

TOWNSHIP OF FAIRFIELD
COUNTY OF ESSEX
NEW JERSEY

APPLICATION FOR TOWING LICENSE

LEGAL BUSINESS NAME:
LEGAL BUSINESS ADDRESS:
TELEPHONE NUMBER:
BUSINESS PRINCIPAL LOCATION ADDRESS:
BUSINESS TYPE (<i>Corporation-Proprietorship-Partnership</i>)

Applicant shall provide the following information:

1. Photocopies of all registrations of every tow vehicle to be operated by applicant. If the tow vehicle is leased, the applicant is required to submit a lease agreement
2. Names, addresses and telephone numbers of any lien holders on the principal location.
3. Name, address and telephone number of the insurer and photocopies of each Certificate of Insurance required.
4. Photocopies of all towing vehicle operators' current driver's licenses as well as photocopies of drivers towing certificates or certifications. These are to be attached to the operator's individual application which is form T-01-99.
5. Evidence to demonstrate that the applicant applying for this License has at least three (3) years' experience in the field of towing and storing of vehicles.
6. Proof that the applicant has a principal location within five (5) miles of the Township of Fairfield Municipal Complex, 230 Fairfield Road, Fairfield, NJ. Mileage will be calculated by shortest roadway travel route as submitted by applicant.
7. Proof that the applicant's principal location meets all zoning requirements applicable for the towing and storage of vehicles in the jurisdiction where it is located.
8. Proof that the applicant can ensure a ten-minute response time on all calls, with exceptions of heavy or unusual traffic conditions.
9. The applicant shall complete the attached affidavit that the information given in application is true and correct.
10. The applicant shall provide an agreement that upon issuance of a license, the Licensee shall indemnify the Township of Fairfield against all claims of a third party relating to the towing and/or storage service of the Licensee.

11. Photocopy of New Jersey Sales Tax Certificate.
12. All owners, corporation officers and wrecker operators must complete the attached form T-01-99.
13. Does your company provide police towing for other police agencies? If 'yes' list all police agencies and contact person for that agency.

All of the above requested information must be fully completed and returned to the Twsp. of Fairfield Municipal Clerk's Office. A non-refundable initial application fee of \$400.00 must accompany the completed application. All checks or money orders are to be made out to the Twsp. of Fairfield.

After an initial investigation is completed the applicant will be notified and required to pay an additional criminal history record fee of \$15.00 for each individual listed in application. This criminal history record fee must be in a form of a certified check or money order made payable to the New Jersey State Police SBI. Applicant must provide individual certified checks or money orders for each individual criminal history record check.

Applicant may be required to submit further information or documentation as may be needed by the investigating officer.

Any questions concerning the application are to be directed to Sgt. Winnicki, Twsp. of Fairfield Police Department, 973-227-1400

***UPON MY OATH OR AFFIRMATION, I
CERTIFY THAT ALL INFORMATION PROVIDED IN
THIS APPLICATION IS TRUE. I FURTHER
CERTIFY THAT I AM FAMILIAR WITH
ORDINANCE #99-06, OF THE MUNICIPAL CODE
OF THE TOWNSHIP OF FAIRFIELD.***

Signature: _____

Print Name: _____

Title: _____

Date: _____

Sworn and subscribed to Before Me

This _____ Day of _____ 2000

Notary Public of New Jersey
My Commission Expires: _____

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This _____ Day of _____ 2000

Notary Public of New Jersey

My Commission Expires: _____

TOWNSHIP OF FAIRFIELD
ORDINANCE NO. 99-06

AN ORDINANCE ESTABLISHING CHAPTER 4
OF THE CODE OF THE TOWNSHIP OF
FAIRFIELD REGULATING THE REMOVAL OF
MOTOR VEHICLES FROM PRIVATE OR
PUBLIC PROPERTY AND STORAGE OF SAME
BY TOWING COMPANIES

WHEREAS, N.J.S.A. 40:48-2.49, et seq. permits a municipality to regulate the business of removal and storage of motor vehicles and to set rates and charges for same when said removal is without consent of the owner; and

WHEREAS, N.J.S.A. the Governing Body of the Township of Fairfield has elected to adopt this ordinance establishing the minimum requirements for a towing contractor to do towing work and/or vehicle removal and/or impoundment of vehicles for the Township of Fairfield when determined necessary by the Township of Fairfield Police Department in the form of a one licensing program of both the tower(s) and the towing vehicles(s) together with the setting of rates and the provision of a dispute resolution procedure;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF FAIRFIELD AS FOLLOW, that Chapter 4 of the Code of the Township of Fairfield is hereby established as follows:

SECTION 1. DEFINITIONS

1. BASIC TOWING SERVICE. The towing of a vehicle or the removal and transportation of a vehicle from a highway, street, or other public or private land.
2. OWNER. A person, firm, corporation or partnership who owns and/or operates a motor vehicle on the roads and highways within the Township of Fairfield.
3. TOWING OPERATOR. A person, firm, corporation or partnership engaged in the business of providing towing, road service and storage services for motor vehicles that is Licensed by the Township of Fairfield.
4. DISABLED VEHICLE. A motor vehicle which has been abandoned or rendered inoperable by mechanical failure or accident. Any motor vehicle, operable or inoperable, which constitutes a hazard to the motoring public by its location shall be deemed disabled for the purposes of this Ordinance.

