

TOWNSHIP OF MILLBURN

Application for Towing License

(Millburn Ordinance Code Section 4.39)

Application Year: _____

Print or type all information. Applications must be filed in the Township Clerk's Office, 375 Millburn Avenue, Millburn, NJ, 07041 by Nov. 19, 2013. Any questions regarding this application can be directed to either the Millburn Police Department (973)-564-7032 or the Township Clerk (937)-564-7073.

Name of Applicant: _____

Trade Name of Business: _____

Business Address: _____

Home Address: _____

Home Phone # _____ Business Phone # _____ FAX # _____

If Corporation, provide names & addresses of all persons holding more than a 10% interest.

Description of Vehicles to be Operated 4-39.10(a)(1-4)

(Equipment not interchangeable - truck to truck)

(Use separate sheet if necessary.)

	Year	Make	Type	Plate #	VIN#	Mfgs. GVW
1A.	_____	_____	_____	_____	_____	_____
1B.	_____	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____	_____
3A.	_____	_____	_____	_____	_____	_____
3B.	_____	_____	_____	_____	_____	_____
4.	_____	_____	_____	_____	_____	_____

Location & Description of Storage Facilities (4-39.11)

Storage Location(s) _____

Security Features _____

Size/Capacity of Storage Area(s) _____

Rate Schedule

Rate Structure must coincide with Millburn Code Section 4-39.14 and be attached to application.

Insurance

Name of Insurance Company _____

Policy Number _____

Name & Address of Insurance Agency _____

Insurance Certificate is required to be attached to application. **Insurance Coverage** must coincide with Millburn Code Section 4.39-15. Every policy required must contain an endorsement by the Insurance Carrier providing 15 days notice to both the Chief of Police and the Insured in the event of cancellation or any change in coverage under the Township Code.

List other municipalities where Towing Licenses Applications have been filed and/or approved.

Description of Tow Truck Drivers (Use separate sheet if necessary.)

1. _____
(Name) (Address)

(Date of Birth) (DL Type & No.)

Have you ever been convicted of an offense? Yes No If yes, describe below.

2. _____
(Name) (Address)

(Date of Birth) (DL Type & No.)

Have you ever been convicted of an offense? Yes No If yes, describe below.

3. _____
(Name) (Address)

(Date of Birth) (DL Type & No.)

Have you ever been convicted of an offense? Yes No If yes, describe below.

(Applicant's Signature)

(Date)

4-39 VEHICLE TOWING AND STORAGE SERVICES.

4-39.1 Definitions.

As used in this section:

Administrative fee shall mean a one (1) time fee per vehicle for the purpose of compensating the licensee for inspecting the vehicle, allowing owners to retrieve personal property from the vehicle, and for the preparation of additional paperwork beyond the initial **towing** bill.

Cruising shall mean the operation of a tow truck in and upon a roadway within the Township of Millburn to solicit vehicle **towing** and/or storage business except in response to a Police request.

Heavy duty shall mean a tow truck with dual wheels, capable of **towing** large trucks and shall meet the following minimum requirements: G.V.W.—30,000 lbs./G.C.W.R.—80,000 lbs./Boom rating—50,000 lbs./Winch rating—50,000 lbs./ Cable size and length—5/8 inches and 200 feet/Equipped with a chassis lift/under-reach-retracted rating—30,000 lbs. and extended rating—15,000 lbs.

Labor shall mean the additional work done at the scene by the tow truck operator which is beyond that required to perform a basic tow or any additional manpower needed to complete a recovery, winching, or **towing** of a vehicle. Labor charged for additional manpower shall be based on a per man, per hour basis.

Lease shall mean a vehicle leased by the licensee, through a leasing company, and showing the licensee on the registration as the owner or lessee. If the registration is such that the lessee is not listed the licensee will be required to show a lease agreement.

License shall mean the document approved and issued by the Township of Millburn granting the privilege to tow and store vehicles and perform other **towing** operations for the Township of Millburn.

Licensee shall mean a **towing** operator having a license granted by the Township pursuant to the provisions of this section.

Light duty flat bed shall mean a car carrier of the rollback and tilt type, with dual wheels, capable of removing and transporting passenger cars damage free and shall meet the following minimum requirements: G.V.W.—14,500 lbs./G.C.W.R. — /Winch rating—8,000 lbs./Cable size and length—3/8 inches and 50 inches/Bed length—16 feet/Bed width—84 inches inside side rails/Wheel lift-retracted rating —6,000 lbs. and extended rating—3,000 lbs.

Light duty wrecker shall mean a tow truck with dual wheels, capable of **towing** passenger cars and shall meet the following minimum requirements: G.V.W.—14,000 lbs./G.C.W.R.—18,000 lbs./Boom rating—8,000 lbs./Winch rating—8,000 lbs./Cable size and length—3/8 inches and 100 feet/Wheel lift-retracted rating—6,000 lbs. and extended rating—3,000 lbs.

