

NOTICE

**TOWN OF SECAUCUS
COUNTY OF HUDSON, STATE OF NEW JERSEY**

**Availability and Acceptance of Tow Operator Applications
for the Period of January 1, 2019 through December 31, 2020**

Please take Notice that the Town of Secaucus is accepting Official Tow Operator Applications for the period of January 1, 2019 through December 31, 2020.

Applications will be accepted now until October 19, 2018 at 10:00 a.m.

Applications are available at the Secaucus Town Clerk's Office, 1203 Paterson Plank Road, Second Floor, Secaucus, New Jersey 07094 or online at www.Secaucusnj.gov.

Completed Applications should be delivered to the Town Clerk at 1203 Paterson Plank Road, Second Floor, Secaucus, New Jersey 07094 by October 19, 2018 at 10:00 a.m. No facsimile or electronic submissions accepted.

Any questions concerning the application should be directed to Captain Carlos Goyenechea, Secaucus Police Department via phone at (201) 809-4603.

Applications received after October 19, 2018 at 10:00 a.m. will **not** be processed and the tower will have to wait until the next licensing period to apply.

MICHAEL MARRA
TOWN CLERK

**OFFICIAL TOW OPERATOR FOR THE TOWN OF SECAUCUS
APPLICATION**



*PLEASE COMPLETE FORM IN ITS ENTIRETY. ATTACH ADDITIONAL SHEETS AS NECESSARY.

DATA – BUSINESS:

Business Name: _____
Business Address: _____ City: _____ State: _____ Zip: _____
Business Phone: _____ Fax: _____ Email: _____
Federal EIN: _____
Number of Years Operating Under Business Name: _____

DATA – APPLICANT(S): This shall include the name, residence and business addresses and telephone number of any person or corporation with ownership interest. All will be considered applicants under this chapter.

Applicant 1:

Name: _____
Title / Position / Ownership Interest: _____
Residence Address: _____ City: _____ State: _____ Zip: _____
Residence Phone: _____ Cell: _____ Email: _____
Date of Birth: _____ Driver's License Number: _____

Applicant 2:

Name: _____
Title / Position / Ownership Interest: _____
Residence Address: _____ City: _____ State: _____ Zip: _____
Residence Phone: _____ Cell: _____ Email: _____
Date of Birth: _____ Driver's License Number: _____

Applicant 3:

Name: _____
Title / Position / Ownership Interest: _____
Residence Address: _____ City: _____ State: _____ Zip: _____
Residence Phone: _____ Cell: _____ Email: _____
Date of Birth: _____ Driver's License Number: _____

***Please attach additional pages if more Applicant Data needs to be provided.**

DATA – VEHICLES/EQUIPMENT: (See, TO §115A-3, TO §115A-6) . Please list all vehicles and equipment owned and/or leased.

Applicant's Vehicle (Make, Model)	Type of Vehicle/Equipment	Year	VIN #	License Plate/Registration	Registered Owner

*Please attach additional pages if more information needs to be provided.

DATA – FACILITIES: (See, TO §115A-3, TO §115A-9); Please include copies of deed and/or lease for all locations utilized.

Address of Applicant's Facility	Type of Facility: office/staffed location, garage, storage area, etc.	Number of cars that can be stored (denote inside or outside)	Total square footage of area

***Please attach additional pages if more information needs to be provided.**

Business telephone number available
24 hours per day for the Secaucus Police Department: _____

DATA –STAFF INFORMATION: Please note that all applicants, operators, drivers, supervisors, managers and employees are subject to the requirements of the Ordinance, including a background check. Appropriate consent forms shall be completed by each individual. Additionally, submission of a New Jersey Motor Vehicle Driver's Abstract for any person operating a vehicle/equipment shall be provided with the Application.

Name and Address (as it appears on Driver's License)	Title/Position	Date of Birth	Driver's License Number / State of Issuance	TIMS Trained

***Please attach additional pages if more information needs to be provided.**

Please provide the following as attachments to the Application:

- o A certificate or certificates of insurance evidencing insurance coverage pursuant to §115A-7.
- o Copy of New Jersey Business Registration Certificate
- o Indemnification/Hold Harmless Agreement (See, Attachment 1)
- o Nonrefundable application fee in the amount of \$50.00

Please read and indicate your acknowledgement and consent to the following:

I acknowledge and understand that by submission of this application, I am consenting to and agreeing to meet the following pursuant to §115A-3(D) for the protection of public health, safety and welfare:

