



BERNARDSVILLE POLICE DEPARTMENT

**166 Minebrook Road, Bernardsville, N.J. 07924
(908) 766 - 0037 Fax (908) 766 - 0917**

Kevin J. Valentine, Chief of Police

Dear Applicant,

This application is being provided at your request pursuant to the provisions of Bernardsville Borough Code 3-5. In accordance with the provisions of N.J.S.A. 40:48-2.49, the Borough has established a system for the provision of towing and storage services on a rotating basis at specified rates and charges set forth in the Borough Code. Only those towing contractors who meet the minimum standards of operator performance set forth in the Borough Code, shall be approved to provide towing services on the rotating list. Such approval shall not create a contractual relationship between the towing contractor and the Borough of Bernardsville and the Borough shall not be responsible for any charges incurred for services performed by the towing contractor.

The Code establishes two towing lists, one for light duty towing and a second rotating list for all medium and heavy duty towing involving Class 4 through Class 8 vehicles, as defined in Section 3-5.4 of the Borough Code. New towing lists are adopted by the governing body every year at its annual reorganization meeting. Each applicant is required to submit an application for each calendar year on an annual basis.

Please be advised that no person shall be eligible to provide municipal towing services for the Borough until it submits an application to the Police Department. Applications must be submitted annually. All applications for municipal towing shall be made in writing to the Chief of Police, or his designee, using the attached application and affidavit accompanied by a fee of one hundred (\$100.00) dollars per towing list. Make checks or money orders payable to the "Borough of Bernardsville".

Upon receipt of the application, the Police Department will provide a review of the application and the applicant is required to furnish any additional information concerning the personnel, vehicles, equipment and storage facilities of the applicant (including past invoices for towing services rendered in the Borough) as may be required by the Police Department. After completion of the review, the Police Department will recommend to the Borough Council that the applicant be added to the Borough rotating towing list. Upon notification of such approval, the applicant will be added to the Police Department Duty Wrecker Rotation List.

Attached to this letter you will find:

- An Application
- An Affidavit Form to be used certifying background checks have been completed
- A copy of the current Borough Code specifying application procedures, fees and related tow regulations.

Applications should be mailed to Lt. Demmings Hoadley, Bernardsville Police Dept., 166 Mine Brook Road, Bernardsville, NJ, 07924. Questions can be directed to Lt. Hoadley at 908-766-0037.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin J. Valentine", with a stylized flourish at the end.

Kevin J. Valentine
Chief of Police

**BERNARDSVILLE BOROUGH
ORDINANCE #2012-1606**

CONCERNING THE BOROUGH TOWING ORDINANCE AND AMENDING CHAPTER III OF THE BOROUGH CODE
ENTITLED "POLICE REGULATIONS"

STATEMENT OF PURPOSE: *To amend the Borough Towing Ordinance so that it complies with the Predatory Towing Prevention Act (N.J.S.A. 56:13-7) and Administrative Rules of the Division of Consumer Affairs (N.J.A.C. 13:45A-31.1 et seq.).*

BE IT ORDAINED by the governing body of the Borough of Bernardsville in the County of Somerset, State of New Jersey that Chapter III of the Borough Code entitled "Police Regulations" is amended as follows:

Section 1. Section 3-5 entitled "Towing and Storage of Motor Vehicles" is amended to read as follows:

3-5 TOWING AND STORAGE OF MOTOR VEHICLES.

3-5.1 Rotating Towing Lists Established.

In accordance with the provisions of N.J.S.A. 40:48-2.49, the Borough hereby establishes a system for the provision of towing and storage services on a rotating basis at the rates and charges set by this section. Whenever a police officer orders the removal of a motor vehicle from public or private property, the officer shall utilize the rotation list established in subsection 3-5.3 below. There will be two towing lists one for light duty towing, and a second rotating list for all medium and heavy duty towing involving Class 4 through Class 8 vehicles, as defined in Section 3-5.4 below. New towing lists shall be adopted by the governing body every year at its annual reorganization meeting.

3:5-2 Application; Fee.

- a. No person shall be eligible to provide municipal towing services for the Borough until it submits an application with the Borough Police Department. Applications must be submitted annually.
- b. An application for municipal towing shall be made in writing to the Chief of Police, or his designee, in the form prescribed by the Chief, and shall be accompanied by a fee of one hundred (\$100.00) dollars per towing list.
- c. The applicant shall furnish any additional information concerning the personnel, vehicles, equipment and storage facilities of the applicant (including past invoices for towing services rendered in the Borough) as may be required by the Police Department during the review of the application.

