

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. Presentation by County Clerk, Timothy Tyler, of KIA Flag.
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 #2018-225-8 through #2018-225-13.
8. Resolution #2018-225-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
9. Resolution #2018-225-9 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS.
10. Resolution #2018-225-10 entitled RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) MULTI-PURPOSE CABINETS AND INSTALLATION FOR POLICE VEHICLES.
11. Resolution #2018-225-11 entitled AUTHORIZING ISSUANCE OF A PUBLIC GATHERING PERMIT TO THE FOUNDATION FOR BORDENTOWN TRADITIONS.
12. Resolution #2018-225-12 entitled RESOLUTON TO APPOINT POLICE OFFICER FOR THE BORDENTOWN TOWNSHIP POLICE DEPARTMENT.
13. Resolution #2018-225-13 entitled RESOLUTION OF THE TOWNSHIP OF BORDENTOWN OPPOSING THE APPLICATION OF ELCON RECYCLING SERVICES, LLC, RESUBMITTED TO THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR A PROPOSED HAZARDOUS WASTE FACILITY TO BE LOCATED IN FALLS TOWNSHIP, PENNSYLVANIA.
14. Public Hearing on 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".
15. Consideration of Adoption 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”.

16. Public Hearing on Ordinance #2018-24 entitled ORDINANCE AMENDING CHAPTER 5.48 “TOWING SERVICE OPERATOR” OF THE BORDENTOWN TOWNSHIP MUNICIPAL CODE.
17. Consideration of Adoption of Ordinance #2018-24 entitled ORDINANCE AMENDING CHAPTE 5.48 “TOWING SERVICE OPERATOR” OF THE BORDENTOWN TOWNSHIP MUNICIPAL CODE.
18. Township Committee discussion of NJDOT Fiscal Year 2019 State Aid Programs.
19. Administrator and Staff Reports.
20. Township Committee and Staff Reports.
21. Public Participation.

Questions, comments or statements from members of the public in attendance.
22. Any additional matters or correspondence to be reviewed, discussed or acted upon at the discretion of the Township Committee.
23. 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.

RESOLUTION #2018-225-8

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 August 13, 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.

08/13/18

RESOLUTION #2018-225-9

APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS

BE IT RESOLVED by the Township Committee of the Township of Bordentown that the minutes of the Township Committee Closed Session Meeting of July 23, 2018; and the Regular Meeting of July 23, 2018; as submitted by the Clerk and posted on the bulletin board, be and are hereby approved as (_____ submitted) (_____ corrected).

08/13/18

RESOLUTION #2018-225-10

RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) MULTI-PURPOSE CABINETS AND
INSTALLATION FOR POLICE VEHICLES

WHEREAS, there is a need to purchase multi-purpose cabinets for the Ford Utility Interceptor and Dodge Durango; and

WHEREAS, the Chief of Police has obtained a quote from General Sales Administration, T/A Major Police Supply, in the amount of \$4,410.95; and

WHEREAS, this purchase can be made through State Contract #A81595 and #A81330;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby authorize the purchase of two (2) multi-purpose cabinets and installation of same from General Sales Administration, T/A Major Police Supply, 47 N. Dell Avenue, Kenvil, NJ 07847, in the amount of \$4,410.95.

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 August 13, 2018.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2018-225-11

AUTHORIZING ISSUANCE OF A PUBLIC GATHERING PERMIT TO THE FOUNDATION FOR BORDENTOWN TRADITIONS

WHEREAS, The Foundation for Bordentown Traditions located at 272 Dunns Mill Road, Bordentown, NJ 08505, has filed an application for a Public Gathering Permit for the Turkey Trot to be held in the Township of Bordentown on November 17, 2018; and

WHEREAS, Section 6-4 of the Revised General Ordinances of the Township of Bordentown requires the issuance of a Public Gathering Permit to any association which conducts traveling and other shows, circuses, carnivals, fairs, theatrical performances, motion picture exhibitions, plays, exhibitions, concerts, dances, dinner dances, picnics, outings fetes, parades, etc., in the Township of Bordentown;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it hereby approves the application and authorizes the Township Clerk to issue a Public Gathering Permit to The Foundation for Bordentown Traditions; and

BE IT FURTHER RESOLVED that due to the event being a fundraiser to benefit the Bordentown Fireworks, the Township Committee hereby authorizes the fee to be waived for this permit.