- (1) A federal and state background check to determine if the applicant and all persons employed by the applicant, including but not limited to operators, drivers, supervisors, management and employees have been convicted of a crime of moral turpitude or have had their driver's licenses suspended or revoked within the past year. Conviction of a criminal offense or suspension of driver's license within one (1) year preceding the date of the application shall, at the discretion of the Chief of Police be cause for disqualification from inclusion on the official towers list. Applicants shall be responsible for the cost associated with conducting the background checks. The applicant shall authorize the Chief of Police to be the recipient of the affirmation or negative response of the background check from the Federal Bureau of Investigation, Identification Division, the State Police or other entity.
- (2) An inspection by the Chief of Police or their designee of the personnel, vehicles, equipment and storage area proposed to be utilized by the applicant to verify the accuracy of the information contained in the application.
- (3) The production of information, documentation and assurances as may be required to establish the financial stability, integrity and responsibility of the applicant, including but not limited to bank references, business and personal income and disbursements schedules, tax returns and other reports filed with governmental agencies, and business and personal accounting and check records and ledgers, if necessary and requested by the Town. In addition, each applicant shall, in writing, authorize the examination of all bank accounts and records as may be deemed necessary by the Town.
- (4) A review by the Chief of Police or their designee of the applicant's professional and business history with the Town and other municipalities and/or entities, including but not limited to, adherence with the necessary requirements, complaints lodged against applicant in the course of towing services and response reports, or by way of a check of applicant references for new applications.
- (5) All towing operators and drivers shall partake in the New Jersey Traffic Incident Management (TIM) Training. All towing operators and drivers employed with the company at the time of license application shall agree to attend and complete the New Jersey Traffic Incident Management (TIM) Training within six (6) months of licensure with the Town or within a time period approved by the Chief of Police in their sole discretion.

Initial: _____

I consent to and agree to any necessary inspections, reviews or requests for documentation in support of this application.

Initial: _____

I certify that towing services will be provided at any location within the Town of Secaucus with a maximum response time of twenty (20) minutes, except when extraordinary circumstances occur, pursuant to § 115A-12.

Initial: _____

I certify that a representative will be available for services by phone twenty-four (24) hours per day for police calls, and that all the fees contained in Chapter 115A of the Code of the Town of Secaucus for towing service and storage fees will be abided by.

Initial: _____

I acknowledge that I have reviewed and am familiar with all requirements of Chapter 115A of the Code of the Town of Secaucus entitled "Towing and Storage" and agree to comply with and operate in accordance with such, in addition to any applicable New Jersey statutes and regulations.

Initial: _____

I understand that the Town of Secaucus is not responsible for the actions of the above-named tow operator in its performance of duties pursuant to Chapter 115A of the Code of the Town of Secaucus entitled "Towing and Storage" and applicable New Jersey statutes and regulations. Therefore, the tow operator agrees to indemnify and hold harmless the Town of Secaucus as set forth in in the attached Indemnification/Hold Harmless agreement.

Initial: _____

I certify that the information submitted is accurate to the best of my knowledge.
I am submitting this application and consent as an authorized representative and on behalf of all applicants listed:

Print Name: _____

Title: _____

Signature: _____

Date: _____

THE STATE OF NEW JERSEY
COUNTY OF _____

On _____, 20____ before me, _____, Notary Public
in and for said county, personally appeared _____,
(signer/witness) who has/have satisfactorily identified him/her/themselves
as the signer(s) or witness(es) to the above-referenced document.

(Seal)

Notary Public Signature

Print _____

My commission expires: _____

Please Note: All information, documents and attachments submitted with this application may be subject to disclosure under applicable open public record provisions.

Please complete Application and return to:
 Town Clerk, Town of Secaucus
 1203 Paterson Plank Road, 2nd Floor
 Secaucus, New Jersey 07094
 201-330-2017

INTERNAL USE ONLY: DO NOT WRITE BELOW THIS LINE

Date Application Received by Town Clerk: _____

Department Review:	Date Provided:	Person Completing Review:	Date Review/Investigation Completed; Initial and return to Administrator:
Secaucus Police Department			
Town Administrator/Council			
Town Clerk (Copy for file only)		N/A	N/A
\$50 Application Fee Submitted			

Final Result of Application Review: Approved Disapproved

By: _____ Date: _____

If approved:
 License Fee for 2 Year Period Received By: _____ Date: _____

Date Placed on Official Tow List By Council: _____

ATTACHMENT 1: TOWING APPLICATION, TOWN OF SECAUCUS

INDEMNIFICATION / HOLD HARMLESS

APPLICANT DATA: Please complete:

Tow Operator/Company: _____			
Address: _____	City: _____	State: _____	Zip: _____

I, on behalf of the above-named tow operator/company and with authorization, hereby release and hold harmless the Town of Secaucus, any of its Departments and its officers, employees, agents, representatives, officials and assigns, and indemnify them from and against any liability, claims, judgments, losses or expenses to persons or property from any cause, direct or indirect, that may arise out of or is any way connected or associated with the Tow Operator.

