

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: JULY 23, 2018 TIME: 7:00 P.M. MEETING ROOM, MUNICIPAL BUILDING

ATTENDANCE: PRESENT ABSENT

_____	_____	Mayor Benowitz
_____	_____	Deputy Mayor Fuzy
_____	_____	Committeeman Holliday
_____	_____	Committeeman Kostoplis
_____	_____	Committeeman Mason
_____	_____	Michael Theokas, Administrator
_____	_____	Township Clerk Eckert
_____	_____	Attorney Fahey
_____	_____	Chief Financial Officer Elsasser

1. Salute to the flag and moment of silence.
2. Roll Call.
3. Open Public Meeting Announcement:

In compliance with the Open Public Meetings Act, adequate notice of this meeting was provided in the following manner:

On January 11, 2018, advance written notice of this meeting was posted on the bulletin board opposite the main entrance to the meeting room in the Municipal Building; was faxed to the BURLINGTON COUNTY TIMES and THE TIMES; was filed with the Clerk of Bordentown Township; and was mailed to all persons who requested and paid for such notice.

4. The proceedings of this meeting, which are open to the public, are being electronically recorded. Requisite minutes are kept for all meetings, whether open or closed to the public.
5. Resolution to meet in closed session:

BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby recess this Regular Meeting to meet in Closed Session for the purpose of discussing:

- Southern Gateway Redevelopment Matter.
- Bordentown Waterfront Redevelopment Contract Matter.
- Professional Service Contract Matter: Marketing Consulting

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

6. Mayor's Proclamation Honoring the 25th Wedding Anniversary of Bill and Marilee Ryan.
7. Administrative Review
 - a. Review of agenda
 - b. Review of correspondence

CONSENT AGENDA ITEMS:

- a. Township Committee review and discussion of Consent Agenda Items.
 - b. Questions or comments from the audience on consent agenda items.
 - c. Motion, Second and Roll Call to adopt Resolutions #2018-204-8 through #2018-204-15.
8. Resolution #2018-204-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
 9. Resolution #2018-204-9 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS, FILING OF REPORTS AND CORRESPONDENCE.
 10. Resolution #2018-204-10 entitled A RESOLUTION TO CANCEL TAXES.
 11. Resolution #2018-204-11 entitled RELEASE OF PERFORMANCE GUARANTEE FOR BANK OF AMERICA (BNF CONTRACTORS, INC.), ROUTE 130, BLOCK 121, LOT 4.
 12. Resolution #2018-204-12 entitled RELEASE OF MAINTENANCE GUARANTEE FOR BORDENTOWN WATEFRONT COMMUNITY – PHASE 1A, RIVERGATE URBAN RENEWAL COMPANY, LLC, ROUTE 130, BLOCK 140, LOT 5.01.
 13. Resolution #2018-204-13 entitled AUTHORIZING PURCHASE OF TWO (2) 2019 FORD F350 CHASSIS CAB AND OPTIONS FOR THE BORDENTOWN TOWNSHIP PUBLIC WORKS DEPARTMENT.
 14. Resolution #2018-204-14 entitled AUTHORIZING PURCHASE OF HEAVY DUTY VEHICLE LIFT AND DUAL TROUGH GOLF TURF KIT FOR THE BORDENTOWN TOWNSHIP PUBLIC WORKS DEPARTMENT.
 15. Resolution #2018-204-15 entitled AUTHORIZING DISPOSAL OF SURPLUS PROPERTY.
 16. Public Hearing on Ordinance #2018-21 entitled AN ORDINANCE TO CREATE THE AH-1 AFFORDABLE HOUSING OVERLAY ZONE, PROVIDING FOR AFFORDABLE HOUSING AND OTHER USES ON PROPERTY IN THE TOWNSHIP OF BORDENTOWN.
 17. Consideration of Adoption of Ordinance #2018-21 entitled AN ORDINANCE TO CREATE THE AH-1 AFFORDABLE HOUSING OVERLAY ZONE, PROVIDING FOR AFFORDABLE HOUSING AND OTHER USES ON PROPERTY IN THE TOWNSHIP OF BORDENTOWN.
 18. Public Hearing on Ordinance #2018-23 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, TO MANDATE

DIRECT DEPOSIT FOR MUNICIPAL EMPLOYEES BY THE TOWNSHIP OF BORDENTOWN, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, PURSUANT TO N.J.S.A. 52:14-15F.

19. Consideration of Adoption of Ordinance #2018-23 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, TO MANDATE DIRECT DEPOSIT FOR MUNICIPAL EMPLOYEES BY THE TOWNSHIP OF BORDENTOWN, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, PURSUANT TO N.J.S.A. 52:14-15F.
20. Consideration of Re-Introduction of Ordinance #2018-22 entitled ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF BORDENTOWN, TITLE 10, "VEHICLES AND TRAFFIC", CHAPTER 10.05, "SCHEDULES", SCHEDULE I, "NO PARKING", AND SCHEDULE V, "TRUCKS OVER FOUR TONS EXCLUDED", AND CHAPTER 25, "LAND DEVELOPMENT ORDINANCE", SECTION 500, "GENERAL PROVISIONS AND DESIGN STANDARDS", SUBSECTION 25.514, "SIGNS".
21. Consideration of Introduction of Ordinance #2018-24 entitled ORDINANCE AMENDING CHAPTER 5.48 "TOWING SERVICE OPERATOR" OF THE BORDENTOWN TOWNSHIP MUNICIPAL CODE.
22. Administrator and Staff Reports.
23. Township Committee and Staff Reports.
24. Public Participation.

Questions, comments or statements from members of the public in attendance.
25. Any additional matters or correspondence to be reviewed, discussed or acted upon at the discretion of the Township Committee.
26. Motion to Adjourn.

ALL PROPOSED LEGISLATION LISTED BELOW IS SUBJECT TO CHANGE AND IS CONSIDERED TO BE A DRAFT UNTIL IT IS OFFICIALLY ADOPTED BY GOVERNING BODY.

