u>\$50.00</u></b> per day
“ “	Category III (above)	<del>[\$30.00]</del> <b><u>\$100.00</u></b> per day
Jump Starts		<del>[\$25.00]</del> <b><u>\$75.00</u></b>
Tire Changes		<del>[\$50.00]</del> <b><u>\$75.00</u></b>
Lockouts		<del>[\$25.00]</del> <b><u>\$75.00</u></b>

**B. The County shall be entitled to a fee of fifty percent (50%) of the payment received for any and all towing and/or storage services provided under this license. There is no exemption from this requirement for any towing and storage services resulting from a motor vehicle accident.**

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C. In the event the County exercises its right to takeover the storage services subject to §13, the County shall be entitled to a fee of forty percent (40%) of the payment received for any and all towing services provided under this license. There is no exemption from this requirement for any towing and storage services resulting from a motor vehicle accident.

~~{B.}~~

D. The towing operator must only charge the rates set forth in this contract and in conformity with these provisions. No other charges or fees are permitted.

~~{C.}~~

E. The towing operator must NOT exceed those rates regulated by the New Jersey State Department of Insurance set forth in N.J.A.C. 11:3-38.1 et seq.

~~{D.}~~

F. The towing operator must provide a current and complete rate schedule to all customers and must conspicuously display the rate schedule at all impound sites.

~~{E.}~~

G. The towing operator must tow the motor vehicle from the location of the police request to the towing operator's impound site(s). This shall constitute a single tow rate.

~~{F.}~~

H. The towing operator is expressly prohibited from charging the owner of the vehicle for towing the vehicle from the original impound site to another site affiliated with the towing operator.

~~{G.}~~

I. The towing operator is prohibited from charging a release fee for releasing vehicles after normal business hours.

~~{H.}~~

J. The towing operator must accept Visa and Mastercard credit cards and major auto club membership cards (i.e. AAA) twenty-four (24) hours a day, every day of the year.

~~{I.}~~

K. The towing operator must not charge the owner any additional fees for pulling the vehicle onto the flatbed truck. "Winching" fees are only permitted to pull the vehicle back onto the roadway and put the vehicle in proper position to "hook" the vehicle to the tow truck.

~~{J.}~~

L. Mileage fees are not permitted. Additionally, NO OTHER FEES OR CHARGES ARE PERMITTED except as set forth above. In the event of an extraordinary circumstance which would invoke undue hardship to the towing company, ~~{Captain Grady of}~~ the Union County Police ~~{Department or his}~~ Chief or his authorized representative must be notified at (908) 654-9800 and give his written approval before the imposition of any assessment.

§ ~~H2~~ **13. Department of Motor Vehicles Information.**

The Police Department of the County of Union shall provide, when requested, towing operators with the Department of Motor Vehicles information regarding registered owners and lienholders. Vehicle information requested and given shall be in conformance with N.J.S.A. 39:1-1 et seq., and shall not in any way violate the confidentiality that is reposed in the Police Department.

§ 14. County Takeover of Storage Operations

- A. In the event that the County exercises its right to takeover the storage services portion of this license, the County will provide the licensee with a written notice of same thirty (30) days prior to such takeover.
- B. The County will notify the licensee of the County's storage location. Licensee shall be required to deliver any vehicle towed under this license to the County's storage location. The County will be solely responsible for the storage of the vehicles and solely entitled to the fees associated with the storage services provided.
- C. Vehicles towed as a result of a motor vehicle accident shall not be stored in the County's storage location.
- D. Upon receipt of the vehicle by the County at its storage facility, the County shall inspect the vehicle and document the current condition and contents of the vehicle, including any existing damages and shall retain a record for its file.\*

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§ ~~H3~~ **15. Implementation.**

Upon the adoption of this chapter, the Clerk of the Board of Union County Chosen Freeholders shall give thirty (30) days' public notice of the receipt of ~~the~~ license application ~~(s)~~ pursuant to this chapter. Public notice shall be given by publication in an appropriate newspaper circulated within the County. All towing operators, consistent with this chapter, who meet the requirements established by this chapter, shall be eligible for the issuance of a license upon payment of the required fees.

§ ~~H4~~ **16. License-issuing authority.**

The license-issuing authority shall be the Board of Chosen Freeholders of the County of Union.

§ ~~H5~~ **17. Violations and penalties.**

Any person, firm or corporation violating the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not more than five hundred dollars (\$500) or to imprisonment for not more than ninety (90) days or both, in the discretion of the Judge of the Municipal Court.

§ ~~H6~~ **18. Effective date.**

This ordinance shall take effect at the time and in the manner provided by law. The Clerk of the Board of Chosen Freeholders shall publish a notice in the appropriate newspaper of such introduction and of a public hearing on ~~[August 11, 1994.]~~ February 11, 2009.