3-5.3 Towing Contractors.

a. At every annual reorganization meeting, the Borough Council shall establish by resolution two lists of towing contractors, one for light duty towing and a second for medium/heavy duty towing. These lists are to be utilized by the Police Department on a rotating, non-exclusionary and nondiscriminatory basis. Only those towing contractors who meet the minimum standards of operator performance set forth in this section shall be included on such lists. Inclusion on either list shall not create a contractual relationship between the towing contractor and the Borough of Bernardsville and the Borough shall not be responsible for any charges incurred for services performed pursuant to this section.

b. Each towing contractor must be certified by have the appropriate level of certification from one of the following nationally recognized organizations, or similar organization acceptable to the Chief of Police:

- (i) Towing and Recovery Association of America
- (ii) WreckMaster

c. There shall be no limit on the number of operators on the lists and operators may be added to either list by the governing body at any time during the year. Qualified towing contractors may be on either or both lists.

d. Each owner of a towing company that applies to be a towing operator on either rotational towing list shall obtain from the New Jersey State Police, in accordance with N.J.A.C. 13:59-1.2, the criminal history record information including a fingerprint check for all employees who will be operating or manning tow trucks as well as all principals and officers of the towing company. A towing company shall be disqualified from being placed on a rotational list if the criminal history record of any owner, shareholder or principal of the company reveals a record of conviction of any crime of the fourth degree or higher, as defined in N.J.S.A. 2C:1-4, or conviction of any crime involving possession or use of a controlled dangerous substance or any act of violence against another person. Furthermore, no employee of an otherwise qualified towing company shall perform towing services in Bernardsville if the individual's criminal history record reveals a record of conviction of any crime of the fourth degree or higher, as defined in N.J.S.A. 2C:1-4, or conviction of any crime involving possession or use of a controlled dangerous substance or any act of violence against another person. Each contractor must also submit an affidavit certifying that the contractor has fully complied with the requirements of this preceding paragraph, which includes the name, address and the last four digits of the social security number of every owner, principal and employee subject to this paragraph.

e. Each contractor on the towing list, shall notify the Bernardsville Police Department of any change in employee status, or the hiring of any new employee, and shall provide the Bernardsville Police Department with the documents described above prior to the employee's performing towing services under this ordinance.

f. The towing company shall have thirty (30) days from the date of the written notice of disqualification to petition the Chief of Police for a hearing on the accuracy of the criminal history record information for any of its principals or employees.

g. The Borough Clerk shall present the completed application, along with the recommendation of the Chief of Police as to whether the towing company shall remain or be placed on the rotational towing list, at the next regularly scheduled public meeting. If the Borough Council so directs, the Borough Clerk shall approve the application to be placed on the rotational list.

3-5.4 Definitions.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Basic tow" means private property towing and other non-consensual towing as defined in this section and other ancillary services that include the following: arriving at the site from which a motor vehicle will be towed; hooking a motor vehicle to, or loading a motor vehicle onto, a tow truck; transporting a motor vehicle to a storage facility; unhooking or unloading a motor vehicle from the tow truck; and situating the motor vehicle in the space in which it will be stored. "Basic tow" also includes issuing documents for the release of a motor vehicle to its owner or other person authorized to take the motor vehicle; issuing an itemized bill; three trips to the motor vehicle in storage, which, if applicable, include making a vehicle available to an insurance appraiser or adjuster; issuing documents for the release of a motor vehicle to its owner or other person authorized to take the motor vehicle; and retrieving a motor vehicle from storage during the hours in which the storage facility is open.

"Consensual towing" means towing a motor vehicle when the owner or operator of the motor vehicle has consented to have the towing company tow the motor vehicle.

"Consumer" means a natural person, and generally means the owner or operator of the vehicle being towed.

"Decoupling" means releasing a motor vehicle to its owner or operator when the motor vehicle has been, or is about to be, hooked to or lifted by a tow truck, but prior to the motor vehicle actually having been moved or removed from the property.

"Director" means the Director of the New Jersey Division of Consumer Affairs.

"Division" means the New Jersey Division of Consumer Affairs.

"Emergency road service" means any act by a towing contractor consisting of the fuel delivery, extrication, lockout service, repair, replacement or other adjustment of the equipment, tires or mechanical parts of an automobile so as to permit it to be operated under its own power;

"Flat bed tow truck" means a tow truck designed to transport a motor vehicle by means of raising the motor vehicle from road level up onto a hydraulic bed for transporting purposes.

"Heavy duty tow" means the towing of any Class 7 or Class 8 vehicle as defined herein:

Class 7 Vehicles include those whose gross vehicle weight rating (GVWR) ranges from 26,001 to 33,000 pounds, in accordance with US DOT Federal Highway Administration (FHWA) Vehicle Inventory and Use Survey (VIUS) standards.

Class 8 Vehicles include those whose gross vehicle weight rating (GVWR) is greater than 33,000 pounds, in accordance with US DOT Federal Highway Administration (FHWA) Vehicle Inventory and Use Survey (VIUS)

standards.

"Light duty tow" means the towing of any vehicle whose gross vehicle weight rating (GVWR) is 10,000 pounds or less, in accordance with US DOT Federal Highway Administration (FHWA) Vehicle Inventory and Use Survey (VIUS) standards.