NOTICE

TOWNSHIP OF BORDENTOWN

NOTICE IS HEREBY GIVEN that the regular meeting of the Bordentown Township Committee scheduled for July 23, 2018, will commence at 7:00 p.m. (rather than the originally advertised start time of 6:30 p.m.) and will be held in the Main Meeting Room of the Municipal Building, 1 Municipal Drive, Bordentown, NJ 08505.

Colleen M. Eckert, RMC, Twp. Clerk

NOTICE TO NEWSPAPERS IS REQUIRED BY THE STATE OPEN PUBLIC MEETINGS LAW AND IS NOT TO BE PUBLISHED AS A PAID LEGAL ADVERTISEMENT.

RESOLUTION #2018-204-8

APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS

BE IT RESOLVED by the Township Committee of the Township of Bordentown that all of the bills listed to be paid on the list dated July 23, 2018, as submitted by the Office of the Treasurer are hereby approved for payment and the Office of the Treasurer is directed to pay the same.

07/23/18

RESOLUTION #2018-204-9

APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS, FILING OF REPORTS AND CORRESPONDENCE

BE IT RESOLVED by the Township Committee of the Township of Bordentown that the minutes of the Township Committee Closed Session Meeting of July 9, 2018; and the Regular Meeting of July 9, 2018; as submitted by the Clerk and posted on the bulletin board, be and are hereby approved as (_____ submitted) (_____ corrected); and

BE IT RESOLVED that the following reports for the month of June 2018 as submitted by the Township Officials are hereby received and filed: Tax Collector, Township Clerk, Community Development, Construction, Municipal Court and Finance.

BE IT FURTHER RESOLVED that the following items of correspondence are to be received and/or acted upon:

- a. Memorandum to Township Committee from Jeffrey Elsasser, CFO, dated July 23, 2018, regarding Sale of \$6,175,000 Aggregate Principal Amount of General Obligation Bonds, Series 2018, to be dated August 1, 2018.

07/23/18

RESOLUTION #2018-204-10

A RESOLUTION TO CANCEL TAXES

WHEREAS, the United States Department of Veteran Affairs has classified Bryan Branson 100% Permanently and Totally Disabled.

WHEREAS, by application to Eileen Carlos, Tax Assessor in the Township of Bordentown, the said exemption is granted from August 1, 2017.

WHEREAS, N.J.S.A.54:4-3.30a – Allows for the exemption from taxation from real and personal property for any citizen and resident of the State who has total or 100% permanent disability as defined by this statute.

WHEREAS, the following taxes must be canceled and any monies paid by the owner should be refunded.

THEREFORE BE IT RESOLVED, that the following taxes be canceled:

Block 89 Lot 11	2017	\$3450.38
	2018	\$3373.78

BE IT RESOLVED FURTHER, that a copy of this Resolution be forwarded to the Burlington County Board of Taxation, the Treasurer of Burlington County, the Municipal/Regional School Board to advise them of the action taken by the Township Committee.

07/23/18
JCE

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on July 23, 2018.

COLLEEN M. ECKERT, RMC, TWP. CLERK

TOWNSHIP OF BORDENTOWN

RELEASE OF PERFORMANCE GUARANTEE FOR

**Bank of America
(BNF Contractors, Inc.)
Route 130
BLOCK 121, Lot 4**

RESOLUTION NO. 2018-204-11

WHEREAS, BNF Contractors, Inc., is the developer of a certain property within the Township of Bordentown and has been granted preliminary approval and final approval of development plans for the above captioned block and lot, subject to certain terms and conditions, including, but not limited to, the filing of Third Party Performance Guarantees guaranteeing the satisfactory installation of certain site improvements; and

WHEREAS, BNF Contractors, Inc., provided a performance guarantee in the amount of \$125,910.00 reduced to \$37,773.00 by Resolution #2016-270-19; and

WHEREAS, BNF Contractors, Inc., has notified the Township in writing and in accordance with the procedures set forth in the Municipal Land Use Law (MLUL), N.J.S.A. 40:55D-53.d, that the required improvements have been completed which are the subject matter of the aforementioned guarantee, and has requested a release of said performance guarantee; and

WHEREAS, the Township Engineer, Turek Consulting, LLC, has inspected all the improvements of which notice has been given and recommends herein that the Township Committee approve the release of the performance guarantee by letter dated July 12, 2018; and

WHEREAS, due to the time elapsed since the completion of the original site work and the minor nature of the site work related to the bank's portion of the overall site, the Township Engineer, Turek Consulting, LLC, is further recommending a waiver of the 2-year Maintenance Guarantee; and

WHEREAS, the Township Committee has reviewed said request and desires to act favorably with respect to the Engineer's recommendations in accordance with N.J.S.A. 40:55D-53.d.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Bordentown, in the County of Burlington and State of New Jersey, as follows:

That the Township Committee, for the aforementioned reasons, hereby approves release of the performance guarantee for BNF Contractors, Inc., (\$33,995.70 Bond and \$3,777.30 Cash or LOC) with the following conditions:

1. Payment of any outstanding professional vouchers or negative balance in the inspection escrow account, and
2. The Chief Financial Officer shall refund the balance of cash guarantee (\$3,777.30) to the developer.
3. The Township Clerk shall forward a certified copy of this resolution to: BNF Contractors, Inc., 429 Old Town Road, Port Jefferson Station, NY 11776.