Medium duty flat bed shall mean a car carrier of the roll back and tilt type, with dual wheels, capable of removing and transporting small trucks, full size vans, or large passenger cars damage free and shall meet the following minimum requirements: G.V.W.—18,000 lbs./G.C.W.R. — /Winch rating—8,000 lbs./Cable size and length—3/8

inch and 50 inches/Bed length—19 feet/Bed width—84 inches inside side rails/Wheel lift-retracted rating—6,000 lbs. and extended rating—3,000 lbs.

Medium duty wrecker shall mean a tow truck with dual wheels, capable of **towing** small trucks and shall meet the following minimum requirements: G.V.W.—18,000 lbs./G.C.W.R.—30,000 lbs./Boom rating—16,000 lbs./Winch rating—16,000 lbs./Cable size and length—1/2 inch and 200 feet/Wheel lift-retracted rating—10,500 lbs. and extended rating—8,500 lbs.

Owner shall mean an individual or entity who or which owns or leases, and/or operates, parks or abandons a vehicle within the Township.

Police shall mean the Police Department of the Township of Millburn or of any jurisdiction having authority in the subject matter.

Principal location shall mean the business office of an applicant/licensee, where licensee shall conduct business associated with the **towing** and storage of vehicles under authority of the **towing** license issued by the Township of Millburn.

Recovery shall mean when the tow truck operator applies his training and knowledge in a skillful manner to preserve the condition of the vehicle while moving it to a towable position. This can be accomplished in various ways including, but not limited to, winching and rigging.

Road service shall mean a service provided at the scene to enable a vehicle to be driven away, including, but not limited to, the changing of a flat tire, jump start of a vehicle, or the delivery of fuel. There will be a separate charge for the fuel at its face value.

Routine calls for service shall mean a Police request for road service of a disabled vehicle, i.e., dead batteries, flat tires, out of gas, or other services that do not require **towing**.

Storage services shall mean the storage, housing or holding of vehicles, indoors or outdoors by a licensee under authority of this section.

Temporary license shall mean a **towing** license, authorized by the Chief of Police, and issued by the Township of Millburn for the purpose of replacing a current licensee, whether that replacement be due to the closing of the business or the revocation of the licensee's **towing** license for a violation of this section. This license is for emergency situations only and the cost will be prorated on a monthly basis.

Towing operator shall mean an individual or entity engaged in the business of providing **towing** and storage services.

Towing services shall mean the **towing** service and/or on-site vehicle repair, including tire changes, jump starts or furnishing fuel, rendered by a **towing** operator.

Vehicle shall mean every device in, upon or by which a person or property is or may be transported upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks or motorized bicycles.

Waiting time shall mean the time a licensee has equipment and personnel waiting at a scene to perform a **towing** operation.

Winching shall mean the process of moving a vehicle by the use of the tow cable from a position that is not accessible for direct hook up by conventional means for loading onto

a tow vehicle. Winching shall not mean pulling a vehicle onto a flatbed or carrier or lifting a vehicle with a conventional tow truck.

Yard charge shall mean the relocation of a vehicle from the licensee's storage facility to a public roadway for removal by another **towing** company. It shall not apply to vehicles that are capable of being driven from the storage facility to the roadway.

(Ord. No. 5-90 § 1; Ord. No. 4-93 § 1; Ord. No. 11-97 § 1; Ord. No. 2146-98 § 1)

4-39.2 License Required.

No **towing** operator shall operate within the Township for Police-requested **towing** services and/or storage services unless the **towing** operator has obtained a license issued by the Township. (Ord. No. 5-90 § 1; Ord. No. 4-93 § 1; Ord. No. 11-97 § 1)

4-39.3 Exemptions.

- a. *Owner Requested Service.* No license shall be required for the on-site repair and/or **towing** or storage of any vehicle when the request therefor is received by the **towing** operator from the owner or the owner's agent prior to a Police request therefor.
- b. *Towing from Private Property.* No license shall be required by the Police to tow any vehicle from private property without the consent of the owner and private property owner except on the express instruction of the Police in the event of an emergency.
(Ord. No. 5-90 § 1; Ord. No. 4-93 § 1; Ord. No. 11-97 § 1)

4-39.4 Term of License.

Licenses to tow shall be issued for a term of three (3) calendar years commencing January 1 of the initial calendar year. (Ord. No. 5-90 § 1; Ord. No. 4-93 § 1; Ord. No. 11-97 § 1; Ord. No. 2146-98 § 1)

4-39.5 Application for License.