"Medium duty tow" means the towing of any Class 3, Class 4, Class 5 or Class 6 vehicle as defined herein:

Class 3 Vehicles include those whose gross vehicle weight rating (GVWR) ranges from 10,001 to 14,000 pounds, in accordance with US DOT Federal Highway Administration (FHWA) Vehicle Inventory and Use Survey (VIUS) standards.

Class 4 Vehicles include those whose gross vehicle weight rating (GVWR) ranges from 14,001 to 16,000 pounds, in accordance with US DOT Federal Highway Administration (FHWA) Vehicle Inventory and Use Survey (VIUS) standards.

Class 5 Vehicles include those whose gross vehicle weight rating (GVWR) ranges from 16,001 to 19,500 pounds, in accordance with US DOT Federal Highway Administration (FHWA) Vehicle Inventory and Use Survey (VIUS) standards.

Class 6 Vehicles include those whose gross vehicle weight rating (GVWR) ranges from 19,501 to 26,000 pounds, in accordance with US DOT Federal Highway Administration (FHWA) Vehicle Inventory and Use Survey (VIUS) standards.

"Motor vehicle" includes all vehicles propelled other than by muscular power, excepting such vehicles as run only upon rails or tracks and motorized bicycles, motorized scooters, motorized wheelchairs and motorized skateboards.

"Non-consensual towing" means the towing of a motor vehicle without the consent of the owner or operator of the vehicle. "Non-consensual towing" includes towing a motor vehicle when law enforcement orders the vehicle to be towed whether or not the owner or operator consents.

"Person" means an individual, sole proprietorship, partnership, corporation, limited liability company or any other business entity.

"Private property towing" means non-consensual towing from private property or from a storage facility by a motor vehicle of a consumer's motor vehicle that is parked illegally, parked during a time at which such parking is not permitted or otherwise parked without authorization or the immobilization of or preparation for moving or removing of such motor vehicle, for which a service charge is made, either directly or indirectly. This term shall not include the towing of a motor vehicle that has been abandoned on private property in violation of N.J.S.A. 39:4-56.5, provided that the abandoned vehicle is reported to the appropriate law enforcement agency prior to removal and the vehicle is removed in accordance with N.J.S.A. 39:4-56.6.

"Private property towing company" means a person offering or performing private property towing services.

"Secure storage facility" means a storage facility that is either completely indoors or is surrounded by a fence, wall or other man-made barrier that is at least six feet high and is lighted from dusk to dawn.

"Site clean-up" means the removal of all debris from the scene to the satisfaction of the Police Officers at the scene and includes the use of absorbents to soak up any liquids from a motor vehicle at the site from which a motor vehicle will be towed.

"Storage facility" means a space at which motor vehicles that have been towed are stored.

"Tarping" means covering a motor vehicle to prevent weather damage.

"Tow truck" means a motor vehicle equipped with a boom or booms, winches, slings, tilt beds or similar equipment designed for the towing or recovery of motor vehicles.

"Towing" means the moving or removing from public or private property or from a storage facility by a motor vehicle of a consumer's non-commercial motor vehicle that is damaged as a result of an accident or otherwise disabled, recovered after being stolen or is parked illegally or otherwise without authorization, parked during a time at which such parking is not permitted or otherwise parked without authorization or the immobilization of or preparation for moving or removing of such motor vehicle, for which a service charge is made, either directly or indirectly. Dues or other charges of clubs or associations, which provide towing services to club or association members shall not be considered a service charge for purposes of this definition.

"Towing company" means a person offering or performing towing services.

"Vehicle" means any device in, upon or by which a person or property is or may be transported upon a highway.

"Waiting time" means any time a towing company spends at the site from which a motor vehicle will be towed, during which the towing company is prevented from performing any work by another individual, beyond the time included as part of a basic tow.

"Winching" means the process of moving a motor vehicle by the use of chains, nylon slings or additional lengths of winch cable from a position that is not accessible for direct hook up for towing a motor vehicle. "Winching" includes recovering a motor vehicle that is not on the road and righting a motor vehicle that is on its side or upside down, but does not include pulling a motor vehicle onto a flatbed tow truck.

"Window wrap" means any material used to cover motor vehicle windows that have been damaged.

3-5.5 Storage.

- a. Location. A storage facility must be located within a *ten (10)* mile radius of the Bernardsville Borough Police

Department, U.S. Route 202, Bernardsville, New Jersey

- b. **Storage Fees.** Storage fees shall be charged in accordance with Section 3-5.8 below.
- c. **Hours of Operation.** The storage facility must provide a minimum of eight (8) hours per day (between the hours of 8:00 a.m. and 6:00 p.m.) six (6) days per week (Monday through Saturday) for the reclaiming of towed vehicles.
- d. **Office Location.** If the office location of a towing contractor is at a different location, that address and telephone number must also be on file with the Police Department. The towing business and storage lot must comply with all zoning ordinances and regulations in the municipality in which they are located.