TOWNSHIP OF BORDENTOWN

RELEASE OF MAINTENANCE GUARANTEE FOR

**Bordentown Waterfront Community – Phase 1A
Rivergate Urban Renewal Company, LLC
Route 130
BLOCK: 140, LOT: 5.01**

RESOLUTION NO. 2018-204-12

WHEREAS, Bordentown Waterfront Community, LLC, was the owner of a certain property within the Township of Bordentown and has been granted preliminary approval and final approval of development plans for the above captioned block and lot subject to certain terms and conditions, including, but not limited to, the filing of a Maintenance Guarantee which was posted as a condition of the release of a Performance Guarantee; and

WHEREAS, Bordentown Waterfront Community, LLC, provided a maintenance guarantee, in the form of a Surety Bond in the amount of \$428,586.60; and

WHEREAS, Bordentown Waterfront Community, LLC, has notified the Township in writing and in accordance with the procedures set forth in N.J.S.A. 40:55D-53, requesting release of the maintenance guarantee; and

WHEREAS, the Township Engineer, Turek Consulting, LLC, has inspected the improvements which were covered by the maintenance guarantee, and is recommending release of the guarantee; and

WHEREAS, the Township has reviewed said request and report and desires to act favorably with respect to the Engineer's recommendations in accordance with N.J.S.A. 40:55D-53.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Bordentown, in the County of Burlington and State of New Jersey, as follows:

1. That the Township, for the aforementioned reasons, hereby approves release of the Maintenance Guarantee for Bordentown Waterfront Community – Phase 1A.
2. The Township hereby releases any claim to Maintenance Surety Bond in the amount of \$428,586.60.
3. The Township Clerk shall forward a certified copy of this resolution to: Bordentown Waterfront Community, LLC, c/o Jeffrey Albert, 19 Longview Drive, Princeton, NJ 08540.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on July 23, 2018.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2018-204-13

AUTHORIZING PURCHASE OF TWO (2) 2019 FORD F350 CHASSIS CAB AND OPTIONS FOR THE BORDENTOWN TOWNSHIP PUBLIC WORKS DEPARTMENT

WHEREAS, there is a need to purchase two (2) F350 Ford Chassis Cabs for the Bordentown Township Public Works Department; and

WHEREAS, this vehicle can be purchased through State Contract #A88758, T2101; and

WHEREAS, funds are available as evidenced by the attached Chief Financial Officer's Certification of Availability of Funds;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown as follows:

1. The Township Administrator is hereby authorized to approve and forward a purchase order to Winner Ford, 250 Berlin Road, Cherry Hill, NJ 08034, for the purchase of two (2) 2019 Ford F350 Chassis Cab & Options, in the amount of \$117,006.00.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on July 23, 2018.

COLLEEN M. ECKERT, RMC, TWP. CLERK

07/23/18

RESOLUTION #2018-204-14

AUTHORIZING PURCHASE OF HEAVY DUTY VEHICLE LIFT AND DUAL TROUGH GOLF TURF KIT FOR THE BORDENTOWN TOWNSHIP PUBLIC WORKS DEPARTMENT

WHEREAS, there is a need to purchase a Heavy Duty Vehicle Lift and Dual Trough Gold Turf Kit for the Bordentown Township Public Works Department; and

WHEREAS, this equipment can be purchased through State Contract #A80129, T8023; and

WHEREAS, funds are available as evidenced by the attached Chief Financial Officer's Certification of Availability of Funds;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown as follows:

1. The Township Administrator is hereby authorized to approve and forward a purchase order to Mohawk Lifts, 65 Vrooman Avenue, P.O. Box 110, Amsterdam, NY 12010, for the purchase of a Heavy Duty Vehicle Lift and Dual Trough Gold Turf Kit, in the amount of \$11,617.32.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on July 23, 2018.

COLLEEN M. ECKERT, RMC, TWP. CLERK

07/23/18

RESOLUTION #2018-204-15

AUTHORIZING DISPOSAL OF SURPLUS PROPERTY

WHEREAS, the Township of Bordentown is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Township Committee is desirous of selling said surplus property in an “as is” condition without express or implied warranties;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown, County of Burlington, as follows:

(1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the Township Clerk for the Township of Bordentown.

(2) The sale will be conducted online and the address of the auction site is govdeals.com.

(3) The sale is being conducted pursuant to Local Finance Notice 2008-9.

(4) A list of the surplus property to be sold is:

1999 Ford P71 VIN 2FAFP71W2XX191309
2006 Dodge Charger VIN 2B3KA43H26H503453
2013 Dodge Charger VIN 2C3CDXAT4DH684818
General Aviation Ind. Model Sa-1 Year 2000 Speed Cart

(5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

(6) The Township of Bordentown reserves the right to accept or reject any bid submitted.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on July 23, 2018.

COLLEEN M. ECKERT, RMC, TWP. CLERK

TOWNSHIP OF BORDENTOWN

ORDINANCE NO. 2018-22

ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF BORDENTOWN, TITLE 10, “VEHICLES AND TRAFFIC,” CHAPTER 10.05, “SCHEDULES,” SCHEDULE I, “NO PARKING,” AND SCHEDULE V, “TRUCKS OVER FOUR TONS EXCLUDED,” AND CHAPTER 25, “LAND DEVELOPMENT ORDINANCE,” SECTION 500, “GENERAL PROVISIONS AND DESIGN STANDARDS,” SUBSECTION 25.514, “SIGNS”

WHEREAS, the Township Committee of the Township of Bordentown (the “Township”) has received a copy of Resolution No. P-2017-17 from the Township Planning Board (the “Board”) requesting that, as a condition of its approval of a Wawa convenience store and fueling station on Block 121, Lot 5, as so designated on the official Tax Map of the Township, the Township adopt an ordinance prohibiting parking **on portions** of Municipal Drive and limiting the weight of vehicles permitted on Municipal Drive; and

WHEREAS, the Township has determined, in accordance with the Board’s findings, that the safety of the public requires the implementation of the foregoing traffic regulations with respect to Municipal Drive.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Bordentown, County of Burlington, State of New Jersey, that Title 10, “Vehicles and Traffic,” Chapter 10.05, “Schedules,” Schedule I, “No Parking” of the Code of the Township of Bordentown is hereby amended by adding the following language to the existing three-column chart:

Name of Street	Sides	Location
Municipal Drive	Both	a. On the north side of Municipal Drive from the beginning of the Route 206 exit ramp to a point 250’ west therefrom. b. On the south side of Municipal Drive from the beginning of the Route 206 entrance ramp to a point 280’ west therefrom.