5. INSIDE BUILDING STORAGE FACILITY. A motor vehicle storage facility that is completely indoors, having one or more openings or storage bins in the walls for the storage of motor vehicles and that is secured by a locking device on each bin or opening. Inside storage will be a minimum of 900 square feet.
6. OUTSIDE SECURED STORAGE FACILITY. A motor vehicle storage facility that is not completely indoors and must meet the following minimum standards
 - (a) Area completely secured by a fence, wall or other man made barrier that is at least six (6) feet in height. Fencing must have vision obstruction material.
 - (b) All entry points shall have a locking device.
 - (c) Total area shall have adequate lighting to protect stored vehicles from vandalism.
 - (d) Area must be at least 12,000 square feet.
7. IMPOUNDMENT. The act of storing and confining a motor vehicle upon an order of the Police Department at either the Towing Operator's storage area or at a Township facility as a result of abandonment, involvement in an accident, suspected criminal activity and any violation of the New Jersey Motor Vehicle Title 39 Statutes in which the Police may act upon.
8. VEHICLE. Every device in upon or by which a person or property is or may be transported upon a highway except devices moved by human power.
9. WINCHING. The process of moving a motor vehicle by the use of a cable from a position that is not accessible for direct hook up by conventional means for loading onto a tow vehicle. Winching is not pulling a vehicle onto a tilt bed or carrier, nor lifting a motor vehicle with a conventional tow sling.
10. RECOVERY. Recovery can be achieved by several actions that may include but are not limited to winching and rigging. A recovery is when the tow operator applies his knowledge in a skillful manner to preserve the condition of the motor vehicle while moving the vehicle to a towable position.
11. VEHICLE REMOVAL CHARGE. Charge for a motor vehicle towed into the storage facility of the licensed tower that is not moveable and must be towed from the licensed tower's storage facility to a public street for towing by the secondary tower.
12. WAITING TIME - Additional time a tow operator spends at the scene other than the time required for the actual tow and/or

recovery. Examples of waiting time may include but are not limited to EMS services which must be performed and/or police investigations.

13. ADMINISTRATIVE CHARGES. Charge for post accident services including but not limited to services such as physical inspection, telephone and/or fax calls, removal of personal items and additional paperwork.

14. LIGHT DUTY WRECKER. A tow truck with dual rear wheels capable of towing or wheel lifting vehicles and shall meet the following minimum standards:

GVW - 14,000 lbs.
Boom Rating - 8,000 lbs.
Winch Rating - 8,000 lbs.
Cable Size - 3/8 inch
Cable Length - 100 feet
Wheel Lift Retracted Rating - 6,000 lbs.
Extended Rating - 3,000 lbs.

15. MEDIUM DUTY FLAT BED. Vehicle carrier equipped with a wheel lift and roll back/tilt bed 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:

GVW - 18,000 lbs.
Winch Rating - 8,000 lbs.
Cable Size - 3/8 inch
Bed Length - 19 feet
Bed Width - 7 feet (inside side rails)
Wheel Lift Retracted Rating - 6,000 lbs.
Wheel Lift Extended - 3,000 lbs.

16. MEDIUM DUTY WRECKER. Tow truck with dual rear wheels capable of towing and wheel lifting small trucks and shall meet the following minimum requirements:

GVW - 18,000 lbs.
Boom Rating - 16,000 lbs.
Winch Rating - 16,000 lbs.
Cable Size - 1/2 inch
Cable Length - 200 feet
Wheel Lift Retracted Rating - 10,500 lbs.
Extended Rating - 8,500 lbs.

17. HEAVY DUTY WRECKER. Tow truck with dual rear wheels and air brakes capable of towing and wheel lifting large vehicles and shall meet the following minimum requirements:

GVW - 30,000 lbs.
GCWR - 80,000 lbs.
Boom & Winch Rating - 50,000 lbs.
Cable size - 5/8 inch
Cable Length - 200 feet
Wheel Lift Retracted Rating - 25,000 lbs.
Wheel Lift Extended Rating - 12,000 lbs.

18. POLICE. Shall mean the Township of Fairfield Police Department.
19. PRINCIPAL LOCATION. Shall mean the business office of the Licensee where the Licensee shall conduct business associated with the towing and storage of vehicles under the authority of the towing License issued by the Township of Fairfield. Principal Location must be staffed during business hours and shall maintain a clean comfortable waiting area with toilet facilities and an accessible pay phone.
20. STORAGE SERVICES. Shall mean the storage housing or holding of vehicles indoors or outdoors by a Licensee under authority of this Ordinance.
21. CRUISING. Shall mean the operation of a tow truck upon a roadway within the Township of Fairfield to solicit vehicles towing and other related towing services except in response to a Police request.
22. WRECKER / TOW TRUCK. A vehicle driven by mechanical power and employed for the purpose of towing, transporting, conveying, recovering or removing any and all kinds of motor vehicles, which are unable to be and actually are not operated under their own power from the place where they are disabled to some other place, or any vehicle(s) which the Police Department has ordered to be impounded. Tow vehicle must be manufactured by a tow truck manufacture that is nationally recognized by the towing industry.
23. PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.
24. EMERGENCY ROAD REPAIR SERVICE. Repairs which can be performed at the scene of a tow, including, but not limited to, flat tire changing, jump starting and gasoline deliveries.
25. LICENSEE. Any person, firm, partnership, association, corporation, company, or organization of any kind that is in contact with the Township, pursuant to this Ordinance, to provide wrecker/towing services to the Township.