- a. *Form; Required Information.* An application for a license shall be in writing, signed by the applicant on the form furnished by the Township, and shall contain all information necessary to evidence the applicant's identity and legal address, compliance with the requirements of this section and ability to perform the **towing** services and storage services contemplated by this section.
- b. *Filing.* Applications shall be filed by October 1 of the year prior to the license year with the Township Clerk together with the application fee specified in paragraph a. of subsection 4-39.8.
(Ord. No. 5-90 § 1; Ord. No. 4-93 § 1; Ord. No. 11-97 § 1)

4-39.6 Review of Application.

- a. *Reference to Chief of Police.* Applications received by the Township Clerk shall be referred within two (2) business days to the Township Chief of Police for his review.
- b. *Inspection/Recommendations.* After such examination of the applications and such inspections as the Township Chief of Police may consider necessary to evaluate the applicant's compliance with, and ability to continue to comply with, the

requirements of this section, the applications shall be returned to the Township Clerk with the recommended approval or disapproval of each application by the Township Chief of Police based upon his examinations, inspections and evaluations.

Applicants and licensees shall cooperate with any and all investigations conducted by the Township Chief of Police or his designee or other law enforcement agency working in conjunction with the Township Police. The requirement of cooperation shall continue throughout the period of application, and the duration of the license and the storage of vehicles (even if a license is no longer in effect). A license may be denied for fraud, misrepresentation or false statement in the application.

(Ord. No. 5-90 § 1; Ord. No. 4-93 § 1; Ord. No. 11-97 § 1)

4-39.7 Issuance of Not More Than Four (4) Licenses.

- a. *Authorization.* The Township Committee shall at a public meeting by resolution authorize the issuance of not more than four (4) licenses after consideration of the applications and the recommendations of the Township Chief of Police. Minor irregularities in the application may be waived by the Township Committee. In the event that more than four (4) applicants qualify for a license, the names of all qualified applicants shall be placed in a bowl, on uniform slips of paper with the identity of every applicant concealed, and the Township Clerk shall draw four (4) slips from the bowl after all applicants have received at least ten (10) calendar days' notice of the time and place where the drawing will occur. Licenses shall be issued to each of the four (4) applicants selected at the drawing. Licensees must have the favorable recommendation of the Chief of Police prior to the new license being issued.
- b. *Issuance.* The authorized license or licenses shall be issued by the Township Clerk in writing upon payment by the **towing** operator of the license fee specified in subsection 4-39.8b.

(Ord. No. 5-90 § 1; Ord. No. 4-93 § 1; Ord. No. 11-97 § 1; Ord. No. 2146-98 § 3)

4-39.8 Fees.

The following schedule of nonrefundable fees is adopted for the obtaining of a **towing** license:

- a. *Application Fee.* One hundred fifty dollars (\$150.00).
- b. *License Fee.* One thousand eight hundred dollars (\$1,800.00) for a three (3) year license, payable before January 1 of the initial license year. For a temporary license for a period of less than the full term of the license, the fee shall be prorated on a monthly basis.

(Ord. No. 5-90 § 1; Ord. No. 4-93 § 1; Ord. No. 11-97 § 1; Ord. No. 2146-98 § 4)

4-39.9 Suspension or Revocation.

- a. *General.* The Township Committee shall have the right to suspend or revoke any license issued under this section for good cause upon written complaint of the Chief of Police following his determination that there is probable cause for suspension or revocation based upon violation of this section.

A license may be denied, suspended or revoked for fraud, misrepresentation or false statement in the course of conducting the **towing** operation, for violation of this section, or for the conviction of the applicant, its officers or a person or entity holding a ten (10%) percent or larger interest in the applicant, of a crime involving moral turpitude or relating to the **towing** business. A license may also be denied if the applicant has had a **towing** license or contract revoked while working for any other municipal, County or State agency. Such revocation shall have occurred within a twelve (12) month period prior to making application to the Township of Millburn.

Written notice of such complaint and the basis of the complaint shall be given to the licensee, and the licensee shall be entitled to a hearing before the Township Committee prior to final determination of the complaint by the Township Committee. If, after the hearing, a majority of the members of the Township Committee present and voting decide that there has been a violation, they may terminate or suspend the license.

- b. *Emergency Suspension.* A license may be suspended by the Township Chief of Police whenever the Chief in his reasonable judgment considers such suspension necessary for reasons of safety, or has reason to believe that the licensee is not covered by the insurance required by subsection 4-39.15a of this section. Such suspension shall continue until terminated by the Chief, provided that if the suspension is not terminated within three (3) business days the Chief shall file a complaint for suspension or revocation pursuant to subsection 4-39.9a, and the suspension shall remain in effect pending a determination of the complaint.
- c. *Temporary License.* In the event of an emergency suspension or other failure of the licensee to perform its duties under this section, the Chief of Police may issue a temporary license to a **towing** operator to operate during any licensee's failure to perform, should the replacement of said licensee be deemed necessary. The issuance of a temporary license shall be reported to the Township Committee immediately upon issuance. Temporary licenses may be issued for such period of time as is deemed necessary by the Chief of Police.