BE IT FURTHER ORDAINED AND ENACTED by the Township Committee of the Township of Bordentown, County of Burlington, State of New Jersey, that Title 10, “Vehicles and Traffic,” Chapter 10.05, “Schedules,” Schedule V, “Trucks Over Four Tons Excluded,” of

the Code of the Township of Bordentown is hereby amended by adding the following language to the existing two-column chart:

Name of Street	Location
Municipal Drive	Entire Length

BE IT FURTHER ORDAINED AND ENACTED that Chapter 25, “Land Development Ordinance,” Section 500, “General Provisions and Design Standards,” Subsection 25.514, “Signs,” of the Code of the Township of Bordentown is hereby amended by adding new paragraph “G.,” which shall read as follows:

No Parking Signs. Installation of signs indicating “No Parking” shall be permitted on those streets, or portions thereof, as set forth for in Title 10, “Vehicles and Traffic,” Chapter 10.05, “Schedules,” Schedule I, “No Parking.” Such signs shall be of the type, design and standard previously installed within the Township. The location of “No Parking” signs shall be determined by the Township. All signs shall be installed free of visual obstruction. Signs installed in conformance with this provision shall not require a permit.

BE IT FURTHER ORDAINED AND ENACTED that Chapter 25, “Land Development Ordinance,” Section 500, “General Provisions and Design Standards,” Subsection 25.514, “Signs,” of the Code of the Township of Bordentown is hereby amended by adding new paragraph “H.,” which shall read as follows:

Trucks Over Four Tons Excluded Signs. Installation of signs indicating “Trucks Over Four Tons Excluded” shall be permitted on those streets, or portions thereof, as set forth for in Title 10, “Vehicles and Traffic,” Chapter 10.05, “Schedules,” Schedule V, “Trucks Over Four Tons Excluded.” Such signs shall be of the type, design and standard previously installed within the Township. The location of “Trucks Over Four Tons Excluded” signs shall be determined by the Township. All signs shall be installed free of visual obstruction. Signs installed in conformance with this provision shall not require a permit.

BE IT FURTHER ORDAINED AND ENACTED that all existing ordinances of the Township of Bordentown which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED AND ENACTED that in the event that any section paragraph, clause phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

BE IT FURTHER ORDAINED AND ENACTED that this Ordinance shall take effect immediately upon approval and publication according to law.

TOWNSHIP OF BORDENTOWN

ORDINANCE #2018-23

**AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, COUNTY OF BURLINGTON,
STATE OF NEW JERSEY, TO MANDATE DIRECT DEPOSIT FOR MUNICIPAL
EMPLOYEES BY THE TOWNSHIP OF BORDENTOWN, COUNTY OF BURLINGTON,
STATE OF NEW JERSEY, PURSUANT TO N.J.S.A. 52:14-15f**

BE IT ORDAINED, by the Township Committee of the Township of Bordentown, County of Burlington, State of New Jersey, as follows:

SECTION 1. As of October 1, 2018, mandatory direct deposit of net pay is established for all employees of the Township of Bordentown, including any person holding public office, position, or employment whose compensation is paid by the Township of Bordentown. Compensation shall be deposited directly into each employee's specific banking institution based upon information provided by the employee in accordance with Chapter 28 P.L. 2013, as defined under N.J.S.A. 52:14-15f(B)

SECTION 2. The Chief Financial Officer shall make available for such employees who have net pay directly deposited, any information concerning net pay, any accompanying information approved for distribution with net pay, and W-2 forms in accordance with applicable federal law, only on the Internet with restricted access and policies and procedures to protect the integrity and confidentiality of the information.

Section 3. Municipal employees may request, in writing, an exemption from the direct deposit mandate to the Township of Bordentown Administrator. Such requests will be presented to the Township Committee at the next regularly scheduled meeting of the Township Committee after the request is received by the Administrator. The Township Committee may grant such an exemption by Resolution and for good cause.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held or invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 6. This ordinance shall take effect after second reading and publications as required by law.

ORDINANCE #2018-24

ORDINANCE AMENDING CHAPTER 5.48 "TOWING SERVICE OPERATOR"
OF THE BORDENTOWN TOWNSHIP MUNICIPAL CODE

Title 5. BUSINESS LICENSES AND REGULATIONS

Chapter 5.48. Towing Service Operators

5.48.010. Definitions.

As used in this chapter:

TOWNSHIP

The Township of Bordentown.

PERSON

Any person, firm, partnership, association, corporation, company or organization of any kind.

AUTOMOBILE

A private passenger motor vehicle, whether owned or rented, that is neither used as a public or livery conveyance for passengers nor rented to others with a driver, and includes those vehicles described in the regulations promulgated by the Commissioner of Insurance at N.J.A.C. 11:3-38.2.

BASIC TOWING SERVICE

The removal and transportation from a highway, street or other public or private road, or a parking area, or from a storage facility, to the tow operator's storage facility of an automobile which has been damaged or disabled or is recovered after being stolen, and includes other services normally incident thereto, but does not include recovery of such automobile from a position beyond the right-of-way or berm, or from being impaled upon any other object within the right-of-way or berm.

DAY RATE

The rate for services provided on Mondays through Fridays, except on New Jersey State holidays, between the hours of 8:00 a.m. and 4:30 p.m.

HEAVY SUPPLEMENTAL TOWING SERVICE

Supplemental towing service provided in connection with another motor vehicle having a gross weight of more than 10,000 pounds.

HEAVY TOW LIST

The rotating on-call duty list of licensed tow operators established and maintained by the Chief of Police for the purpose of providing heavy supplemental towing service in accordance with this chapter.

INSIDE BUILDING STORAGE FACILITY

One that is completely indoors, having one or more openings in the walls for storage and removal of vehicles, and is secured by a locking device on each opening.

LIGHT SUPPLEMENTAL TOWING SERVICE

Supplemental towing service provided in connection with another motor vehicle having a gross weight of 10,000 pounds or less.

LIGHT TOW LIST

The rotating on-call duty list of licensed tow operators established and maintained by the Chief of Police for the purpose of providing basic and light supplemental towing service in accordance with this chapter.