26. LICENSED WRECKER. Any wrecker Licensed pursuant to the provisions of this Article.
27. FAIRFIELD TOWNSHIP STORAGE FACILITY. Shall mean the Fairfield Township Public Works Garage located at 230 Fairfield Road, Fairfield.
28. BASIC ENVIRONMENTAL CLEAN-UP. The clean-up and removal of small quantities of fluids that are associated with the operation of a motor vehicle which leak onto the ground.
29. ABSORBENT. A granulated or powder substance used to soak up fluids commonly found in the operation of motor vehicles. A bag or container of absorbent will be defined as weighing 50 lbs.
30. ORDINARY CARE. Care that is normally given to protect a motor vehicle from further damage including but not limited to usage of tarps for environmental protection and security protection for storage areas.
31. UNCLAIMED VEHICLE. Any vehicle towed by a licensed tower under this ordinance that is left unclaimed for a period of two weeks or more.
32. CHIEF OF POLICE. The highest ranking sworn officer within the Fairfield Police Department. Duties listed herein can be delegated to a designee approved by the Chief of Police.
33. STORAGE DAY. Any part of a 24 hour day with a new day beginning at midnight.
34. LOADED MILE. Distance in miles that a tow vehicle travels while towing a vehicle.
35. EXAMINATION AREA. An unobstructed flat paved twenty five (25) feet by fifteen (15) feet area where a vehicle can be placed when needed for inspection by the Police. Examination area must be outlined by painted markings on the pavement.

SECTION 2. TOWER TO BE LICENSED AND APPOINTED

1. Any person having the appropriate equipment and available space at a garage who desires to engage in municipal towing at Police request, as delineated in this Article, must first apply for a License according to the terms and conditions of this Ordinance. Such persons shall be known as "Licensees" and shall serve as such pursuant to the provisions listed under this Ordinance.

2. Nothing herein shall be construed to prevent the Licensee from operating, or having an ownership interest in a body shop, repair facility, salvage yard.

SECTION 3. SERVICES TO BE FURNISHED

Licensees shall furnish towing, storage and emergency road repair services in conjunction with this Ordinance, to motor vehicles within the limits of the Township of Fairfield when requested to do so by the Fairfield Police Department.

SECTION 4. LICENSE APPLICATION

All applications for a towing license must provide the following:

1. The complete legal business name, business address and principal location address.
2. The complete home address, home telephone number, date of birth, and social security number of the applicant, if a sole proprietorship or the complete home addresses, home telephone numbers, dates of birth, and social security numbers of principal officers and partners if the Licensee is a corporation or partnership.
3. Photocopies of all registrations of every tow vehicle to be operated by applicant. If the tow vehicle is leased the applicant is required to submit a lease agreement.
4. Names, addresses and telephone numbers of any lien holders on the principal location.
5. Name, address and telephone number of the insurer and photocopies of each Certificate of Insurance required.
6. Photo copies of all towing vehicle operators' current driver's Licenses, along with their social security numbers.
7. Evidence to demonstrate that the applicant applying for this License has at least three (3) years' experience in the field of towing and storing of vehicles.
8. Proof that the applicant has a principal location within five (5) miles of the Township of Fairfield Municipal Complex, 230 Fairfield Road, Fairfield, NJ. Mileage will be calculated by shortest roadway travel route.

9. Proof that the applicant's principal location meets all zoning requirements applicable to the jurisdiction where it is located.
10. Proof that the applicant can ensure a ten-minute response time on all calls with exceptions of heavy or unusual traffic conditions.
11. The applicant shall provide an affidavit that the information given in application is true and correct.
12. The applicant shall provide an agreement that upon issuance of a license the Licensee shall indemnify the Township of Fairfield against all claims of a third party relating to the towing and/or storage service of the Licensee.
13. Application will be processed according to order received in which they were filed with the Township Clerk.

SECTION 5. APPLICATION FEE

All initial applications shall be accompanied by a non-refundable fee of \$400.00 payable to the Township of Fairfield. A renewal application shall be accompanied by a non-refundable application fee of \$200.00 payable to the Township of Fairfield. The application fees are in addition to any fee for criminal history check set forth in Section 6 as well as any other fees required by this Ordinance. Said fees do not include the "License" fees as set forth in Section 8.

SECTION 6. INVESTIGATION AND INSPECTION BY CHIEF OF POLICE

1. Applications received by the Township Clerk shall be referred to the Chief of Police within two business days of receipt. The Chief of Police shall initiate an investigation to be made of the applicant and of its proposed business operation and shall perform inspections of the vehicles to be licensed.
2. As part of the Chief of Police's investigation of the License application a criminal history check and drivers abstract will be performed on all persons listed in application.
3. The Township of Fairfield recognizes that the Licensee ~~must be trustworthy in that it is safeguarding vehicles belonging to others.~~ Therefore, to protect the public interest, the Township may disqualify any applicant wherein an employee, owner, principal, agent, etc. that

has been convicted of a crime or a violation under this Ordinance which crime or violation would indicate that the applicant may not be responsible to perform in the best interest of others.

4. The Township of Fairfield recognizes that tow truck operators must also be drivers who abide by this State's motor vehicle laws. Accordingly, any tow truck operator having one or more convictions, within three (3) years of the date of the filing of Licensee's application, or renewal thereof, any a moving violation of the motor vehicle laws of this State, which the Township Chief of Police determines will negatively impact upon the ability of the tow truck operator to safely and property operate a motor vehicle will be disqualified from operating any of the applicant's motor vehicles while performing services listed in this Ordinance. If the applicant is already Licensed and upon a conviction for any moving motor vehicle violation which the Township Chief of Police determines will negatively impact upon the ability of the tow truck operator to safely and properly operate a motor vehicle, a tow truck operator will be immediately disqualified from operating any of the Licensee's motor vehicles while performing duties associated with this Ordinance.
5. The Chief of Police shall have sixty (60) days after the receipt of the completed application to complete the investigation and inspection and to submit a written report to the Fairfield Township Clerk. The report shall include recommendations that the applicant be accepted, denied or accepted with provisions.
6. The Licensee shall notify the Police Department in writing of any criminal charges, motor vehicle offenses and Ordinance violations that are issued against the Licensee or its employees during the term of the license. Failure to make the proper notification to the Police Department may result in the revocation of the license.