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 August 13, 2018.

COLLEEN M. ECKERT, RMC, TWP. CLERK

08/13/18

RESOLUTION #2018-225-12

RESOLUTION TO APPOINT POLICE OFFICER FOR THE BORDENTOWN TOWNSHIP POLICE DEPARTMENT

BE IT RESOLVED by the Township Committee of the Township of Bordentown that as recommended by the Chief of Police, the following candidate for Police Officer, as listed by the Civil Service Commission Certification #OL180301, dated April 2, 2018, is hereby appointed as Police Officer in the Police Department of the Township of Bordentown:

Chase Potocny

BE IT FURTHER RESOLVED that said appointment shall be effective September 10, 2018; and

BE IT FURTHER RESOLVED that compensation for said appointment shall be at the position of Police Recruit, or \$40,000/year, in accordance with the contract with the Bordentown Township Police Officer's Association; and

BE IT FINALLY RESOLVED that the appointment shall be subject to the Rules and Regulations of the New Jersey Civil Service Commission.

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 August 13, 2018.

COLLEEN M. ECKERT, RMC, TWP. CLERK

08/13/18

RESOLUTION #2018-225-13

RESOLUTION OF THE TOWNSHIP OF BORDENTOWN OPPOSING THE APPLICATION OF ELCON RECYCLING SERVICES, LLC, RESUBMITTED TO THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR A PROPOSED HAZARDOUS WASTE FACILITY TO BE LOCATED IN FALLS TOWNSHIP, PENNSYLVANIA

WHEREAS, Elcon Recycling Services, LLC, has resubmitted an application to the Pennsylvania Department of Environmental Protection Agency, which would allow for the construction of a “thermal oxidizer” facility in Falls Township, Bucks County, Pennsylvania; and

WHEREAS, according to the Clean Air Council, Elcon has applied to receive 596 different kinds of waste, producing 800 tons of hazardous sludge per year and 5,000 tons of hazardous salts; and

WHEREAS, given the prevailing winds out of the west, the location of this facility will undoubtedly have a direct impact on the residents of the Township of Bordentown and other surrounding communities; and

WHEREAS, it is the duty of the Township Committee of the Township of Bordentown to represent and protect the interests, health and quality of life of the residents of the Township of Bordentown;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown, County of Burlington, State of New Jersey, that it does hereby oppose the construction of this facility and further urges the Pennsylvania Department of Environmental Protection Agency to consider the negative impact that the proposed hazardous “thermal oxidizer” facility would have on the residents of Burlington County; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to forward a certified copy of this resolution to the Pennsylvania Department of Environmental Protection Agency; Burlington County Municipal Clerks; and the Burlington County Board of Chosen Freeholders.

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 August 13, 2018.

COLLEEN M. ECKERT, RMC, TWP. CLERK

08/13/18

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.

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 **engage in the in the business of towing and storage of vehicles at the direction of the Police** without first obtaining a 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. 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 a storage area 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. Roster of tow vehicles by year, make and type of each tow vehicle and proof that each vehicle is duly registered and inspected by the State of New Jersey Division of Motor Vehicles as a tow vehicle and duly insured. An applicant **must have at least two (2) tow vehicles available for use in the towing of vehicles as authorized by the Police.**
 3. **The address where the tow vehicles shall be regularly garaged.**
 4. Names, addresses and qualifications of employees, photocopies of employees' drivers' licenses, and **a certified driver's abstract of each identified employee. Said abstract shall be issued by the New Jersey Division of Motor Vehicles**

within the 60 days prior to the submission of the application. Failure to comply with this provision would be reason for denial of the application.