NIGHT, WEEKEND AND NEW JERSEY STATE HOLIDAY RATE

The rate for services provided at times and on days other than those to which the day rate applies.

OTHER MOTOR VEHICLE

A motor vehicle, as defined in Title 39 of the New Jersey Revised Statutes, other than an automobile, as defined herein.

OUTSIDE SECURED STORAGE FACILITY

One that is not completely indoors, is secured by a fence, wall or other manmade barrier that is at least six feet high, is equipped with a passive alarm system or similar on-site security device, and is lighted at night.

OUTSIDE UNSECURED STORAGE FACILITY

One that is neither an inside building storage facility nor an outside secured storage facility.

SUPPLEMENTAL TOWING SERVICE

The removal and transportation from a highway, street or other public or private road, or a parking area, or from a storage facility, to the tow operator's storage facility of another motor vehicle which has been damaged or disabled or is recovered after being stolen, and includes other services normally incident thereto, but does not include recovery of such other motor vehicle from a position beyond the right-of-way or berm, or from being impaled upon any other object within the right-of-way or berm.

TOW OPERATOR

A person or entity engaged in the business of removal of automobiles and/or other motor vehicles from private or public property, or the storage of automobiles and/or other motor vehicles following removal, or both.

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 fire/EMS services which must be performed and/or police investigations.

WINCHING SERVICE

Any operation in which a vehicle is moved onto a roadway from a position off the roadway, or any other operation whereby a vehicle is moved by the use of a cable from a position that is not accessible for a direct hookup by conventional means for loading onto a tow vehicle. Winching is not pulling a vehicle onto a tilt bed carrier or lifting a motor vehicle with a conventional tow sling.

5.48.020. License Required.

No person or entity shall be eligible for inclusion on the light tow list or heavy tow list unless such person or entity possesses a current tow operator's license issued by the Bordentown Township Municipal Clerk's Office. Nothing herein shall require municipal licensing for the rendering of road service to motorists or for provision of towing and storage services other than the on-call basic and supplemental towing service regulated by this Chapter.

5.48.030. License Fees.

The fee for a tow operator's license shall be \$200 per year, payable in advance. The license shall be renewable annually.

5.48.040. Application Process.

- A. Every applicant for issuance or renewal of a tow operator's license shall submit an application, on a form to be prepared by the Chief of Police, which shall disclose the following information:
 1. Name, street, address of place of business and business telephone number. **The business is required to have an office, storage area and towing equipment within five (5) miles of the Township of Bordentown boundary lines. At the Chief of Police's discretion, exceptions may be made for certified licensed crime scene facilities.**
 2. List of towing equipment with proof of ownership, insurance coverage and registration.
 3. Work-related experience, with at least three current references.

4. Names, addresses and qualifications of employees, photocopies of employees' drivers licenses, and disclosure of all motor vehicle offenses for which any employee has been assessed penalty points. Failure to comply with this provision would be reason for denial of the application.
 5. Business and trade licenses.
 6. Evidence that the applicant operates a radio dispatching facility, maintains operational two way radio equipment in all tow trucks and can communicate by radio with all tow truck drivers on an everyday round-the-clock basis.
 7. Location and description of the storage facility to be used in performance of the towing service, setting forth proof of ownership or lease, capacity, accessibility to vehicle owners and police officers, and security aspects.
 8. Evidence of liability and casualty insurance coverage.
 9. Nature of applicant's business entity (such as corporation, agency, partnership, sole proprietorship) and names and addresses of stockholders or other persons owning a 10% or greater interest in the entity.
 10. Non-collusion affidavit.
 11. Affirmative action affidavit.
 12. Hold harmless agreement
 13. Certification that the applicant is able to provide towing service anywhere within Bordentown Township within 20 minutes after receiving a call.
 14. Certification that the applicant will be available at the address and telephone number given to provide service on an everyday, round-the-clock basis at the actual fees set forth in this ordinance and/or in the annual contract.
 15. Such other and further information as the Chief of Police may reasonably require for the purpose of recommending for or against issuance or renewal of a tow operator's license to the applicant.
- B. The Chief of Police may verify any of the information submitted in the foregoing application by contacting the applicant or any of the sources for the information disclosed by the applicant, including but not limited to business references.

- C. Review of Application.** The Chief of Police shall conduct a background check of the applicant and any employees to be utilized in the towing and storage operation. The background check is to determine if either the applicant or its employees have been convicted of a criminal offense or have had their driver's license suspended or revoked in the past year. Conviction of a criminal offense or suspension of a driver's license within the past year shall be cause for the disqualification from being appointed to provide towing and impound services. The Chief of Police or his designee shall conduct an inspection of the employees, vehicles, equipment and storage area proposed to be utilized by the applicant to verify the accuracy of the information contained in the application and to determine compliance with the applicable laws, regulations and standards of performance required by this chapter. The Township shall, at the cost of the applicant, obtain a Better Business Service Bureau report and any other reports that the Chief of Police may deem necessary. After a thorough investigation, the Chief of Police shall made a determination whether the applicant should be appointed to provide towing service to the Township of Bordentown in accordance with the terms and conditions of this chapter.
- D. Independent Contract.** By submission of the fee and application, the tower agrees that all personnel and equipment used shall be and remain the property of the tower, and in no event shall the property or any employee of the tower be represented or considered belonging to or employed by the Township of Bordentown. The tower is in no way or sense, an agent or employee of the Township of Bordentown and at all times shall be an independent contractor. All individuals, partnerships, companies, corporations or legal entities who are approved for the list under this chapter shall not be permitted to subcontract, lease, sell, franchise, loan or transfer their services to another wrecker on or off the approved list.
- E.** The Chief of Police or his designee shall inspect the applicant's business premises, personnel records, vehicles, equipment and storage area to verify the accuracy of the information submitted in the application form and to verify compliance with the applicable laws, ordinances, regulations and performance standards required by this chapter. If deemed necessary or desirable by the Chief of Police in order to carry out his recommendatory responsibility as required by this chapter, he or she may require the applicant, at applicant's expense, to furnish such business, credit or consumer reference reports as he or she may direct.