SECTION 7. GUIDELINES FOR APPROVAL OF APPLICATIONS

The following requirements must be met before any tower may be licensed:

- (a) That the public convenience and necessity will be served by the use of the vehicle(s) for which the application has been made;
- (b) That the insurance policies as required herein have been procured;

- (c) That the applicant and proposed operators are fit persons to operate the wrecker and conduct a wrecker service in the Township;
- (d) That all requirements of this Article and all other governing laws, statutes and Ordinances have been met;
- (e) That the wrecker(s) have been properly Licensed and inspected by the State of New Jersey having the necessary stickers affixed, and meet the required minimum standards as set forth by this Ordinance;
- (f) That the applicant demonstrates to the Police Department that the applicant will be able to ensure a ten-minute response time for each call, heavy or unusual traffic conditions excepted.

SECTION 8. ISSUANCE OF LICENSES/FEES

- (a) Upon written notification by the Chief of Police that an application has been approved, the Township Mayor and Council shall at a public meeting by resolution consider the issuance of a License.
- (b) In addition to any application or renewal application fees, the yearly license fee shall be \$300.00 payable to the Township of Fairfield.
- (c) Upon approval by the Mayor and council, the Municipal Clerk of the Township of Fairfield shall issue a License to the Licensee under this Ordinance as well as individual stickers' for each wrecker that has been inspected and approved by the Chief of Police to be operated during the term of the License.
- (d) All towing Licenses will be issued for a period of one year to begin January 1st of each year and expire on December 31st. Applications for License and License Renewal are to be completed and returned to the Township Clerk by September 1st of each year for a License for the following calendar year. Licenses or renewals filed after September 1st will not be accepted for the calendar year 1999, applications will be accepted until May 1, 1999.
- (e) Licenses are the property of the Township of Fairfield and can not be assigned, leased, shared, transferred or sold to another person, corporation or proprietorship under any circumstances.
- (f) After the issuance of the license, the licensee may during the term of the license advertise and place on his

equipment that he is an authorized Police Tower for the Township of Fairfield.

- (g) The Licensee shall pay to the Twsp. of Fairfield a fee of \$8.00 for each vehicle towed under this Ordinance. Said fee is for administration costs incurred by the Fairfield Police Department. Licensee shall pay the above fee on a monthly basis to the Fairfield Municipal Clerk and payment is due on the 15th of every month. If payment is not made on a timely basis the license may be suspended or terminated.
- (h) Licensee shall pay a vehicle inspection fee of \$50.00 for each tow truck that the Licensee adds to his fleet during the year that provides service under this Ordinance. Licensee shall also pay a fee of \$25.00 in addition to any fees for criminal history checks for each wrecker driver he adds during the year that provides service under this Ordinance.
- (i) The Township of Fairfield may issue a temporary towing license in the event that any emergent situation arises for the purpose of adding additional towers replacing a current license, for reasons of revocation or closing of the business. Temporary licenses may be issued immediately but the applicant must submit an application within two business days after the issuance. A temporary towing license shall be valid for a period of sixty (60) days. The Mayor and Council may at their discretion extend the temporary license for a period not to exceed sixty (60) days. The Chief of Police shall investigate to ensure that the temporary licensee meets the requirements as set forth in Section 6 & 7 of this Ordinance. The Chief of Police shall have thirty (30) days to complete his investigation and forward a copy to the Township Clerk. Temporary licensees can not advertise or display his business as a Twsp. of Fairfield Police Tower unless a yearly license is issued. The non-refundable fee for a temporary license shall be \$100.00.

SECTION 9. WRECKER & STORAGE REQUIREMENTS

Each wrecker must meet all of the requirements of N.J.S.A. Title 39, "Motor Vehicle Rules and Regulations."

- A. A Licensee when filing an application, 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. Four (4) wreckers (One must be a medium duty wrecker and one must be a heavy duty wrecker);

2. Two (2) medium duty flatbed.

B. The following safety equipment shall to be carried on all towing trucks:

1. Chains and tie downs to secure vehicle.
2. Snatch block.
3. Auxiliary safety light kit to be placed on rear of towed vehicle that does not have functioning tail light flashers.
4. Rotating amber emergency lights mounted on top of truck (State issued permit required and must be in truck).
5. Two (2) white work lights facing from rear of truck.
6. One (1) shovel and broom.
7. Fifty (50) pounds of absorbent.
8. Jumper cables or jump box.
9. Steering wheel tie down.
10. Toolbox with assorted hand tools normally used to conduct emergency roadwork and towing.
11. One (1) reflectorized traffic vest.
12. One (1) five-pound A-B-C rated dry powder fire extinguisher.
13. One flashlight

C. Tow Truck Lettering.

All tow trucks operated by the Licensee shall be permanently lettered on both sides in accordance with N.J.S.A.39:4-46. All tow trucks Licensed shall display a sticker on the driver's side rear back glass that will be issued to Licensee by the Township.

