

Egg Harbor Township

Ordinance No. 43

2018

An ordinance to amend the Code of the Township of Egg Harbor, Chapter 190, entitled “Rotary Towing and Storage”

BE IT ORDAINED, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey as follows:

SECTION 1: Chapter 190 of the Code of the Township of Egg Harbor, Section 190-3 is hereby amended by deleting it in its entirety and replacing it as follows:

§190-3. Rotary List.

- A. This chapter hereby establishes a list of licensed tow operators to provide basic and non-basic towing services for the Township of Egg Harbor on a rotating basis. The Police Department will maintain the rotary list and determine the time period for each rotation. The list of licensed tow operators shall be determined by and under the direct supervision of the Chief of Police or his/her designee.
- B. A licensed towing operator shall be placed on the rotary list in the order in which the operator was chosen in the lottery conducted by the Police Department.
- C. No licensed tow operator may be placed on the rotary list more than once.
- D. Towing services must be provided on a twenty-four (24) hour, seven (7) days-per-week basis. It is required that a tow vehicle be on the site of the event within twenty (20) minutes of the time of the call from the Police Department. If a licensed tow operator does not perform the requested towing service as required, the next licensed tow operator or a tow operator not contained on the rotating list may be called to perform the towing service at the sole discretion of the Police Department.
- E. During adverse weather conditions or other emergency conditions, all licensed tow operators on the rotating list shall give priority to requests for towing services made by the Police Department over requests made by third parties.
- F. Unless requested by the owner or otherwise required due to exigent circumstances, all vehicles towed pursuant to this chapter shall be stored at the Township of Egg Harbor storage facility.
- G. Failure to comply with any of the provisions of this Chapter may subject the licensed tow operator to fines, suspension or removal from the rotary tow list, at the discretion of the Police Department.

- H. The Police Chief may immediately suspend a licensed tow owner prior to scheduling a formal hearing on the charges if shown sufficient evidence its operations persistently violate the provisions of this chapter or where operations of the Police Department are affected in a negative manner.

SECTION 2: Chapter 190 of the Code of the Township of Egg Harbor, Section 190-4 is hereby amended by deleting it in its entirety and replacing it as follows:

§190-4. Application and licensure.

- A. An individual or entity seeking placement on the annual rotary list shall be required to submit a completed rotary tow application between August 1st and August 31st to be considered for the following year's tow rotation. Only the first eight (8) applications will be accepted and processed.
- B. All rotary tow applicants are required to request an application package furnished by the Township Clerk, and submit said application with any and all information prescribed by the Chief of Police to the Township Clerk's office no later than August 31st.
- C. All applications shall be accompanied by a nonrefundable fee of \$500.
- D. Applications will not be accepted prior to August 1st of the calendar year; nor will they be accepted after August 31st of the calendar year.
- E. Each rotary tow applicant must be able to demonstrate to the Township that they are thoroughly qualified and experienced in the towing and removal of vehicles of all types and that they has adequate facilities, equipment, expertise, licensing and personnel to perform the services required by the requirements contained herein this Chapter in a manner satisfactory to the Police Department.
- F. Each company must provide a written statement regarding its capability for providing towing services for heavy trucks, buses and commercial vehicles.
- G. The Police Department will conduct a background check of the rotary tow applicant, its officers and employees prior to making a determination of placement on the towing list. Any persistent violations and/or high incidence of motor vehicle accidents in the past ten (10) years may warrant a driver ineligible. A conviction for a felony will be considered ample reason to disqualify any licensed tow operator unless waived by the Township upon application and for good cause.
- H. A license may be denied, suspended, or revoked upon any of the following grounds:
 - (1) Submitting a fraudulent or misleading application.
 - (2) A criminal conviction of the towing operator or a named principal of the towing operator.

- (3) Failure to respond reliably and promptly to calls for assistance or any other unsatisfactory performance action.
 - (4) Failure to utilize safe and adequate equipment as defined herein.
 - (5) Violations of motor vehicle laws and/or municipal ordinances.
 - (6) Failure or refusal to tow or remove a motor vehicle when requested to do so by an appropriate municipal official.
 - (7) Violations of the Zoning Ordinance or any other applicable ordinances or codes of the Township of Egg Harbor pertaining to the use or condition of the premises used by the licensee in conducting the towing business.
 - (8) Violations of the provisions of this chapter or any of its rules, regulations, and policies promulgated hereto.
- I. All rotary tow applicants must receive the approval of the Police Department before issuance of a licensed tow operator's license.
 - J. An individual or entity seeking placement on the rotary list who does not meet the application's requirements must make the required corrections or additions within a time frame determined by the Police Department. Failure to do so will result in a prohibition from participating in the intended year's rotary tow list.
 - K. The Township of Egg Harbor will award four (4) rotary towing licenses annually. A lottery will be held in the event that more than four (4) qualified applicants exist. The Township of Egg Harbor has chosen a method of random selection which ensures that every qualified rotary tow applicant has an equal chance of being selected each and every time a selection takes place. The Township of Egg Harbor shall permit representatives of the affected rotary tow companies to witness the selection process. The rotary tow lottery shall be conducted under the direction of the Chief of Police or his/her designee.
 - L. Successful applicants shall be notified by the Township Clerk's office no later than December 20th of the calendar year whether they have been chosen for the rotary tow license and where they fall in the rotation.
 - M. All licensed tow operators shall be placed onto the rotary list as of January 1 of the following year after recommendation of the Police Department and approval by the Township Committee for a term of one year.