5.48.050. Qualifications.

- A. Every applicant for a tow operator's license, and every licensed tow operator, shall meet the following qualifications which shall be deemed the minimum qualifications for licensure:
1. Maintain an office with a listed telephone number which shall be open for business a minimum of eight hours per day, seven days per week, on a schedule to be filed with the Township Clerk;
 2. Be capable of responding to calls for service on a twenty-four hour per day, seven-day per week basis;
 3. Be capable of furnishing a radio-equipped tow vehicle and towing service at the location to which the tow operator is directed anywhere within Bordentown Township within 20 minutes after receiving a service call, regardless of weather conditions, on any day, at any time of day; **except when extraordinary circumstances occur. Unless heavy or unusual traffic conditions within the Township prevent a wrecker from arriving at the scene within 25 minutes, failure to respond within that time frame shall be considered a breach of this Chapter. In the event that a wrecker fails to respond within 25 minutes from the time of the call, the police reserve the right to contact the next available wrecker on the rotational list.**
 4. Own or lease a storage facility **with office and tow trucks, within five (5) miles of the Bordentown Township boundary lines**, for a secure storage of towed motor vehicles, to which the owners of the vehicles shall have access upon proper request as provided by Section 5.48.090 (G);
 5. **Equipment. The tower shall have sufficient equipment to tow any size vehicle utilizing the highways, streets and roads in the Township of Bordentown. The minimum requirements are two heavy-duty large-capacity wreckers with a minimum capacity of 25 tons and two light-duty wreckers, one of which must be a flatbed with a minimum capacity of four tons. The specifications are as follows:**
 - (1) **Heavy Duty:**
 - (a) **Two twenty-five ton capacity wreckers.**
 - (b) **Air brakes.**
 - (c) **Minimum 10.00 by 20 tires with dual rear wheels.**
 - (d) **Air fittings for releasing air pressure lock brakes on dump trucks and tractor-trailers.**
 - (e) **Under reach capabilities.**
 - (f) **All required ICC safety equipment must be carried.**
 - (g) **Must meet all federal and New Jersey Division of Motor Vehicles requirements.**
 - (h) **Portable safety lighting to be installed on rear of towed vehicle.**
 - (i) **Offside truck winching.**
 - (2) **Light Duty:**
 - (a) **Two wreckers with a minimum capacity of four tons.**

- (b) Chassis requirements should be 10,000 pounds gross vehicle weight and dual rear tires.**
- (c) Steering lock on each wrecker for towing vehicles from the rear.**
- (d) Tow sling-type bar, rubber strap, to lift the car so that no part of metal touches the car.**
- (e) One wrecker must be of flatbed capability.**
- (f) All ICC safety equipment must be carried.**
- (g) Must meet all Federal and New Jersey Division of Motor Vehicle requirements.**

At the time of the submission of the application, the tower shall submit satisfactory proof to the Township of ownership of the aforementioned vehicles. Adequate proof shall be proof of ownership by recorded title of the required number of vehicles necessary to meet the chapter requirements or executed lease/rental agreement for the equipment required extending six months beyond the length of the contract. Failure to submit to the aforementioned satisfactory proof shall result in the disqualification of the tower.

- 6. Carry insurance as set forth in Section 5.48.060;
- 7. Be in compliance at all times with all applicable laws, ordinances, code and rules, whether or not set forth or referred to in this chapter. For purposes of this chapter, Chapter 8.28 (Property Maintenance) of this code is declared to be an “applicable ordinance” within the meaning of this subdivision.

B. Employees.

- (1) The tower shall have sufficient number of employees available to comply with the minimum operational requirements of this chapter. The tower shall indicate in his application the number of employees on call and available to respond 24 hours a day, seven days a week.**
- (2) The tower shall submit with the application to the Township, the names and addresses of all proposed drivers and employees who will be rendering service under this contract on behalf of the tower. This information is to be kept current with the Township by the tower.**
- (3) All operators of the tower’s equipment providing services required by this chapter shall be over the age of 18 and must have a valid, current driver’s license.**
- (4) No person shall be utilized by the tower to provide services required by this chapter for the Township unless the Township has obtained a record check and has been approved by the Chief of Police. The Chief of Police**

may reject the services of an employee of the tower for the following reasons:

- (a) Conviction of any crime of the first or second degree.
 - (b) Conviction of any crime involving the use of a firearm.
 - (c) Conviction of any crime involving the manufacture/distribution of any controlled dangerous substance.
 - (d) Conviction of any crime or offense which subjects the employee to the provision of Megan's Law.
 - (e) Conviction within the last five years for driving under the influence of intoxicating beverages or drugs.
- (5) No employee of the tower shall perform services unless previously listed by the contractor to the Township.
- (6) Any driver utilized by the tower to provide service under this chapter must be TRAA (Towing and Recovery Association of America) certified for the class of vehicle he operates.

C. **Storage Location.** The vehicles must be towed to a location containing a minimum storage area sufficient for the storage of not less than 10 vehicles and one tractor-trailer. The applicant shall submit as part of the application process proof that he owns or can lease the aforementioned minimum storage area. If the tower has an option to lease the required storage area, he shall submit with his application a copy of the lease agreement containing the description, together with a copy of the survey of the land. The lease shall extend to at least six months after the termination of the tower's appointment. The surveys required herein shall have set forth thereon a certification by the surveyor to the Township as to the square footage within the storage area as surveyed. Storage areas shall meet the following requirements:

- (1) The land used for storage of the vehicles shall be zoned for such use and meet all applicable municipal codes. In addition, it shall be in an area reasonably accessible to the public so that stored vehicles may be claimed.
- (2) No towed vehicle may be parked upon the public street and shall be stored by the tower within the storage areas as hereinafter defined.
- (3) The tower must provide access to the storage area to the Police Department, as needed, on a twenty-four-hour-a-day basis.
- (4) The storage area shall accept all types of vehicles and be able to hold not less than 10 vehicles and one tractor-trailer.
- (5) The entire land area shall be enclosed by a fence of sturdy construction of at least eight feet in height and shall be secured with sufficient lighting from dusk to dawn so as to prevent trespassing.