3-5.6 Required Equipment.

Each towing operator shall have a minimum of ~~four (4)~~ three (3) vehicles that meet the minimum standards set forth below:

1. At least one (1) light duty wrecker with a minimum chassis rating of fifteen thousand (15,000) pounds gross vehicle weight, equipped with a hydraulic boom rated for eight thousand (8,000) pounds, equipped with a hydraulic wheel-lift with three thousand (3,000) pounds lift capacity, and equipped with dual hydraulic winches with each having an eight thousand (8,000) pound capacity, with each winch equipped with one hundred (100) feet of three-eighths (3/8) inch wire rope.
2. At least two (2) flatbed type wreckers with a minimum chassis rating of twenty-five thousand five hundred (25,500) pounds gross vehicle weight, equipped with a minimum 21-foot bed, and equipped with a hydraulic wheel-lift with three thousand (3,000) pounds lift capacity.
3. All vehicles must be equipped with two-way radios (or cell phone), cab mounted amber emergency warning lights (conforming to New Jersey Motor Vehicle law standards and all light permits being obtained), tow sling type bars with rubber straps and/or wheel lift capability with safety straps to prevent damage to towed vehicles, and with steering locks for towing vehicles from the rear.
4. All drivers and operators of the towing operator must wear ANSI Class 2 reflective safety vests at all times when responding to a request by the Borough.
5. The towing operator must provide a current and complete rate schedule to all customers.

In addition to foregoing requirements, the towing operator on the medium/heavy duty towing list must own a heavy duty wrecker with a minimum chassis rating of thirty-three thousand (33,000) pounds gross vehicle weight, as well as a towing capacity of eighty thousand (80,000) pounds, equipped with a hydraulic boom rated for a minimum of thirty-five (35) tons, equipped with a hydraulic under-reach with a minimum forty-five thousand (45,000) pounds lift capacity, dual hydraulic winches, and have tandem rear axles.

3-5.7 Services to be Provided - Towing.

A towing contractor:

1. Must respond to a call for service from the Borough Police Department within twenty (20) minutes;
2. Must provide towing on a twenty-four (24) hour, seven (7) day a week basis including holidays;
3. Must maintain all trucks and equipment in good condition, subject to inspection by the Police Department and must comply with all Federal and State laws;
4. Must have the capability of removing abandoned vehicles that are without wheels, and/or locked;
5. Shall remove any vehicle as directed by the Police Department and shall store such vehicle at its facility until the vehicle is reclaimed by the lawful owner, or is otherwise disposed of according to law;
6. Shall be responsible for any vehicle and the contents thereof after receiving said vehicle and shall reimburse the owner of any such vehicle removed by the contractor for any damage or loss sustained to the vehicle or its contents while the vehicle is in the towing contractor's possession;
7. Shall not make any repairs to any vehicle in its possession under this section without first receiving written authorization of the owner of the vehicle;
8. Shall use at a minimum the manufacturer's suggested towing or removal method, including but not limited to hook tow, dolly, winch, sling, wheel lift, under-reach or flatbed, and shall use best practices and not utilize more equipment than is reasonably necessary to perform the job in a good and workmanlike manner;
9. Shall be responsible for removing all debris from an accident scene. This will include sweeping the roadway and removing all broken glass, plastic and other parts. This will be done at no charge to the Borough of Bernardsville.
10. Shall provide itemized bills to each customer within 24 hours of the tow. The towing contractor shall maintain copies of each bill for at least 5 years and shall provide copies of bills to the Bernardsville Police Department upon request.
11. Shall provide each employee with an identification (ID) badge made of nonmetallic material, easily readable and including employee's name, contractor's name, and recent color photograph of the employee. Every employee of the towing contractor shall wear the ID badge at all times when dealing with the public while performing work under this ordinance. Unless otherwise specified in the contract, each employee shall wear the ID badge in a conspicuous place on the front of exterior clothing and above the waist.
12. Shall not assign or sublet any work performed pursuant to this ordinance.

3-5.8 Fees.

- a. Towing operators summoned by the Police Department may charge fees, not exceeding those set forth below. No additional fees are permitted.