D. Required Communications.

Licensee must maintain a twenty-four (24) hour telephone service for the Police to contact the Licensee personnel. The use of answering machines or the like is not permitted. Such personnel must have constant two-way communication, radio or cellular, with the Licensee's vehicles. Licensee shall maintain a FAX machine at his principal location and its service must be available twenty-four hours a day.

E. Storage Facilities.

1. All cars stored under this Ordinance shall be stored and protected with ordinary care to protect the vehicle from further damage. All vehicle storage shall be one level.
2. There shall be no unescorted access to the storage area by the general public. Storage areas shall be visibly

posted in accordance with the Fairfield Police Department requirements.

3. The Township of Fairfield Police Department shall have access to any part of the storage area, twenty-four hours a day, seven days a week, for the purpose of inspection or investigation. Access, under this provision, means an emergency contact person must be available to the Fairfield Police Department to provide entry to the storage area.
 4. No vehicles towed by the Licensee under the authority of Township of Fairfield License shall be stored outside a secured area.
 5. Licensee shall maintain the following hours for release of vehicles from storage - Monday through Friday 8:00 AM to 5:00 PM and Saturday 8:00 AM to 12:00 PM. Licensee may close during any and all New Jersey State Holidays. The Licensee, or his designee, authorized to act on his/her behalf, must be available during normal business hours to handle complainants and business transactions.
 6. The Township reserves the right during any emergency to designate temporary areas owned or leased by the Township for the storage of vehicles at the direction of the Chief of Police. During said emergency, the Licensee shall not be entitled to charge the owners of the vehicles for storage of vehicles for storage of vehicles so removed to that storage area.
 7. Licensee must provide an examination area for Police examination of vehicles placed in the Licensee storage area. When requested by the Police the Licensee will move within a reasonable amount of time any vehicle the Police request to be examined.
- F. On the 15th day of each month, the Licensee shall notify in writing to the Fairfield Police Department of all unclaimed vehicles that were towed under the Fairfield Township license. The Fairfield Police Department shall then initiate action as set forth in N.J.S. 39:10A-1. If a vehicle remains unsold or unclaimed after the requirements are met in N.J.S.A. 39:10A-1 then the Township of Fairfield Police will turn over to the Licensee a valid junk/salvage title. The Licensee may then dispose of the vehicle and retain any payment he receives to cover the towing and storage expenses be incurred. The Township of Fairfield will not be responsible for the balance of any outstanding fees incurred during the towing, storage and administrative actions associated with the unclaimed vehicle.

SECTION 10. TOWING AND STORAGE OF VEHICLES

- A. The Licensee shall be responsible for the towing of automobiles as described herein on a twenty-four (24) hour basis, seven (7) days a week during the term of the License.
- B. Towing for Licensees will be on a weekly rotational basis. Licensee's work week will begin at 0000 hrs. on each Monday and continue to 2359 hrs. the following Sunday. The Chief of Police will set up and monitor the weekly rotation list.
- C. The Licensee shall respond within ten (10) minutes to all requests for towing service by the Township unless heavy or unusual traffic conditions within Township prevent the Licensee from arriving within the allotted time. In that event, the Licensee shall arrive in a reasonable time given allowance for said traffic conditions. Repeated late arrivals without satisfactory cause shall constitute grounds in which the Township, in its discretion, may consider the Licensee in violation of this Ordinance.
- D. Licensee shall assist the Police in conducting a vehicle inventory for every vehicle impounded under this Ordinance. Impound tow inventory forms will be completed by the Police before the vehicle enters a storage area.
- E. The Licensee shall provide all towing services free of charge to all Township of Fairfield motor vehicles. The Township will incur half ($\frac{1}{2}$) of the tow service fee as set forth in this Ordinance for towing of all Township vehicles over 10,001 pounds that are outside a sixty (60) mile radius from the Township/Municipal Building located at 230 Fairfield Rd., Fairfield.
- F. Nothing in this Ordinance shall prevent the owner or operator of a vehicle from contacting a tow or wrecker of their own choice to remove the automobile from the public streets of the Township after it has become disabled or otherwise inoperable, unless the Police Officer on the scene determines that public safety requires that the vehicle be immediately removed from the scene, at which time a licensed tow will be notified.
- G. All owners or operators of any disabled vehicle retain the right to direct the tow to remove the disabled vehicle to a garage or workshop of their own choosing. If, within reason, the Licensee cannot immediately take the vehicle to the place requested by the owner the Licensee will place the vehicle in storage. If the vehicle is towed after one hour before business closing

hours the Licensee can only charge one-day storage until noon the following business day. Owner / operator of the stored vehicle may contract any tow service to remove the vehicle from storage.

H. The Licensee shall be responsible for the towing of vehicles from public streets, public alleys, public right-of-way, public easements, avenues, thoroughfares, public or quasi-public places, including parks and playgrounds, or any other Township, County or State owned lots, as directed by the Township of Fairfield Police Department.

I. The Licensee shall remove and tow vehicles for storage at either the Licensee's storage yard or the Fairfield Township facility, as directed by the Fairfield Township Police Department, according to the following categories of vehicles for tow:

1. Vehicles to be towed to the Licensee's storage facility may include abandoned, illegally parked, disabled, vehicles involved in accidents, unregistered / uninsured or any violation of N.J.S.A. Title 39 wherein the Police may remove the vehicle from the roadway.