(Ord. No. 5-90 § 1; Ord. No. 4-93 § 1; Ord. No. 11-97 § 1; Ord. No. 2146-98 § 5)

4-39.10 Equipment.

- a. *Required Equipment.* A **towing** operator, when filing an application for and at all times while holding a license under this section, shall own, or lease for use in performing the services required by the license the following items of equipment:
 - 1. Two (2) light duty wreckers, or flat beds both types to be equipped with wheel lift.
 - 2. One (1) medium duty wrecker with wheel lift.
 - 3. Two (2) medium duty flat bed trucks with wheel lift.
 - 4. One (1) heavy duty wrecker with chassis lift/under-reach.
(Above mentioned equipment classes (light/medium/heavy) must meet the standards as stated in subsection 4-39.1 of this section.)
 - 5. Safety equipment to be carried on all trucks shall include:
 - (a) Wheel lift or chassis lift/under-reach.

- (b) "J" hooks and chains or tie-downs.
 - (c) Snatch block.
 - (d) Two (2) high-test safety chains.
 - (e) Auxiliary safety light kit (to be placed on rear of towed vehicle that does not have functioning tail light flashers).
 - (f) Rotating amber emergency lights mounted on top of truck (State issued permit required, and must be in truck).
 - (g) Two (2) white work lights facing the rear of vehicle.
 - (h) Two (2) safety cones w/reflective strip (minimum height eighteen (18) inches).
 - (i) One (1) shovel.
 - (j) One (1) broom.
 - (k) Steering wheel tie-down.
 - (l) Two-way communication system, radio or cellular, with communication between the licensee's base and all of the required trucks and from truck to truck.
 - (m) Jumper cables or jump box.
 - (n) One (1) fuel can capable of carrying five (5) U.S. gallons of fuel.
 - (o) Toolbox with assorted hand tools.
- b. *Tow Truck Lettering.* All tow trucks operated by the licensee shall be permanently lettered on both sides in accordance with N.J. Statute Title 39 (newly purchased vehicles will be allowed a four (4) week grace period during which time a pair of magnetic signs may be used).
- c. *Required Communication.* Licensee shall maintain a twenty-four (24) hour phone number which is manned by the licensee's personnel. Such personnel must have constant two (2) way communication, radio or cellular, with the licensee's vehicles. Phone calls may be forwarded from the principal business location to a residence during night time hours as long as two (2) way communication can be maintained with licensee's vehicles.
(Ord. No. 5-90 § 1; Ord. No. 4-93 § 1; Ord. No. 11-97 § 1)

4-39.11 Storage and Garage Facilities.

- a. *Inside Building Secured Storage.* Each licensee shall have an indoor secured storage facility in one (1) location and with sufficient space to accommodate at least three (3) vehicles for the exclusive use of the Police Department in connection with vehicles being held as evidence or under investigation, including but not limited to criminal matters or death by auto. The indoor secured storage facility must be solely under the control of the licensee at all times. All storage areas must meet the requirements of N.J.A.C. 11:3-38.2 (definitions) which states, "Inside Buildings" means a vehicle storage facility that is completely indoors, having one or more openings in the wall, for storage and removal of vehicles and that is secured by a locking device on each

opening. The inside building secured storage facility must be within six (6) miles, by radius, of the intersection of Parsonage Hill Road and Hartshorn Drive in the Township.

The inside building storage space shall be capable of being locked/safeguarded against access by unauthorized person(s), employee(s).