LIGHT DUTY TOWING/STORAGE RATES	
Service Provided	Fee
Basic Tow	\$115
Winching/recovery	\$75 per half hour, per tow truck
Window wrap and/or tarping	\$25
Site cleanup	\$35 per half hour, plus \$35 per 40 lb. bag of absorbent
Additional fee if customer requests that vehicle be towed to storage yard outside Bernardsville that is not towing operator's storage facility	\$4 per mile from scene
Storage	\$35 per day
Emergency road service	\$75 (plus parts)
Service Provided	Fee
Basic Tow	\$225 per tow truck
Winching/recovery	\$125 per half hour/per tow truck
Window wrap and/or tarping	\$25
Site cleanup	\$35 per half hour, plus \$35 per 40 lb. bag of absorbent
Additional fee if customer requests that vehicle be towed to storage yard outside Bernardsville that is not towing operator's storage facility	\$6 per mile from scene
Storage	\$75 per day

Emergency road service	\$100/hour, plus parts
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HEAVY DUTY TOWING RATES	
Service Provided	Fee
Basic Tow	\$400 per tow truck
Winching/recovery	\$225 per half hour/per tow truck
Window wrap and/or tarping	\$25
Site cleanup	\$35 per half hour, plus \$35 per 40 lb. bag of absorbent
Additional fee if customer requests that vehicle be towed to storage yard outside Bernardsville that is not towing operator's storage facility	\$8 per mile from scene
Storage	\$100 per day
Emergency road service	\$125/hour, plus parts

In addition to the fees set forth above, a towing company may charge an administrative fee of \$25 for more than three trips to the motor vehicle in storage by the vehicle owner or anyone else on his or her behalf.

b. A towing company shall not charge any fee for private property towing or other nonconsensual towing and related storage services not included in (a) above. A towing operator that engages in private property towing or other nonconsensual towing shall calculate storage fees based upon full 24-hour periods a motor vehicle is in the storage facility. For example, if a motor vehicle is towed to a storage facility at 7:00 p.m. on one day and the owner of the motor vehicle picks up the motor vehicle on or before 7:00 p.m. the next day, the towing operator shall only charge the owner of the motor vehicle for one (1) day of storage. If a motor vehicle is stored for more than twenty-four (24) hours, but less than forty-eight (48) hours, the towing operator may only charge for two (2) days of storage.

c. If a towing company charges a consumer a fee for a private property or other non-consensual towing service that is disputed by the consumer, the parties shall use good faith efforts to resolve the dispute.

d. If the parties are unable to resolve the dispute, it shall be decided by the Chief of Police, or his designee. In cases involving tows covered by the Predatory Towing Act, the consumer may file a complaint with the Director of the New Jersey Division of Consumer Affairs pursuant to N.J.A.C. 13:45A-31.4. If the Director determines the fee to be unreasonable under N.J.A.C.

13:45A-31.5, the Director may order the towing company to reimburse the consumer for an amount equal to the difference between the charged fee and a reasonable fee, plus interest, in accordance with the applicable regulations.

e. A towing company performing a private property tow or other non-consensual tow shall take the motor vehicle being towed to the towing company's storage facility having the capacity to receive it that is nearest to the site from which the motor vehicle is towed.

f. A bill for a private property tow or other non-consensual tow shall include the time at which a towed motor vehicle was delivered to a towing company's storage facility.

g. (i) For services rendered, or to redeem a motor vehicle from storage, the towing contractor shall accept in payment either cash, a check issued by an insurance company, a valid debit card, or a valid major credit card or charge card subject to the provisions of subsection (ii) of this section.

(ii) The towing contractor may request additional identification, as determined by the Chief of Police, before proceeding with repairs or towing. Unless the motorist is unable to produce such identification, or the operator has a bona fide reason to believe the card or other identification is fictitious, altered, stolen, expired or revoked or not valid for any other cause or is clearly offered with intent to defraud the issuer, the debit card, charge card or credit card shall be deemed an acceptable form of payment in lieu of cash if the towing contractor ordinarily accepts the card at his place of business. Nothing in this act shall preclude payment by a motorist in the form of check or money order, if this form of payment is acceptable to the towing contractor.

3-5.9 Application of Storage and Towing Fee Schedule.

a. No person shall be liable to any towing operator for any fees in excess of those permitted above.

b. The fees set forth above are the maximum charges that shall apply to basic towing services. Additional charges shall be permitted for other types of motor vehicles and for extra services including, but not limited to, flat-bedding, waiting time, winching and additional labor.

c. Tow vehicles transporting multiple vehicles at one time shall receive the applicable fees for each vehicle transported.

d. Operators shall maintain all billing and related records for at least five (5) years and shall make such records available for inspection and review by Borough Police officials upon request.

3-5.10 Regulations for Towing Service Operators.

a. Release of Impounded Vehicles. No impounded vehicle is to be released without proper authorization from the Police Department. Vehicle release arrangements must be available during the hours set forth in section 3-5.5c above. The Borough shall supply junk titles or good titles for abandoned vehicles in accordance with the provisions of N.J.S.A. 39:10.1, et seq.

b. Insurance; Indemnity.