2. Vehicles to be towed to the Fairfield Township storage facility will include those suspected of involvement in criminal activity, vehicles confiscated or seized pursuant to the Forfeiture Statute and vehicles which may be involved in any fatal accident. After investigation is completed the tower will be directed to remove the vehicle to his storage lot. There shall be a vehicle removal charge payable by owner for this service, and the tower may begin storage when vehicle enters their lot. In cases where the Licensee is directed to tow a vehicle to the Fairfield Township storage facility, the Township Police Department shall direct the Licensee where to place the towed vehicle upon arrival at the Township storage facility.

J. When in the event that the Licensee has been contacted to tow a disabled vehicle by the Police Department and the owner or operator of that vehicle appears prior to the Licensee's arrival and requests his own towing service the Licensee may ~~not charge for the response.~~ However if the Licensee arrives and owner requests his/her own towing service the Licensee will be allowed to charge the rate for emergency road service.

- K. The Licensee shall be responsible, at no charge to vehicle owner, to clean up and remove all broken glass and debris at the scene of accidents as per N.J.S.A 39:4-56.8.b. The Licensee will also be responsible for basic environmental clean up and may charge a fee to the owner as set forth in Section 10 of this Ordinance. The Licensee shall also be responsible to replace and remove any absorbent that the Fairfield Fire Department uses at an accident scene. Licensee may charge the vehicle owner for any bags of absorbent that are given as replacements to the Fairfield Fire Department.
- L. In the event that an emergency arises and the on call Licensed tower can not provide adequate service when requested the Police Department may at its discretion contact other Township of Fairfield licensed towers to respond.
- M. The licensed tower may not charge any owner for any damage to his tow equipment or storage facilities resulting from any towing operation.
- N. Before towing a vehicle the Licensee shall remove or secure anything that may fall from the disabled vehicle while being towed.

SECTION 10. RATES AND CHARGES

- A. The rates on the "Township of Fairfield Towing and Storage Rate Schedule" annexed hereto and incorporated herein by reference, represent the maximum rates permitted under this Ordinance. It shall be unlawful for any Licensee to charge a rate in excess of the rates prescribed in this Ordinance for the services regulated herein.
- B. Mileage Rates. There shall be NO mileage charge for any vehicle towed under this Ordinance from point of service back to the Licensee's principal location. If the owner or operator designates the vehicle to be towed to another location other than the Licensee's principal location then the Licensee can only charge for loaded mileage outside the boundaries of the Township of Fairfield.
- C. Vehicle Recovery. The Township of Fairfield recognizes that vehicle recovery is a varied and complex function that is conducted on a case by case basis. To perform vehicle recovery, the Township requires that the Licensee have on-scene a recovery supervisor with a Level 3-driver certification from WreckMaster, the Towing and Recovery Association of America (TRAA), or equivalent program approved by the Police Department. To perform vehicle recovery under this ordinance the licensee must:

1. Visually document the recovery scene through photos or videotape.
2. Prepare a written report of all procedures employed, actions taken equipment used and manpower requirements to complete the recovery process in the safest manner.
3. Prepare an itemized billing invoice for all services rendered.

If the Licensee finds it necessary to subcontract services or equipment for recovery the subcontracted service providers must work under the supervision of the Licensee. The Licensee may charge no more than 20% above the invoice amount for the service or equipment rented.

SECTION 11. INSURANCE & INDEMNITY

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

- A. Garage keeper's liability must be maintained in the amount of five hundred thousand dollars (\$500,000.00) for any one claimant, and one million dollars (\$1,000,000.00) for more than one claimant along with five hundred thousand dollars (\$500,000.00) coverage for property damage for any one event.
- B. Automobile Insurance must be maintained and it must be issued by a financially sound insurance corporation, or authorized to transact business in the State of New Jersey. The policy must insure every tow truck operator against liability imposed by law for damages arising out of bodily injury, including death, sustained by any person and injury 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 truck of the licensee. The amount of the limits of liability coverage to be offered by such policy shall be one million dollars (\$1,000,000.00) for bodily injury to each person, three million dollars (\$3,000,000.00) 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, which describes each policy of insurance and identifying the Township as an additional insured party. Each 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.

SECTION 12. RECORD KEEPING

- A. Licensee shall prepare and issue to the owner/operator a written invoice for services rendered under this ordinance. The invoice shall reflect the date, time, location and the employee that performed the service and that the service performed was at the request of the Township of Fairfield Police Department. A copy of invoice shall be retained by Licensee and filed in a manner that coincides with the Licensee's current filing methods that will allow immediate access to such record when requested by the Township of Fairfield Police Department.
- B. Licensee has discretion to establish the method of payment and forfeits all 'mechanic lien rights' once he physically releases a vehicle from his custody. The Township will not be held liable for, or assist the Licensee, to collect any unpaid fees that were incurred under the provisions of this Ordinance.
- C. Licensee shall incur the cost of and shall post the rate schedule listed in this Ordinance in a conspicuous location at the Licensee's principal location where payment of fee are transacted.
- D. Licensee shall incur the cost of preparing a payment rate circular for fees listed under this Ordinance and shall distribute this rate circular to all customers, at no cost.
- E. Licensee shall not release any vehicle impounded under this Ordinance without a written release from the Township of Fairfield Police Department. The release form must be attached and filed with the Licensee copy of the invoice.
- F. All records, payment invoices and other documentation resulting from the Licensee's compliance with this Ordinance must be kept by the Licensee for a period of two years.