- b. *Outside Secured Storage.* Each licensee shall have an outside secured storage area that is in one (1) location and that will accommodate fifty (50) vehicles at any one (1) time. The outside secured storage area must be solely under the control of the licensee at all times. The outside secured storage area must meet the requirements of N.J.A.C. 11:3-38.2 (definitions) which states, "Outdoor secured" means an automobile storage facility that is not indoors and is secured by a fence, wall or other manmade barrier, that is at least six (6) feet high and is equipped with a passive alarm system or a similar on-site security measure. The facility is to be lighted at night. The outside secured storage area must be within six (6) miles, by radius, of the intersection of Parsonage Hill Road and Hartshorn Drive in the Township.
- c. *Equipment Facility.* Each licensee shall have an area and facility adequate for the storage and servicing of the required equipment specified in subsection 4-39.10 of this section when not in use. Such equipment facility must be within six (6) miles, by radius, of the intersection of Parsonage Hill Road and Hartshorn Drive in the Township.
- d. *Location/Hours/Condition.* The required storage and equipment facilities shall be as follows:
 1. Principal location must be within six (6) miles by radius of the intersection of Parsonage Hill Road and Hartshorn Drive in the Township of Millburn.
 2. Outside secured storage facility (fifty (50) vehicle capacity) and inside building secured storage facility (three (3) vehicle capacity) must be within six (6) miles by radius of the intersection of Parsonage Hill Road and Hartshorn Drive.
 3. The hours of recovery of vehicles from storage shall be no less than Monday through Friday 8:00 a.m. to 5:00 p.m. and Saturday 9:00 a.m. to 3:00 p.m., and prominently posted at all of the above mentioned facilities of the licensee and also made available at Township Police Headquarters. The vehicle shall be made available by the licensee immediately upon an emergency request by the Township Police Department. Facilities shall be kept clean and in good order to accommodate persons who may enter facilities with respect to any vehicles stored therein. The principal location, in addition to the above mentioned items, shall have adequate rest room facilities, with running water, that are clean and in good working order available to persons who may enter the facility with respect to any vehicle towed by the licensee.
- e. *Unsecured Outside Storage.* No unsecured storage area of any kind will be permitted for use by any licensee for storage of any vehicle towed under the license.
(Ord. No. 5-90 § 1; Ord. No. 11-97 § 1; Ord. No. 2146-98 § 6)

4-39.12 Licensee's Personnel.

- a. All tow truck drivers must have an appropriate, valid New Jersey driver's license with no restrictions or conditional endorsements, except conditions requiring glasses. Each driver/employee shall be of good moral character, mentally alert, and present a neat appearance at all times. Drivers and employees shall wear clothing bearing the licensee's name. Drivers and employees shall behave in a professional and courteous manner at all times when dealing with the Police Department and the public. Possession of a commercial license with appropriate endorsements, when required by law, shall be a minimum mandatory requirement of this section.
- b. Light and medium duty drivers must obtain Level 1 Driver Certification from a tow truck operators training course. New hires must obtain certification within nine (9) months from start of employment.
- c. Heavy duty drivers must obtain Level 2 Driver Certification from a tow truck operators training course. New hires must obtain certification within nine (9) months from start of employment. Heavy duty drivers must have CDL endorsement on their license.
- d. Recovery Supervisor must obtain Level 3 Driver Certification from a tow truck operators training course (within nine (9) months of availability) and have training from an industry recognized recovery course. On the recovery scene, not all personnel need to be recovery qualified, but a responsible recovery supervisor must have the listed requirements.
- e. The licensee must certify that it has provided ongoing training and education of its employees. The **towing** operator shall show proof of a minimum of six (6) hours of training per employee, per year. If good cause exists to question the training, knowledge, or driving record of any tow truck driver or other personnel, the Township Police Department shall inform the applicant or licensee which shall then be given an opportunity to show cause to the contrary.
- f. At the time of the application or at any time a new tow truck driver is assigned, the licensee shall submit to the Township Clerk, the name, driver's license number, social security number and date of birth of the tow truck driver prior to the driver's operation of any tow truck pursuant to a Township Police Department request.
- g. No licensee shall employ directly or indirectly any officers of the Township Police Department.
(Ord. No. 5-90 § 1; Ord. No. 4-93 § 1; Ord. No. 2146-98 § 7)

4-39.13 Towing and Storage Services.

Towing and storage services shall be governed by the following provisions:

- a. The schedule when a licensee will be on duty will be set by the Township Police Department's Traffic Bureau and approved by the Chief of Police.
- b. Licensee will respond to all police requests for **towing** and/or road service, when requested by a Police dispatcher or any other Police officer expressly authorized to communicate such a request. Licensee will respond with the number of tow trucks requested to the scene within a reasonable time.

Such reasonable time shall be deemed to be within twenty (20) minutes under normal atmospheric conditions.