Each operator must have the insurance coverage required by N.J.A.C. 13:45A-31.3. Each policy (except employer's liability) is to name the Borough of Bernardsville as an additional insured. In addition to the coverages required by N.J.A.C. 13:45A-31.3, any towing contractor performing medium or heavy duty towing services shall have, at a minimum, the following coverage:

- a. Motor vehicle liability for a tow truck capable of towing a motor vehicle that is up to twenty-six thousand (26,000) pounds, for the death of, or injury to, persons and damage to property for each accident or occurrence in the amount of seven hundred fifty thousand (\$750,000) dollars, single limit; and
- b. Motor vehicle liability for a tow truck capable of towing a motor vehicle that is more than twenty-six thousand (26,000) pounds, for the death of, or injury to, persons and damage to property for each accident or occurrence in the amount of one million (\$1,000,000.00) dollars, single limit.
- c. Garagekeeper's Policy. A garagekeeper's liability policy in the minimum amount of one hundred thousand (\$100,000.00) dollars, and "on-hook" coverage, for each vehicle damaged on a separate claim.
- d. Garage Liability Policy. A garage liability policy covering applicant's business, equipment and vehicles in the minimum amount of five hundred thousand (\$500,000.00) dollars for any one (1) person injured or killed, and a minimum of one million (\$1,000,000.00) dollars for more than one (1) person killed or injured in any accident and an additional one hundred thousand (\$100,000.00) dollars for any damage arising from injury or destruction to property, and/or a combined single limit of one million (\$1,000,000.00) dollars. In addition to each policy containing an endorsement showing the township as an additional insured, such policy shall also provide an endorsement entitling the township to thirty (30) days' prior written notice to the chief of police in the event of any change in coverage under the policy, or in the event of the cancellation of the policy.
- e. Worker's Compensation Policy. A worker's compensation policy covering all of applicant's employees and operators, containing statutory coverage including liability coverage of at least five hundred thousand (\$500,000.00) dollars for each accident per person, five hundred thousand (\$500,000.00) dollars policy aggregate limit per disease, and five hundred thousand (\$500,000.00) dollars for each disease per person.
- f. Umbrella liability insurance policy in the amount of five million (\$5,000,000.00) dollars.

Each operator shall furnish the Borough Clerk with a certificate of insurance from an insurance company satisfactory to the Borough with the policy limits set forth above and naming the Borough as an additional insured. Each certificate of insurance shall identify the coverage provided and shall provide that such insurance shall not be changed or canceled without giving ten (10) days prior written notice to the Borough by certified mail, return receipt requested. Specific reference to the rotating list of towing operators shall be made on all policies of insurance.

- c. Each operator shall indemnify and save the Borough harmless from all damages and claims for damages which may be made by any person for bodily injury or property damages as a result of the operator's towing and/or storage services pursuant to this chapter.
- d. Enforcement. The Police Department is designated to enforce the provisions of this section in accordance with due process of law. In carrying out the provisions of this section, the Police Chief is hereby authorized to adopt additional reasonable regulations which are not inconsistent with this section.
- e. Abandoned or Unclaimed Vehicles.

1. Any vehicle which is not claimed by the owner within five (5) days shall be reported by the operator storing the vehicle to the Police Department, pursuant to N.J.S.A. 39:10A-1 through 7.

2. After expiration of the five (5) day period, the Police Department may make application for title to the Division of Motor Vehicles as per standing general orders. Vehicles which remain unclaimed after all requirements of the general orders are met shall be auctioned to recover towing costs, pursuant to N.J.S.A. 39:10A-1 through 7.

3. Any operator who disposes of any vehicle in violation of this procedure will be charged with misapplication of entrusted property (N.J.S.A. 2C:21-15) and will be removed from the list.

- f. Rights of Owners.

1. The owner of any vehicle towed shall have the right to remove property belonging to him or her from the stored vehicle unless a 'police hold' is marked on the towing form.

2. The vehicle owner or his or her representative shall have the right to take photographs of stored vehicles.

- g. Public Inspection. This section, all regulations adopted by the Police Chief and the fee schedules of individual towers shall be available to the public during normal business hours.

3-5.11 Dealing with the Public.

A towing contractor shall always act in a professional manner and be courteous and respectful toward members of the public and representatives of the Borough. No employee of the towing contractor shall represent to any member of the public that he is an employee of the Borough of Bernardsville. Reports of discourteous behavior by the towing contractor may be considered by the Borough and shall be sufficient cause for removal from the rotating towing list.

3-5.11 General.

- a. Each towing contractor shall comply with all Federal and State laws and local ordinances governing the operation of motor vehicles, towing vehicles and storage areas.

b. All charges made by the towing contractor shall be paid by the owner or operator, or any person, firm or corporation claiming the right to possession of any vehicle removed or stored by a towing contractor and the Borough of Bernardsville shall not be liable for the payment of any sum to the towing contractor which may be due on account of any towing, removal or storage.

c. For vehicles not covered by this section, the Police Department shall utilize qualified towing operators on a nondiscriminatory basis.

d. Vehicle owners must use the towing contractor summoned by the Police Department.