SECTION 13. CONDUCT OF LICENSEE & OPERATORS

- A. At all times the Licensee and his employees will present a neat appearance and act in a professional and courteous manner when interacting with the public and the police. Operators and employees shall wear clothing bearing the licensee's name.
- B. No Licensee shall employ directly or indirectly any Officers of the Township of Fairfield Police Department.
- C. No Licensee may wait on any public street, intersection or any public property to solicit any towing services. Additionally Licensee may not wait on private property without first obtaining the consent of the property owner.
- D. No Licensee may cruise for potential towing or servicing of vehicles on any roadway in the Twsp. of Fairfield.
- E. No Licensee shall solicit, demand or receive from any person any pay, commission or tip except the rate fees established in this Ordinance.
- F. No Licensee shall pay any gratuity, tip or commission to any third party to receive work listed under this Ordinance.
- G. No Licensee may solicit vehicle repair at the location of any disabled vehicle.
- H. All towing vehicles shall be operated in accordance with all existing traffic regulations and statutes and in a safe and prudent manner. Tow vehicle operators must request Police assistance whenever their activities will obstruct or impede traffic flow.
- I. The investigating police officer and/or supervisor at the accident scene shall maintain complete charge of the incident scene (excluding actual towing operations) and all tow operators shall comply with the officers'/supervisors' instructions.

SECTION 14. EDUCATION

- A. Tow truck drivers shall have and maintain a valid driver's license for the tow vehicle that they operate. Driver's that operate Heavy Duty Wreckers shall have a valid HAZMAT endorsement on their commercial driver's license.
- B. Within two years of the adoption of this Ordinance all tow truck drivers that operate tow vehicles must obtain

the Towing and Recovery Association of America National Driver Certification (TRAA) Level 1. Drivers that operate the heavy duty tow truck must obtain the Level 2 certification.

- C. New employees shall have one (1) year from their date of hire to obtain the TRAA Level 1 certification. During the initial year of employment they may perform services as listed under the provisions of this Ordinance providing that the Licensee documents that he has trained the employee in the proper use of the equipment he will operate.
- D. To perform any recovery operation the Licensee must have at least one employee certified as a TRAA Level 3.

SECTION 15. LICENSE ENFORCEMENT

- A. The Chief of Police shall investigate and keep a record of all complaints that are received regarding the provisions set forth in this Ordinance.
- B. The Chief of Police has the authority to suspend any license at any time for criminal activity, Title 39 violations or any violation(s) of this Ordinance. When a license is suspended the Chief of Police shall forward a full report to the Mayor and Council within fifteen (15) business days after said suspension. If the Licensee objects to the determination of the Chief of Police, the Licensee may request a hearing before the Mayor and Council. Licensee must notify the Township Clerk in writing of a request for a hearing within twenty (20) days of the suspension/termination notice issued by the Chief of Police.
- C. The Chief of Police shall oversee all licensed wreckers to ensure that they are kept in a safe condition. The Chief of Police may inspect any or all licensed wreckers at any time. If at any time the Chief of Police finds the equipment inadequate or unsafe the Chief of Police may demand immediate correction and suspend the wrecker license until such time the violation is corrected. Once a wrecker license is suspended all identifiers, listing the wrecker as a Twsp. of Fairfield Police wrecker, shall be removed from the wrecker by the Licensee.
- D. The Chief of Police is authorized and empowered to establish additional rules and regulations as may be necessary and reasonable to govern the issuance and the operation of towing services and storage facilities. Such rules and regulations shall be issued by publication in

a local newspaper and provision of same in writing to all tower then licensed.

- E. Upon suspension, revocation, or expiration of any license issued pursuant to this Ordinance, the Licensee shall immediately surrender all indicia of licensing including stickers, cards, medallions or other means of identification and Licensee may not advertise or display that they are licensed Police Towers for the Twsp. of Fairfield during the suspension period.

SECTION 16. COMPLAINTS BY OWNERS OF VEHICLES

Any complaint or dispute by an owner of a vehicle that is tower or stored without the owners's consent pursuant to the provisions of the within Ordinance, shall be submitted to the Township Administrator. Following the Administrator's review and/or investigation of said complain, the Administrator shall make a recommendation for disposition of the complain to the Mayor and Council for consideration.

SECTION 17. PENALTIES

Any person who violates the provisions of this Ordinance shall, upon conviction, be a fined not more than One Thousand Dollars (\$1,000.00) and/or imprisonment for a term not to exceed six (6) months.

TOWNSHIP OF FAIRFIELD TOWING AND STORAGE RATE SCHEDULE

A. Basic Towing Service (2-Axle Vehicle) For Vehicles Under 8,000 lbs.

Rate.....\$90.00

Each Additional Axle.....\$25.00

Mileage Rate Outside the Boundaries of Township of Fairfield.....\$3.60 per mile

B. Basic Towing Service (2-Axle Vehicle) For Vehicles 8,001 lbs. - 16,001 lbs.

Rate.....\$195.00

Each Additional Axle.....\$35.00 per axle

Mileage Rate Outside the Boundaries of Township of Fairfield.....\$4.60 per mile

C. Basic flatbed rates will only apply on vehicles that cannot be towed by any other means. Flatbed towing of a vehicle with wheel lift does not qualify for flatbed rate. The owner/operator or police may demand flatbed towing which the Licensee may charge the flatbed rate.

Flatbed Rate.....\$100.00

D. Motorcycles and Motorized bicycles shall be towed by a tow vehicle designated by the Licensee.

Motorcycle Rate/Motorized Bicycle Rate.....\$80.00

E. Heavy Duty Towing (Vehicles over 16,001 lbs. GVW

Heavy Duty Rate - \$300.00 per hour (one hour minimum)

Shaft Removal.....\$45.00

Brake Release.....\$45.00

Licensee may not charge a mileage fee for Heavy Duty Towing.