SECTION 3: Chapter 190 of the Code of the Township of Egg Harbor, Section 190-5 is hereby amended by deleting it in its entirety and replacing it as follows:

§ 190-5. Denial; suspension; revocation; hearings.

- A. When an application for a license is denied by the Township of Egg Harbor, the applicant may request a hearing on said application by the service of a notice requesting a hearing. Said notice shall be served on the Township Clerk; and at the next regularly scheduled meeting of the Township Committee, a hearing date shall be set, which shall be no less than seven (7) days nor more than thirty (30) days from the day of the regularly scheduled meeting.
- B. Proceedings for the suspension or revocation of a license shall be initiated by the service of a notice of charges proffered against the licensee. Said notice shall be served by the Township Clerk or their designee, either personally or via certified mail, return receipt requested, and shall contain a date, time and place for a hearing to be held by the Township Committee of the Township of Egg Harbor. Said hearing shall be scheduled no less than seven (7) days nor more than thirty (30) days after the notice of the suspension or revocation shall be served upon the licensee. The licensee shall have the right to file an answer to the notice and to appear in person, or be represented by counsel, and give testimony at the place and time fixed for the hearing.
- C. The suspension or revocation shall be effective immediately upon service of notice to the licensee.

SECTION 4: Chapter 190 of the Code of the Township of Egg Harbor, Section 190-6B, 6C and 6D is hereby amended by deleting it in its entirety and replacing it as follows:

§ 190-6B. Cards and statement of rates.

- (1) The licensed tow operator, at his own expense, shall prepare three-inch-by-five-inch printed rate cards which shall be first approved by the Police Department. The cards will then be provided to the Police Department for distribution to vehicle owners in need of towing services.
- (2) The rate card shall provide information on claiming a vehicle, the name of the business, its owner, tow operator's license number, as well as the business location, telephone number and hours of operation for the public. The card shall also state its rates for towing services and include all methods of acceptable payment. At least one form of online payment (i.e. credit card, Paypal, etc.) shall be made available. The rate card must disclose that no fees (i.e. surcharges) will be charged to the vehicle owner for the use on any online method of payment.
- (3) The rates applicable to towing services performed hereunder shall be posted in a conspicuous place, visible to the public, at the licensed tow operator's place of business.

- (4) The licensed tow operator shall, at his expense, prepare a printed itemized bill for distribution to the customer, reflecting the fee to be paid in accordance with the rates stated on the printed card, unless otherwise approved by the Police Department. The bill shall also include the information set forth within this section, as well as a statement to the effect that all complaints shall be referred to the Police Department. The format of this form shall be approved by the Chief of Police or his/her designee. Any and all complaints received by the Police Department and/or the Chief or Police shall be investigated and documented. Citations will be issued for violations of this chapter. Persistent violations may result in suspension and/or revocation of license.
- (5) The licensed tow operator shall accept from any owner or his representative methods of payment in the form of cash, certified check, money order and by at least one major credit card. The licensed tow operator is not obligated to accept personal checks for payment. Each licensed tow operator shall either offer payment by telephone or online service. Receipts for such (in detail) shall be faxed or emailed to the Police Department directly as proof of payment.

§ 190-6C. Hours of service.

- (1) Towing services must be provided on a twenty-four (24) hour, seven (7) days-per-week basis.
- (2) All light-duty wreckers/flatbed wreckers/car carriers must be equipped with a two-way radio, or comparable means of communication such as cellular telephones, to facilitate prompt response.
- (3) It is required that a tow vehicle be on the site of the event within twenty (20) minutes of the time of the call from the Police Department. The licensed tow operator shall provide the Police Department a telephone number which will be manned at all times to quickly dispatch tow vehicles.
- (4) The licensed tow operator's normal hours of operation for the public shall be from 7:00 a.m. to 5:00 p.m., Monday through Saturday, and 12:00 noon to 4:00 p.m. on Sunday.

§ 190-6D. Employees.

- (1) Licensed tow operators shall employ a sufficient number of employees to comply with the minimum operational requirements at all times. If a licensed tow operator shall not have a driver available when it is their responsibility to tow they will immediately be suspended from the rotation list.
- (2) No person shall be employed by the licensed tow operator for towing hereunder unless he has submitted to a background check and has been approved by the Police Department.