3-5.12 Violations and Penalties.

a. Any contractor who violates any section of this section, in addition to any other penalties provided by law, shall be subject to the following minimum penalties: suspension of towing privileges for one (1) month for a first offense, three (3) months for a second offense and six (6) months for a third offense. If the contractor commits a fourth offense, its right to provide towing services to the Borough shall be permanently revoked.

b. In addition to the penalties set forth in paragraph a. above, any contractor who violates the operator rate schedule shall receive a fine of one hundred (\$100.00) dollars for a first offense, two hundred fifty (\$250.00) dollars for a second violation, and five hundred (\$500.00) dollars for a third violation.

c. If a contractor overcharges a vehicle owner, the excess moneys paid will be returned by the contractor.

d. A towing operator may be removed from the annual list by resolution of the governing body if its performance is determined to be unreliable or inadequate. If there is a breach of any of the provisions of this section or applicable regulations, an operator may be removed from the list by the Chief of Police pending action by the governing body.

Section 2. Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall become effective immediately upon final passage and

publication as required by law.

ATTEST:

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

Sandra G. Jones, Borough Clerk

By: _____
Lee C. Honecker, Mayor

Introduction: March 26, 2012

1st Publication: _____

Public Hearing Opened, Amendments Adopted & Hearing Continued: April 23, 2012

Continued Public Hearing and Adoption: May 14, 2012

2nd Publication: _____



BERNARDSVILLE POLICE DEPARTMENT

166 Minebrook Road, Bernardsville, N.J. 07924
(908) 766 – 0037 Fax (908) 766 – 0917

Kevin J. Valentine, Chief of Police

Application for Municipal Tow Service Provider

Application for: (check both if applicable)

Light Duty Towing List _____ Medium/Heavy Duty Towing List _____

Application fee: \$100.00 per list *

**Inclusion on either list does not create a contractual relationship between the towing contractor and the Borough of Bernardsville for any purpose whatsoever and the Borough shall not be responsible for any charges incurred for services rendered.*

**Applications must be submitted annually for each calendar year prior to being eligible to provide municipal towing services for the Borough*

TO BE COMPLETED BY APPLICANT

Applicants Name: _____ Date of Application: _____

Home Address: _____

Mailing Address: (if different): _____

Telephone Numbers: Home _____ Other _____

Company Name: _____

Address: _____

Mailing Address: (if different): _____

Business Telephone Number: _____

List vehicles to be used while providing towing services in Bernardsville:

- For "Type" indicate "flatbed", "heavy duty wrecker", etc

Veh. 1) Make _____ Model) _____ Type) _____ Lic. Plate # _____ State _____

Veh. 2) Make	Model)	Type)	Lic. Plate #	State
Veh. 3) Make	Model)	Type)	Lic. Plate #	State
Veh. 4) Make	Model)	Type)	Lic. Plate #	State
Veh. 5) Make	Model)	Type)	Lic. Plate #	State
Veh. 6) Make	Model)	Type)	Lic. Plate #	State

Add additional page if more space needed

Please answer yes or no to the following questions:

1. Is the storage facility located within a ten (10) mile radius of the Bernardsville Police Department? _____

List the street address of each storage facility to be used:

1. _____ Lot _____ Block _____ Municipality _____
2. _____ Lot _____ Block _____ Municipality _____
3. _____ Lot _____ Block _____ Municipality _____

2. Does the storage facility provide operating hours for a minimum of eight (8) hours per day (between the hours of 8:00 a.m. and 6:00 p.m.) for six (6) days per week (Monday thru Saturday) for the reclaiming of towed vehicles?
Yes _____ No _____ Explain _____
3. Do the towing business and storage lot(s) comply with all zoning ordinances and regulations in the municipality in which they are located? Yes _____ No _____
4. Can the towing contractor respond to a call for service from the Bernardsville Police Dept. within twenty (20) minutes? Yes _____ No _____
5. Can the towing contractor provide towing on a twenty-four (24) hour, seven (7) day a week basis including holidays? Yes _____ No _____
6. Does the towing contractor have the capability of removing abandoned vehicles that are without wheels and/or locked? Yes _____ No _____
7. Does the towing contractor possess a license to conduct business in the State of New Jersey?
Yes _____ No _____ **include copy of certification*
8. Does the towing contractor have the appropriate level of certification from one of the following nationally recognized organizations, or similar organization? Yes _____ No _____
**(include copy of certification)*
- a. Towing and Recovery Association of America
- b. Wreckmaster

9. Has the owner of the towing company obtained a criminal history record information check, including a fingerprint check, for all employees who will be manning tow trucks as well as all principals and officers of the towing company? Yes _____ No _____

If yes, has the towing contractor submitted the attached affidavit certifying that the contractor has fully complied with the requirements for background checks for all tow employees?