- c. If a licensee is wholly or partially unable to respond due to failure of any equipment or personnel insufficiencies, the licensee will immediately notify the Police Department who will contact the next **towing** company in the rotation to handle the request. If such an incident occurs, the licensee will furnish, in writing, within five (5) business days, the details of the circumstances which caused the failure to respond to the Township Police Department's Traffic Bureau which will make a determination if a follow-up investigation and/or inspection of the licensee's facility is required.
- d. Tow trucks of a licensee shall not cruise roadways within the Township for business and shall not respond to any scene where **towing** may be required except upon request of the Township Police Department or as permitted under subsection 4-39.3a of this section.
- e. No rotating or flashing lights or sirens shall be used on a tow truck except as permitted by N.J. D.M.V./D.O.T. (39:3-50), and all vehicles operated by the licensee shall have a current permit for said lights issued by the D.O.T. along with all other required vehicle documents.
- f. All tow trucks shall be operated in accordance with all existing traffic regulations and in a safe and prudent manner. Tow truck drivers will request Police assistance when they find it necessary to turn around, back up, tow in a direction opposite the flow of traffic, cross a median, or other hazardous situation during the course of providing service or **towing**.
- g. Each licensee will be responsible for all vehicles and visible contents in their custody that are towed off the roads under direction of the Police and shall make an inventory at the scene to note such contents of each vehicle.
- h. No vehicle will be removed from any roadway within the Township without proper authorization from the Police at the scene, or the vehicle owner or operator as the case may be.
- i. No licensee shall be required to tow to an area farther than the licensed storage area between the hours of 6:00 p.m. and 8:00 a.m. unless said licensee agrees to tow farther. If licensee agrees to tow farther than the licensed storage area between 6:00 p.m. and 8:00 a.m. he/she will only do so if adequate **towing** coverage will be available to the Township.
- j. The investigating officer and/or supervisor at the incident scene is in complete charge of the incident scene (excluding actual **towing** operations), and all tow truck drivers shall comply with the officer/supervisor's instructions.
- k. Each licensee, prior to departing from the scene of **towing** services, shall be required to clean and clear the roadway of any debris resulting from any accident at such scene when rendering **towing** services, and at all times carry the necessary equipment to perform such cleaning services. Such equipment shall minimally include, but is not limited to, a broom

and shovel. The licensee may charge the owner's insurance company for the services rendered.

- l. In the event a licensee refuses to tow or render services at the scene of an accident or disabled vehicle when requested by the Police or vehicle owner/operator, the officer assigned to the incident shall report the refusal to his supervisor with all pertinent details.

Police Department S.O.P. will be followed to secure a service to clear the scene and the report of the refusal shall be forwarded to the Township Chief of Police and Township Traffic Bureau as soon as possible for evaluation and follow-up of the licensee's refusal to perform its obligation under the license. No **towing** operator shall be required to tow any vehicle in an unsafe manner or in such a way as to cause unnecessary damage to the vehicle towed or that may cause damage to the **towing** vehicle.

- m. Each licensee shall be required to keep up-to-date records of all vehicles towed in conjunction with this license. Each licensee shall provide the Township Police Traffic Bureau with a list every Friday by noon of all vehicles towed by order of the Police (impounded), or that continue to remain left in storage for five (5) calendar days. (Owners of vehicles will be notified by the Police Department that vehicles are in storage.)
- n. Vehicles impounded or confiscated by the Police and stored by the licensee shall not be released by the licensee without written authorization by the Police Department.

(Ord. No. 5-90 § 1; Ord. No. 4-93 § 1; Ord. No. 11-97 § 1; Ord. No. 2362-10)

4-39.14 Towing and Storage Charges.

Towing and storage charges shall be paid by the owner of a vehicle towed and/or stored by a licensee at Police request. Such charges shall be as follows:

- a. **Towing Services.** The following is the fee schedule for **towing** services (the fees do not include State taxes):

1. Passenger Vehicle Rates

Basic Towing Service:

Day or Night Rate—Light duty tow	\$80.00
Day or Night Rate—Medium duty tow	\$125.00

Mileage Charges: \$3.00 per mile

Mileage charge will only be assessed if the vehicle is to be towed outside the boundaries of the Township, from the point of pick up to the point of drop off.

Road Service:

Day or Night Rate	\$50.00
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(Price does not include the cost of fuel for vehicles out of gas)

Recovery and/or Winching Service (per hour): \$70.00

To be charged in thirty (30) minute increments with a one-half (1/2) hour minimum.

(Overtured passenger vehicles will carry a one (1) hour minimum)

Clean-up and/or labor charge (per hour): \$40.00
Charge for clean and/or removal of debris or mechanical work to ready vehicle for **towing**. This charge shall be in effect for additional manpower needed at scene (per man per hour). To be charged in thirty (30) minute increments with a one-half (1/2) hour minimum.

Waiting Time (per hour):
To be charged in thirty (30) minute increments beginning after the first fifteen (15) minutes on the scene with a one-half (1/2) hour minimum.

2. Heavy Duty Rates (Non-Passenger Vehicles):

Basic **Towing** Service (per hour): \$300.00
To be charged in thirty (30) minute increments with a one (1) hour minimum.

b. *Storage Charges.*

Inside Secured Storage (per calendar day) \$35.00
Vehicles over twenty-two (22') feet in length will be charged double the rate.

Outside Secured Storage (per calendar day) \$25.00
Vehicles over twenty-two (22') feet in length will be charged double the rate.