- (3) All drivers of the licensed tow operator shall be over the age of eighteen (18) years and must have a valid, current New Jersey State driver's license with the proper endorsement(s) and shall be in good health and of good moral character.
- (4) In order to keep information current, the licensed tow operator will be required to submit a roster of drivers to the Police Department two (2) weeks prior to the start of a tow rotation for that company. No driver shall perform services hereunder unless previously listed by the licensed tow operator and approved by the Police Department.
- (5) Complaints of any kind relative to service, overcharging, theft of parts, damage to towed vehicles, discourteous treatment and the like shall be referred to the Police Department for investigation. Failure of the licensed tow operator to cooperate with the Police Department in its investigation shall constitute grounds for revocation of their license.
- (6) All employees of the licensed tow operator shall wear uniform clothing with a name patch indicating the employee's first name and name of the licensed tow operator's company.
- (7) All employees shall be clean, neat and make a good appearance.
- (8) All employees of the licensed tow operator will be required to wear photo identification badge, approved by the Police Department.
- (9) All employees shall wear a safety vest minimally rated at an ANSI Level II.
- (10) The licensed tow operator agrees that the owners or officers of the licensed tow operator shall be responsible, except as otherwise provided by law, for the negligent acts of its employees while acting hereunder.

SECTION 5. Chapter 190 of the Code of the Township of Egg Harbor, Section 190-6E(2) is hereby amended by deleting it in its entirety and replacing it as follows:

- (2) Seek employment by repeatedly and persistently driving his tow vehicle in a short space in front of any disabled vehicle or by otherwise interfering with the proper and orderly progress of traffic along the public highways. The licensed tow operator shall wait until he receives official notification from the Police Department before commencing operations.

SECTION 6. Chapter 190 of the Code of the Township of Egg Harbor, Section 190-6E(5) is hereby amended by deleting it in its entirety and replacing it as follows:

- (5) Solicit, demand or receive from any person any pay, commission or emolument whatsoever, except the proper fee for transporting the disabled vehicle in accordance with the schedule of service rates listed in these specifications. Approved rate cards shall be carried at all times and available for distribution by the driver of the tow company.

SECTION 7. Chapter 190 of the Code of the Township of Egg Harbor, Section 190-6F(1) and 190-6F(2) is hereby amended by deleting it in its entirety and replacing it as follows:

- (1) The licensed tow operator must provide with his application a detailed listing of the equipment to be utilized while on the towing list, including a listing of equipment demonstrating their capability for towing heavy trucks, buses and commercial vehicles.
- (2) The listing shall include the following information: type of vehicles; make, model and year of vehicles; vehicle color; VIN number; vehicles license plate number; storage location of vehicles and whether the vehicle is owned or leased.

SECTION 8. Chapter 190 of the Code of the Township of Egg Harbor, Section 190-6F(5) and 190-6F(6) is hereby amended by deleting it in its entirety and replacing it as follows:

- (5) All licensed tow operators approved for participation with the rotary tow list shall meet all of the licensing requirements of the Township.

SECTION 9. Chapter 190 of the Code of the Township of Egg Harbor, Section 190-6H(10) is hereby amended by deleting it in its entirety and replacing it as follows:

- (10) A licensed tow operator's failure to comply with the provisions listed in this section will be cause for suspension from the rotary tow list.

SECTION 10. Chapter 190 of the Code of the Township of Egg Harbor, Section 190-6I(2) is hereby amended by deleting it in its entirety and replacing it as follows:

- (2) All regulations, policies and procedures shall be made available for inspection by the public at the Township Clerk's office during normal business hours.

SECTION 11. Chapter 190 of the Code of the Township of Egg Harbor, Section 190-6J(2) is hereby amended by deleting it in its entirety and replacing it as follows:

- (2) Any disputes over the interpretation of this chapter, including the reasonableness of any charges assessed, shall be settled amicably, if possible, through discussions between the licensed tow operator and the Police Department.

SECTION 12. Chapter 190 of the Code of the Township of Egg Harbor, Section 190-7D and 7E is hereby amended by deleting it in its entirety and replacing it as follows:

- D. Basic towing services provided during the day between the hours of 7:00 a.m. and 5:00 p.m. shall be charged a flat fee of \$135.
- E. Basic towing services provided during the evening between the hours of 5:01 p.m. and 6:59 a.m., weekends, or during New Jersey State holidays, shall be charged a flat fee of \$150.