- (6) The land used for storage is to be level and clear from all debris and must be clearly marked.**
- (7) The storage area shall be used for the storage of vehicles awaiting a claimant or proper disposition. The land shall not be used for storage of vehicles owned by the tower even if the tower purchases same at an auction held on his premises. Vehicles purchased by the tower at an auction held at the tower's storage facility must be removed within the time frame specified on the advertisement.**
- (8) The tower shall be responsible for each vehicle and its contents in the tower's possession until final disposition and removal as ordered by the Township. All vehicles, regardless of condition, shall be stored singly and so arranged to permit inspection and subsequent removal. Adequate walkway inspection space shall be provided at all times.**

5.48.060. Indemnity and Insurance.

- A. The tower shall indemnify and hold harmless the Township of Bordentown from any and all claims against the Township of Bordentown arising out of the operation of any towing services or garage services or storage services or repair services under this chapter. Liability insurance shall include contractual liability of \$1,000,000 combined single limit.**
- B. The tower shall carry Workers' Compensation insurance in accordance with the requirements of New Jersey State Law. The tower shall also carry public liability and property damage, contingent liability insurance to indemnify the Township of Bordentown and the public against any loss due to injuries, accidents or damages of any character whatsoever, where any such damage is the result of any act or omission of the tower, his agents or employees in or due to the execution of the work called for under this chapter. Such policies shall contain the provision that 30 days' notice of change or cancellation be given to the Township by the insurance company. Public liability insurance limits shall be at least \$500,000 per accident and be specifically endorsed to provide collision insurance for vehicles in tow. In addition, the tower shall have coverage for contractual liability and also name the Township as an additional insured. All insurance required hereunder shall remain in full force and effect for the period of the appointment.**
- C. Appropriate bodily injury insurance with \$1,000,000 combined single limit. Automobile bodily injury liability insurance with limits of not less than \$500,000 for each person and \$1,000,000 for each accident and property damage liability insurance with a limit of not less than \$500,000 for each accident.**

- D. Garage keeper's liability in an amount not less than \$60,000 per location; garage liability in an amount not less than \$1,000,000 combined single limit.**
- E. Certificates of Insurance showing that the tower and the Township of Bordentown are named as additional insured, in conformance with the above, shall be furnished to the Township Clerk, subject to approval of the Township Administrator and Township Attorney. The certification of insurance shall be delivered to the Township Clerk.**

5.48.070. Violations.

- (1) Suspension, removal and fines for non-compliance. If a tower is in violation of any terms of this chapter, the Chief of Police shall issue to the tower an administrative notice of violation and fine and, if applicable, a suspension from the rotation duty list in accordance with the schedule set forth below. Such fine shall be paid within 10 days, and any suspension shall be effective immediately. If the tower wishes to contest such fine or suspension, the tower may file an appeal within 10 days of issuance of the fine or suspension by filing a written request for a hearing with the Township Administrator, with a copy to the Chief of Police, which shall set forth the tower's reasons for contesting the fine or suspension. Upon receipt of such an appeal, the Township Administrator may stay any suspension pending completion of the appeal process set forth herein. Upon the filing of the written request for a hearing, the Township Administrator shall conduct, within 10 days, an informal hearing at which time the tower, Chief of Police, and any other interested person may appear and provide evidence. The Township Administrator shall issue his decision either sustaining or voiding the fine and/or suspension. The tower may appeal the decision of the Township Administrator within 10 days by filing a written request for appeal with the Township Clerk with a copy to the Township Administrator and the Chief of Police setting forth the tower's reasons for contesting the determination of the Township Administrator. The matter shall be set down for a hearing before the Township Committee within 45 days whose decision shall be final.**
 - (a) For the first offense, a fine not to exceed \$250 and a suspension from the rotational duty list for one month.**
 - (b) For the second offense, a fine not to exceed \$500 and a suspension from the rotational duty list for six months.**
 - (c) For the third offense, a fine not to exceed \$1,000 and a suspension from the rotational duty list for one year.**

(d) For the fourth offense, permanent revocation from the rotational duty list.

(e) Each and every violation of this chapter and each and every day that any violation shall continue shall be construed as a separate and distinct violation.

(2) Complaints of any kind relative to service, overcharging, theft of parts, damage to towed or stored vehicles, discourteous treatment and the like shall be referred to the Chief of Police for investigation and recommendation to the Township Administrator, if necessary. Such complaints may be cause for termination of the tower's services and removal from the rotation list by the Chief of Police.

5.48.080. Establishment and maintenance of tow lists.

A. The Chief of Police shall establish and maintain the light tow list and the heavy tow list. **The tow list will consist of no more than three (3) active tow companies at any given time.**

B. Calls to tow operators on the light tow list shall be made as the need arises for basic and light supplemental towing service. Calls to tow operators on the heavy tow list shall be made as the need arises for heavy supplemental towing service. Calls to tow operators shall be made in order of rotation as their names appear on the list, except as otherwise provided herein.

C. The Chief of Police shall establish procedures by rule, as provided in Section 5.48.100, to ensure that the calls are made on a non-discriminatory basis. Nothing herein shall prohibit the Chief of Police or designee from calling a tow operator out of sequence, or seeking the services of a tow operator not on the tow list, if he or she should reasonably determine that specialized equipment is required, or that other factors affecting public safety and convenience exist. In the event that a tow operator fails to respond to a call within the time specified in this chapter, the next operator on the list may be called.

5.48.090. Regulation of basic and supplemental towing service and storage.

A. Fees and charges as established in Section 5.48.100 shall be billed by the tow operator to the owner of the vehicle towed. Bordentown Township shall not be liable for the cost of any towing or storage services unless the services are performed on a municipal vehicle.