5. 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.
 6. Proof of registration with the New Jersey Division of Consumer Affairs.
 7. Copy of the Business Registration Certificate issued by the State of New Jersey, Affirmative action certification and Stockholder's certification (if applicable).
 8. A current fee schedule recognizing the maximum fees permitted by this ordinance.
 9. 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.
 10. Evidence of liability and casualty insurance coverage. Name and address of insurance carriers and the policy numbers of all required insurances.
 11. 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.
 12. Work-related experience, with at least three current references.
 13. Hold harmless agreement
 14. Certification that a) the applicant is able to provide towing service anywhere within Bordentown Township within 20 minutes after receiving a call; b) 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; and c) that the applicant will comply with the procedures contained or referenced in this chapter.
 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. All applications shall be accompanied by a nonrefundable application fee of \$250.

C. 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.

D. Review of Application. The Chief of Police shall conduct a background check of the applicant and of 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 make 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.

1. In addition to the minimum standards of performance referred to above, all applicants are subject to disqualification for the following:

- a) Provided false or inaccurate information within the application.**
- b) Lacks experience and/or does not have good references from prior customers.**
- c) Fails to maintain facilities, information or status to qualify as a tow operator.**
- d) Provision of inadequate or insufficient service.**

E. 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.

5.48.040. Recommendation of approval or disapproval

- A. Upon completion of an investigation, the Chief of Police or his designee shall report his recommendation to the Township Clerk and notify the applicant in writing.**
- B. The Township Clerk shall issue a license to any applicant recommended for approval by the Chief of Police. The Township Committee shall therein adopt a resolution authorizing the execution of a contract for services with each licensee.**
- C. The applicant not so approved may appeal to the Township Administrator. Any such appeal shall be filed within 10 days after receipt of the written notice from the Chief of Police. The Administrator shall undertake a review of the reasons for rejection by the Chief of Police or his designee and shall make an independent determination based upon the standards and criteria of this chapter and the investigative file developed by the police.**

5:48.041 Issuance of license; continuing obligations

A. Licenses issued under this chapter shall be effective for a period of one year. All licenses shall expire automatically on **(DATE)**. All vendors shall reapply one month prior to the expiration of the current license using a renewal application and paying the applicable registration fee.

B. Licensees shall have the continuing obligation to keep the above application requirements up-to-date throughout the entire term of the contract, including notifying the Police Department of new hires and providing a certified driver's abstract and submitting to a criminal background check prior to the employee engaging in tow services for Bordentown Township. All changes in information must be reported within 15 days of the change. Failure to do so shall be basis for revocation of license.

C. No more than one license shall be granted to any applicant. No licensee shall have any interest, direct or indirect, in any other license.

D. Once issued, a license is not transferable.

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 offices 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. Comply 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. For ease of operation within the Police Department as well as in operation of the tow list by Central Communications, the Township limits the rotation on both the light and heavy tow lists to three licensed companies. If the rotational list is not full, the Township will entertain towing applications at any time; however, said applications will continue to expire at the end of the one-year term (IDENTIFY WHAT MONTH LIST EXPIRES) and the application fee shall not be prorated. If the rotational list is full, the Township will maintain a waiting list and advise those companies on the waiting list when vacancies arise.**
- 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.
- D. Fatalities and serious bodily injury accidents. The Township reserves the right to contact the tow company of its choice to respond to a fatality or serious bodily injury accident. In making this decision, the officer on the scene will consider the extent of the detail and care necessary to preserve evidence and the storage location for follow-up investigation by all law enforcement agencies and/or the National Transportation Safety Board. The rotational list will return to its normal order after such a rare call.**

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.
- H. In the event the Township conducts an auction of unclaimed abandoned vehicles pursuant to Title 39, the tow operator's bill for towing and storage, subject to the provisions of N.J.S.A. 40:48-2.50, shall be an expense of possession and sale and shall be paid from the proceeds of such auction. Each vehicle auctioned shall be a separate item for purposes of this subsection. The title fee for which the**

Township must pay the State of New Jersey for title certificates shall be paid by the purchaser at the auction even if the tow operator is the purchaser and shall be in addition to the bid price of each vehicle. In the event the Township determines to utilize the provisions of Title 39 with respect to unclaimed vehicles, the tow operator shall receive no compensation for its services but shall not lose its place on the rotational list.

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

Motorcycle/motorized bicycle rate.....	125.00
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- 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

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.