SECTION 13. Chapter 190 of the Code of the Township of Egg Harbor, Section 190-7F(3) is hereby amended by deleting it in its entirety and replacing it as follows:

- (3) Basic and non-basic towing fees shall be charged in accordance with the following schedule:

	Basic Towing Service Fee
Basic Towing Service	
Basic towing services provided during the day between the hours of 7:00 a.m. and 5:00 p.m. shall be charged a flat fee for motor vehicles with a GVWR of no more than 9,000 pounds	\$135
Basic towing services provided during the evening between the hours of 5:01 p.m. and 6:59 a.m., weekends, or during New Jersey State holidays, shall be charged a flat fee for motor vehicles with a GVWR of no more than 9,000 pounds	\$150
	Additional Fees
Non-basic Tow Service	
Flatbedding Fee is in addition to any basic tow service fee (as requested by a police officer or as recommended by the vehicle manufacturer or as required due to extensive damage or equipment malfunction)	\$50
Winching of Vehicle is in addition to any basic tow service fee	
A distance less than one hundred (100) feet	\$-0-
A distance greater than one hundred (100) feet	\$100
Uprighting of Vehicle is in addition to any basic tow service fee	\$100
Additional Truck with driver is in addition to any basic tow service fee	\$50
Use of Dolly System is in addition to any basic tow service fee	\$50
Motor vehicles with a GVWR Under 9,000 Pounds With a Trailer is in addition to any basic tow service fee	\$50
Motor vehicles with a GVWR Over 9,001 Pounds	\$200
Motor vehicles Over 11,500 Pounds' but Under 26,001 Pounds' GVWR	\$300
Motor vehicles Over 26,001 Pounds' GVWR will be considered non basic tows, and the fee shall be set utilizing the prevailing rates	
Excessive Cleanup	
is in addition to any basic tow service fee; this includes car parts that are not able to be cleared by hand	\$35
Oil Dry , per bag (20 pounds) after the first bag is used	\$15
Trailers: any trailer that cannot be towed with an automobile shall be considered a separate tow per the basic tow rate	
Response Cancellation Fee , i.e., "no tow"	\$50
Decoupling fee	\$50
Egg Harbor Township vehicles under 9,000 pounds' GVWR	\$0
Towing of all Township-owned police vehicles outside the limits of Atlantic County	\$2 per mile
Towing of any motor vehicle for investigative purposes at the direction of the on-duty officer in charge. If criminal or motor vehicle charges result, owner is responsible. If no charges result a flat fee of One Hundred (\$100.00) Dollars will be paid by Township to Tow Company. This includes original Tow to Police headquarters, and subsequent Tow to the Impound Lot.	\$100
Road Service to Egg Harbor Township police vehicles (no tow)	\$35

SECTION 14. Chapter 190 of the Code of the Township of Egg Harbor, Section 190-9 is hereby amended by deleting it in its entirety and replacing it as follows:

§ 190-9 Charge for service.

- A. The towing fees set forth for basic towing service and those billed for non-basic towing service are the amounts that the licensed tow operator will charge to the vehicle owner or representative. Unless otherwise provided herein, the Township shall never be responsible for payment of any towing charges, except for Township-owned vehicles and/or those towed for investigative circumstances as stated in section 190-7F.(3).
- B. In the event that the Police Department requires a vehicle involved in a crime, a crash involving serious bodily injury or a fatality to be held for investigation, the Chief of Police may, after review of all of the circumstances, waive storage fees, or a portion thereof, incurred up to the date of release.

SECTION 15. Chapter 190 of the Code of the Township of Egg Harbor, Section 190-10 is hereby amended by adding the following:

- C. A certificate of insurance reflecting the above coverages shall be submitted with the application to the Township Clerk's office and the Police Department. Subsequent renewals of coverage shall be submitted to the Township Clerk's office and the Police Department. Any policy cancellation notices must be provided to the Township Clerk's office and the Police Department.

SECTION 16. Chapter 190 of the Code of the Township of Egg Harbor, Section 190-14 is hereby amended by deleting it in its entirety and replacing it as follows:

§ 190-14 Violations and penalties.

Any licensed tow operator who violates any provision of this chapter shall, upon conviction thereof, be subject to a fine not exceeding \$2,000 or a term of imprisonment not exceeding ninety (90) days or a period of community service not exceeding ninety (90) days, or any combination of the foregoing.

SECTION 17. All ordinances and parts of Ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 18: Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 19. This Ordinance shall become effective immediately upon final adoption and publication according to law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE TOWNSHIP COMMITTEE OF EGG HARBOR TOWNSHIP, IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY, HELD SEPTEMBER 19, 2018 AND WILL BE FURTHER CONSIDERED FOR FINAL PASSAGE AFTER A PUBLIC HEARING THEREON AT A REGULAR MEETING OF SAID TOWNSHIP COMMITTEE TO BE HELD IN THE TOWNSHIP HALL, IN SAID TOWNSHIP ON OCTOBER 3, 2018.

Dated: September 19, 2018

Eileen M. Tedesco, RMC
Township Clerk