B. Towing rates shall be based on the total distance traveled from the tow vehicle's base of operations to the job site and return, by way of the shortest available route.

- C. Storage fees shall commence on the date and time that the tow operator places the vehicle in storage; provided, that an owner who picks up a vehicle within 24 hours after it is placed in storage shall pay a one-day storage fee.
- D. Prior to hookup or flatbedding of a motor vehicle, the tow operator shall provide a copy of the current approved fee schedule to the vehicle owner or operator. The fee schedule shall contain the tow operator's name, address and telephone number and shall state the hours during which the vehicle owner or operator may claim the vehicle.
- E. Nothing in this chapter shall prohibit a motorist or owner from summoning a tow operator of his or her choice; provided, that any police officer at the scene of an incident requiring towing services shall be responsible for deciding when towing shall take place and which tow operator shall be called, in accordance with requirements of public convenience and safety.
- F. All vehicles towed at the request of Bordentown Township shall be removed to an approved storage facility. The owner or operator of the vehicle may request that it be towed to another destination, however, any police officer at the scene shall be responsible for deciding the towing destination.
- G. The owner of a vehicle placed in storage shall be permitted by the tow operator to remove personal property from the vehicle at any time during the tow operator's normal business hours; provided, that the tow operator or employee shall escort the owner to the storage facility and remain with him or her while he or she is on the storage premises. The owner may not remove vehicle parts or items installed in the vehicle without permission of the tow operator.

5.48.100 Schedule of fees and charges.

- A. Basic towing service (2-Axle Vehicle) for vehicles under 8,000 lbs.

Rate.....	\$150.00
Each Additional Axle.....	25.00
Mileage rate outside the boundaries of Township of Bordentown.....	6.00 per mile

- B. Basic towing service (2-Axle Vehicle) for vehicles 8,001 lbs.-16,000 lbs.

Rate.....	\$250.00
Each additional axle.....	35.00
Mileage rate outside the boundaries of the Township of Bordentown.....	8.00 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 for which the licensee may charge the flatbed rate.

Flatbed rate..... \$150.00

D. Motorcycles and motorized bicycles shall be towed by a tow vehicle designated by the licensee.

Motorcycle/motorized bicycle rate..... 125.00

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

Heavy duty rate - \$500.00 per hour (one hour minimum)

Shaft removal..... \$ 54.00

Brake release..... \$ 45.00

Licensee may not charge a mileage fee for heavy duty towing.

F. Storage per day

Under 10,000 lbs. outside..... \$ 45.00

Under 10,000 lbs. inside..... \$ 90.00

Each additional axle..... \$ 30.00

Vehicles over 10,000 lbs.

Single axle straight vehicle..... \$ 75.00

Tandem axle straight vehicle..... \$125.00

Tractor-trailer combo..... \$250.00

G. Other charges

1. Winching light duty/medium duty tows..... \$300.00 per hour

2. Basic environmental cleanup..... \$ 75.00 per hour

Rate to include one bag of absorbent. Each additional bag of absorbent shall not exceed \$ 36.00 per bag.

3. Waiting time-light duty/medium duty tows..... \$100.00 per hour

4. Vehicle removal charge – ½ of the vehicle’s basic tow rate

5. Administrative charges. Licensee may not charge for administration costs.

(Licensee may charge the rate of ½ hour minimum. Thereafter, they may charge for each 15 minute increment.)

H. Emergency road service shall include but not be 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 Bordentown 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..... \$125.00 per hour
plus parts and fuel

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

Rates for vehicle recovery (Note: Licensee may, however, charge additional fees for extraordinary recovery of any vehicle.)

I. Recovery

Medium duty wrecker..... \$300.00 per hour
Heavy duty wrecker..... \$500.00 per hour
Additional manpower..... \$125.00 per hour
Level 3 Recovery Supervisor..... \$200.00 per hour

5.48.110. Abandoned/Unclaimed Vehicle Responsibility.

Vendor must maintain individual written records for impounded and abandoned towed vehicles. These records will indicate full vehicle information, odometer reading, date and time towed and released. These records will be forwarded monthly to the Bordentown Township Police Department. Impounded vehicles will not be released without written Bordentown Township Police Department authorization.

A. Abandoned Vehicles

Vehicles under this section shall be processed for titles by the Bordentown Township Police Department in accordance with N.J.S.A. 39:10A-1.

- 1. The Bordentown Township Police Department shall be responsible for providing the vendor with the name and address of the vehicle owner and lien holder of all abandoned vehicles towed. This shall be provided within three days of it being towed.**
- 2. Both the vendor and the Bordentown Township Police Department shall notify the owner and lien holder by regular and certified mail of the following:**
 - a. Cost imposed for towing and storage of the vehicle**
 - b. Provide instructions for recovering the vehicle**
- 3. Failure by the vendor to provide the appropriate notification within 30 days of receiving the owner or lien holder information may limit the storage fee to \$750.00 as outlined in 39:10A-1.**

B. Unclaimed Vehicles

- 1. Impounded vehicles which remain unclaimed for 15 days after the owner has been notified by the Bordentown Township Police Department that it is authorized for release will be processed by the Bordentown Township Police Department as an abandoned vehicle.**
- 2. Vehicles towed as a result of a crash or any vehicle towed on behalf of the Bordentown Township Police Department which remains unclaimed for 30 days after being available for release, will be considered abandoned on private property.**

Note: The NJMVC procedures for vehicles abandoned on private property can be found on the New Jersey Motor Vehicle Commission (NJMVC) website at:

http://www.state.nj.us/mvcbiz/Abandoned/Abandoned_vehicles.htm

5.48.120. Rules.

The Chief of Police shall promulgate rules, not inconsistent with this chapter, as may be reasonable and necessary to carry out the provisions of this chapter. Current copies of the rules shall be kept in the Township Clerk's office and shall be provided to all licensed tow operators.

5.48.130. Enforcement.

The Chief of Police shall enforce this ordinance and the rules promulgated thereunder.