Yard Charge: \$30.00
For relocating a vehicle incapable of being driven from the licensee's storage facility to a public roadway for removal by another company.

c. The licensee shall accept a minimum of two (2) major credit cards twenty-four (24) hours a day, and must be able to do so both at the principal location and by drivers on the road at the time service or tow is performed.

d. The Township and its Police Department shall not be liable to a licensee with respect to **towing** and/or service rendered to any owner pursuant to the license or otherwise. The licensee shall look to the registered owner of such vehicle for payment of **towing** and/or storage service charges or any other compensation.

e. If a vehicle is towed by a licensee to premises controlled by the Police Department for the purpose of utilizing the vehicle or its contents as evidence, or in an on-going criminal investigation, such vehicle shall not be released from Police Department custody, except to the licensee, unless the owner of the vehicle furnishes the Police Department with a receipt that all applicable fees for **towing** and/or service have been paid in full. A second fee may be charged if the vehicle is removed to the licensee's storage area or other destination desired by the Police or vehicle owner. If a vehicle is released by the Police to any party other than the licensee without proper receipt, the Township shall be responsible for all charges, but may pursue its remedy against the owner or other person/s responsible.

(Ord. No. 5-90 § 1; Ord. No. 4-93 § 1; Ord. No. 11-97 § 1; Ord. No. 2362-10)

4-39.15 Insurance.

The licensee shall have in effect, prior to application and at all times during the term of the license, the following insurance.

- a. Garage keepers' liability policy in the amount of five hundred thousand dollars (\$500,000.00) for any one (1) claimant, and one million dollars (\$1,000,000.00) for more than one (1) claimant with five hundred thousand dollars (\$500,000.00) coverage for property damage for any one (1) event.
- b. Automobile liability insurance issued by a financially sound insurance corporation of, or authorized to transact business in, the State, insuring the licensee and every tow truck operator against liability imposed by law for damages because of bodily injury, including death, sustained by any person and injury to or destruction of property, including the loss of use thereof, caused by accident and arising out of the ownership, maintenance or use of the tow trucks of the licensee.

The amount of the limits of liability coverage to be offered by such policy shall be five hundred thousand dollars (\$500,000.00) for bodily injury to each person, one million dollars (\$1,000,000.00) for bodily injuries in each accident and five hundred thousand dollars (\$500,000.00) for property damage in each accident.

- c. The licensee shall supply a Certificate of Insurance to the Township Clerk describing every policy of insurance and identifying the Township as an insured party. Each such Certificate of Insurance shall contain a provision that no cancellation of the policy shall become effective until after the expiration of fifteen (15) days' written notice of such proposed cancellation forwarded by the insurance company to the Township Clerk.
(Ord. No. 5-90 § 1; Ord. No. 11-97 § 1)

4-39.16 Indemnity.

The application of any **towing** operator for a license pursuant to this section shall include an agreement by the **towing** operator that upon the issuance of a license the licensee shall indemnify the Township against all claims of third parties relating to **towing** and/or storage service of the licensee. (Ord. No. 5-90 § 1; Ord. No. 11-97 § 1)

4-39.17 Motor Vehicle Information.

The Township Police Department shall provide, when requested, **towing** operators with Department of Motor Vehicles information regarding registered owners and lien holders. The information requested and given shall be in conformance with N.J.S.A. 39:10A et seq. and shall not in any way violate the confidentiality that is reposed in the Police Department. (Ord. No. 5-90 § 1; Ord. No. 11-97 § 1)

4-39.18 Supplementary Rules and Regulations.

- a. The Township Chief of Police may issue rules and regulations from time to time on the operation of **towing** services and storage facilities to implement but not exceed the purpose of this section.

- b. Such rules and regulations shall be issued by publication in a newspaper in the Township. Copies shall be mailed to any and all **towing** operators licensed by the Township or any interested parties who request such copies.
- c. **Towing** operators may, in writing, request a hearing before the Township Business Administrator within thirty (30) days of the issuance of the rules and regulations. (Ord. No. 5-90 § 1; Ord. No. 4-93 § 1; Ord. No. 11-97 § 1)

4-39.19 Enforcement.

The Township Chief of Police is hereby designated to enforce the provisions of this section in accordance with due process of law. (Ord. No. 4-93 § 1; Ord. No. 11-97 § 1)

4-39.20 Copies of Regulations and Fees.

Copies of such rules and regulations, this section and the fee schedules of the licensees shall be made available to the public at the Township Police headquarters during normal business hours. (Ord. No. 4-93 § 1; Ord. No. 11-97 § 1)

Millburn Police Department
Licensed Towing
Supplementary Rules & Regulations
(Millburn Township Ordinance)
Code 4-39.18

These rules & regulations shall apply to all towing companies licensed by the Township of Millburn. The rules & regulations will be enforced if the company is actively engaged in a police tow as defined below.