F. Storage Per Day

Under 10,000 lbs. Outside.....\$25.00
Under 10,000 lbs. Inside.....\$36.00
Each Additional Axle.....\$20.00

Vehicles over 10,000 lbs.

Single Axle Straight Vehicle.....\$75.00
Tandem Axle Straight Vehicle.....\$100.00
Tractor Trailer Combo.....\$140.00

G. Other Charges

1. Winching - Light Duty / Medium Duty Tows:
\$110/hour. *
2. Basic Environmental Cleanup: \$60.00 per hour. *
Rate to include one bag of absorbent. Each additional bag
of absorbent shall not exceed \$12.50 per bag.
3. Waiting Time - Light Duty / Medium Duty Tows:
\$40.00 per hour*
4. Vehicle Removal Charge: 1/2 of the vehicle's basic tow
rate.
5. Administrative Charges: Licensee may not charge for
administration costs.

(* Licensee may charge the rate of 1/2 hour minimum. Thereafter
they may charge for each 15-minute increment.

H. Emergency Road Service shall include but not limited to, basic
jump starting, up to two gallons of fuel and tire changing.
Due to roadway design, traffic patterns and the inability to
conduct quick road service repairs the Township of Fairfield
does not recognize emergency road service for vehicles over
16,001 lbs. Vehicles disabled over 16,001 lbs. must be towed
from the roadway.

Emergency Road Service Rate.....\$45.00

If emergency road service results in a tow, then the Licensee may
not charge for road service.

I. Rates for vehicle recovery:**

Medium Duty Wrecker.....	\$150.00 per/hour
Heavy Duty Wrecker.....	\$300.00 per/hour
Additional Manpower.....	\$60.00 per/hour
Level 3 Recovery Supervisor.....	\$90.00 per/hour

(** Licensee may however, charge additional fees for extraordinary recovery of any vehicle.

SECTION 18.

This ordinance shall take effect upon adoption and publication as required by law.

Muriel M. Shore

Muriel M. Shore, Mayor

ATTEST:

Patricia E. Fahy

Patricia E. Fahy, Municipal Clerk

NOTICE

"NOTICE is hereby given that the foregoing Ordinance was introduced and passed upon First Reading at a meeting of the Mayor and Council of the Township of Fairfield on February 22, 1999. Said ordinance shall have a Second Reading and Public Hearing be considered for final adoption at a Meeting of Said Governing Body to be held on March 8, 1999 starting at 7 p.m. in the Township Municipal Building, 230 Fairfield Road, Fairfield, N.J.

Patricia E. Fahy
Municipal Clerk

NOTICE

TAKE NOTICE that Ordinances #99-05 entitled "AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FAIRFIELD PROVIDING FOR THE APPROVAL AND ADOPTION OF A MAP DEPICTING THE LOCATION AND BOUNDARIES OF DRUG FREE SCHOOL ZONES AND DRUG FREE PUBLIC FACILITY ZONES AND MAKING AN OFFICIAL FINDING AND RECORD OF THE LOCATION AND BOUNDARIES OF SUCH ZONES, and #99-06 entitled AN ORDINANCE ESTABLISHING CHAPTER 4 OF THE CODE OF THE TOWNSHIP OF FAIRFIELD REGULATING THE REMOVAL OF MOTOR VEHICLES FROM PRIVATE OR PUBLIC PROPERTY AND STORAGE OF SAME BY TOWING COMPANIES passed First Reading by the Mayor and Council of the Township of Fairfield, County of Essex, State of New Jersey,

at a Regular Meeting of that Governing Body on February 22, 1999 at the Municipal Bldg., 230 Fairfield Rd. Said Ordinances were given a Second Reading and Public Hearing by said Governing Body at its Conference/Regular Meeting of March 8, 1999 and there having been no objections, said Ordinances were adopted by that Governing Body and will become effective thereafter after final passage in the manner provided by Law.

Patricia E. Fahy
Municipal Clerk"

TOWNSHIP OF FAIRFIELD

ORDINANCE NO. 99-06

AN ORDINANCE ESTABLISHING CHAPTER 4 OF THE CODE OF THE TOWNSHIP OF FAIRFIELD REGULATING THE REMOVAL OF MOTOR VEHICLES FROM PRIVATE OR PUBLIC PROPERTY AND STORAGE OF SAME BY TOWING COMPANIES

FIRST READING

INTRODUCED BY: COUNCILMAN PALMIERI

SECONDED BY: MAYOR SHORE

DATE PUBLISHED: FEBRUARY 25, 1999

DATE PUBLIC HEARING: MARCH 8, 1999

ROLL CALL VOTE

GOVERNING BODY	AYES	NAYS	ABSENT	ABSTAINED
SMALLHEER, ALLAN	X			
PURPURA, DENNIS	X			
MORGAN, THOMAS	X			
PALMIERI, ROCCO (1)	X			
SHORE, MURIEL (Mayor) (2)	X			

2ND READING AND PUBLIC HEARING MARCH 8, 1999

INTRODUCED BY: COUNCILMAN PALMIERI

SECONDED BY: COUNCILMAN PURPURA

ROLL CALL VOTE

GOVERNING BODY	AYES	NAYS	ABSENT	ABSTAINED
SMALLHEER, ALLAN			X	
PURPURA, DENNIS (2)	X			
MORGAN, THOMAS		X		
PALMIERI, ROCCO (1)	X			
SHORE, MURIEL (Mayor)	X			