Yes _____ No _____

10. Has the towing contractor verified that all employees operating tow equipment possess the appropriate valid drivers license to do so in the State of New Jersey? Yes _____ No _____

11. Has the towing contractor submitted an application fee of \$100 per towing list? Yes _____ No _____

12. Does the towing contractor meet the requirements for "required equipment" as found in section 3-5.6 of the Borough Code? Yes _____ No _____

13. Does the towing contractor agree not to exceed those fees set forth by ordinance and found in section 3-5.8 of the Borough Code? Yes _____ No _____

14. Has the towing contractor furnished the Borough Clerk with a certificate of insurance from an insurance company satisfactory to the Borough with the policy limits set forth in section 3-5.10 of the Borough Code naming the Borough as an additional insured? Yes _____ No _____

**attach a copy of insurance certificate*

15. Please provide the following information for each employee to be included as part of this application.

Employee List

- | | |
|---------------|------------------------|
| 1. Name _____ | Date of Birth _____ |
| Address _____ | Telephone number _____ |
| 2. Name _____ | Date of Birth _____ |
| Address _____ | Telephone number _____ |
| 3. Name _____ | Date of Birth _____ |
| Address _____ | Telephone number _____ |
| 4. Name _____ | Date of Birth _____ |
| Address _____ | Telephone number _____ |
| 5. Name _____ | Date of Birth _____ |
| Address _____ | Telephone number _____ |

6. Name _____	Date of Birth _____
Address _____	Telephone number _____
7. Name _____	Date of Birth _____
Address _____	Telephone number _____
8. Name _____	Date of Birth _____
Address _____	Telephone number _____
9. Name _____	Date of Birth _____
Address _____	Telephone number _____
10. Name _____	Date of Birth _____
Address _____	Telephone number _____

Add additional page if more space needed

12. Does the applicant agree to comply with the following additional requirements 1- 6?

Yes _____ No _____

1. No vehicle is to be released without proper authorization from the Bernardsville Police Department.
2. No person shall be liable to any towing operator for any fees in excess of those permitted by ordinance
3. A towing contractor shall always act in a professional manner and be courteous and respectful toward members of the public and representatives of the Borough of Bernardsville.
4. The towing company shall have thirty (30) days from the date of written notice of disqualification to petition the Chief of Police for a hearing on the accuracy of the criminal history record information for any of its principals or employees.
5. Each contractor on the towing list, shall notify the Bernardsville Police Department of any change in employee status, or the hiring of any new employee, and shall provide the Bernardsville Police Department with the necessary documents described in the Borough code prior to the employee performing towing services in a timely manner. No such employee shall respond to service calls in Bernardsville prior to the required notification.
6. The towing contractor shall be responsible for removing all debris from an accident scene without charge to the Borough of Bernardsville.

Certification

I hereby certify that all answers to the above questions and all statements contained herein on pages 1 – 4 on the attached “*Application for Municipal Tow Service Provider*” are true, and I understand that any misstatements of material facts contained in this application may result in this application being denied.

Signature _____ Date _____

Sworn to and subscribed before me this date on _____, 20____

Notary Public, State of New Jersey

For Official Use

Application Recd _____

Approval Date _____

Officer/Badge # _____

Signature _____

Date Added to Rotation _____

**BOROUGH OF BERNARDSVILLE
TOWING CONTRACTOR ROTATING LIST
CRIMINAL BACKGROUND CHECK AFFIDAVIT**

_____, being of full age, upon his/her oath deposes and says:

1. I am the _____, of _____, a _____ of the State of New Jersey, which has applied to the Borough of Bernardsville Police Department to be placed on the rotational towing list maintained by the Police Department in accordance with the provisions of Section 3-5 of the Borough Code.
2. In accordance with the requirements of paragraph "d" of Subsection 3-5.3 of the Borough Code, I certify that _____ has obtained from the New Jersey State Police, in accordance with N.J.A.C. 13:59-1.2, the criminal history record information, including a finger print check, for all employees who will be operating or manning tow trucks, as well as all principals and officers of the towing company.
3. I certify that none of the owners, shareholders, or principals of the company have a record of conviction of any crime of the 4th degree or higher as defined in N.J.S.A. 2C:1-4, or conviction of any crime involving possession or use of a controlled dangerous substance, or any act of violence against another person. I acknowledge that if any owner, shareholder or principal of the company has been convicted of any of these crimes, the company shall be disqualified from being placed on the rotational list.
4. I also certify that no employee of the company shall perform towing services in Bernardsville if that employee's criminal history record reveals a record of conviction of any crime of the 4th degree or higher, as defined in N.J.S.A. 2C:1-4, or conviction of any crime involving possession or use of a controlled dangerous substance, or any act of violence against another person.

5. The following is a list of all employees, and owners, shareholders or principal of the company who are covered by paragraphs 3 and 4 above:

Name

Address

Last 4 digits of S.S. #

Sworn to and subscribed before me
this ____ day of _____, 201__.