Police Tow: *A police tow will be ANY request for towing or road service that a licensed company receives from the Police Department. This will include, but is not limited to towing, tire service, jump-start, winching, etc.*

Vehicles and Equipment:

Only vehicles that meet the minimum standards as set in code 4-39.1 will be used when operating under your towing license.

All vehicles that meet the minimum requirements will be equipped as indicated in code 4-39.10. Any violation of either of these Township Ordinances (4-39.1 or 4-39.10) will result in a suspension of the company's license to tow for one (1) rotation.

Storage & Garage Facilities:

Vehicles towed to a licensee's facility will be stored in the outside secured area unless inside storage is requested by the Police Department or the vehicle owner or operator at the time of the tow. If the licensee chooses to store a vehicle inside without a request from the Police, vehicle owner, or vehicle operator, the inside storage rate will NOT apply.

Licensee's Personnel:

All requirements of code 4-39.12 will be strictly enforced when operating under your license to tow for the Township of Millburn.

Every January, each licensed company shall submit a list of ALL drivers (with their drivers license numbers) that will operate equipment while engaged in a police tow. This list shall include a copy of each driver's towing certifications. If a driver is added during that calendar year, his/her records shall be submitted to the Millburn Police Traffic Bureau prior to the companies next on call period.

All drivers will wear suitable work clothing (uniform) when engaged in his/her duties. This clothing shall minimally include a shirt with the company name/logo, and long pants.

Drivers providing service on any Municipal, County, or State Highway within the Township of Millburn, that has a speed limit of 35 MPH or greater will be required to wear a safety vest at ALL times.

Drivers responding for service that are not in uniform and/or fail to use safety vest when required will be cause for suspension of the company's license to tow for one rotation.

Towing & Storage Services:

All equipment that is required by code 4-39.10 will be available 24 hours a day when the licensee is on-call for police towing. Equipment and/or Personnel insufficiencies will NOT be a valid reason for a companies inability to respond when on-call. As set by code 4-39.13c, if a licensee is unable to respond, the owner will submit (in writing) the details of the circumstances that caused the failure to respond to the Millburn Police Departments Traffic Bureau within 5-business day. If a company fails to respond, and does not submit (in writing), to the Millburn Police Traffic Bureau, the details of the circumstances within 5-business days, the company's license to tow will be suspended for one (1) rotation.

Any company that is scheduled for, or is on-call for Millburn Township that experiences a break down of any of the equipment required by Township Ordinance 4-39.10 will immediately notify Millburn Police Department's main dispatch that said equipment is not available. If the equipment in question is the Heavy Duty Truck that is required, the company will be taken off rotation for heavy-duty work until they notify Millburn Police Department that the equipment is repaired. If the equipment is not repaired and in good working condition prior to the companies next rotation, the company will have their license to tow suspended for failure to meet the minimum required equipment under Township Ordinance 4-39.10.

Towing & Storage Charges:

All rates set by ordinance 4-39.14 will be strictly adhered to when providing any and all services under your license to tow for the Township of Millburn. When you receive a request from Millburn Police Department for any type of service these rates will apply, this includes tows to another shop or private residence.

Code 4-39.14a1 (administrative charge) is only to be charged if the towing company is forced to send written correspondence to a vehicle owner in an attempt to have his/her vehicle picked up and/or charges paid. A copy of such correspondence must be attached to the company's records. This charge does NOT apply for a written record/bill for the services provided.

Customers that require access to their vehicle for the purpose of retrieving registration and/or insurance cards will NOT be charged for this access during the business hours set by code 4-39.11d3. Towing companies are NOT required to release any other personal property from a vehicle without receiving payment for services that have been provided up to date.

All companies licensed by the Township of Millburn shall accept cash, and a minimum of two major credit cards. Companies shall be able to accept both forms of payment at the principal location, and by drivers on the road at the time of service. Each company is required to notify the Millburn Police Departments Traffic Bureau, in writing, by the first of each calendar year, which major credit cards they will be accepting. Under NO circumstance will a customer's information be transmitted over a two-way radio. Cellular phone or a secure push to talk service (such as Nextel) is the only acceptable means to transmit this information to the company principal location.

Any company found to have charged a rate exceeding that set by Township Ordinance 4-39.14 or refusing to take a major credit card that they have listed will be suspended for one (1) rotation.

Inspection of Facility/Equipment:

As stated in code 4-39.6b, all licensees will cooperate with any and all investigations. The Police Department may inspect any licensee, at any time, during the license period without advanced notice.

Suspension of License to Tow:

Any company suspended for the same violation twice within a six (6) month period may be suspended indefinitely pending a hearing to revoke their license to tow.

Any company suspended more than three (3) times for any violation, or combination of violations within a four (4) month period may be suspended indefinitely pending a hearing to revoke their license to tow.