Print Name: _____

Title: _____

Signature: _____

Date: _____

******Form shall be submitted with the Application.******

AN ORDINANCE OF
THE TOWN OF SECAUCUS, NEW JERSEY

ORDINANCE NO. 2018-32

A REVISED ORDINANCE AMENDING OF CHAPTER 115A OF THE CODE OF
THE TOWN OF SECAUCUS ENTITLED "TOWING AND STORAGE"
FOR THE PROMULGATION OF RULES FOR THE TOWN'S TOWING
REGULATIONS

WHEREAS, pursuant to N.J.S.A. 40:48-2.49 and 2.54, the Town of Secaucus is authorized to enact an ordinance setting forth regulations for the removal of motor vehicles from private or public property, including the fees charged for such removal and storage and the notice requirements therefore; and

WHEREAS, the Mayor and Council are revising Chapter 115A "Towing and Storage" of the Code of the Town of Secaucus as set forth below to address the needs of the Town in the interest of public safety, health and welfare; and.

WHEREAS, the Council initially took action to approve the introduction of a similar Ordinance, number 2018-20, on May 8, 2018 with adoption of such on June 26, 2018; However due to an administrative error, Ordinance 2018-20 was not initially published in accordance with N.J.S.A. 40:49-2(a) and this revised Ordinance is being re-introduced in accordance with N.J.S.A. 40:49-2 to cure any possible procedural deficiencies and to further fair and open public bidding.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Secaucus, County of Hudson, State of New Jersey as follows:

1. Chapter 115A of the Code of the Town of Secaucus entitled "Towing and Storage" with initial adoption in March 3, 2007 under Ordinance Number 2007-10, amended in its entirety April 26, 2011 under Ordinance Number 2011-13 and subsequent amendments to sections, is to be repealed in its entirety and replaced with the following:

§ 115A-1 Definitions.

As used in this section, the following terms shall have the meanings indicated:

BASIC TOWING SERVICE – Shall mean when a tow truck and/or hydraulic flatbed car carrier takes in its possession the care, control and custody of a motor vehicle by the removal and transportation of a motor vehicle from a highway, street or other public or private road or a parking area or from a storage facility and other service normally incident thereto.

BULK TOWING SERVICE – Shall mean the removal of a group or bulk of vehicles from a highway, street or other public or private road or a parking area or from a storage facility and other services normally incident thereto.

TOW TRUCK – Commercial motor vehicle designed exclusively to lift motor vehicles that have become disabled, wrecked, recovered stolen and impounded by means of lifting from the front or rear by the following methods:

1. Sling type: mechanical or hydraulic
2. Wheel lift type: mechanical or hydraulic

HYDRAULIC FLATBED CAR CARRIER – Commercial motor vehicle designed exclusively to transport motor vehicles that have become disabled, wrecked, recovered, stolen and impounded by removing vehicles from roadway level up onto a hydraulic bed for transporting purposes.

DECOUPLING FEE – Shall mean a charge by a towing company for releasing a motor vehicle to its owner or operator when the vehicle has been or is about to be, hooked or lifted by a tower, but prior to the vehicle actually having been moved or removed from the property.

DEBRIS – Shall mean fragmentation at the scene of a towing assignment, the removal of which will require no additional personnel nor specialized equipment as is exclusive of vehicle contents and/or cargo, both of which, will be classified as “spillage.”

EXTRA TOWING SERVICE (WINCHING) – Shall mean recovery of a motor vehicle from a position:

1. Either partially or completely overturned;
2. Beyond the right of way or berm;
3. Where it is impaled upon any other object within the right of way.

Extra Towing Service shall also be known as.

MINOR SPILLAGE – Shall mean release of vehicle cargo and/or contents at the scene of a towing assignment, the removal of which, shall not require the need for additional personnel and/or specialized equipment.

MOTOR VEHICLE – Shall include all vehicles propelled otherwise by muscular power, excepting such vehicles as run only upon rails or tracks and motorized bicycles, motorized scooters, motorized wheelchairs and motorized skateboards.

TOW OPERATORS OR TOWERS - Any person, persons, partnership, corporation or business entity who engages in the removal of motor vehicles, basic towing service, bulk towing service or the operation of a tow truck, hydraulic flatbed car carrier or singular vehicle designed exclusively to transport motor vehicles that have become disabled, wrecked, recovered, stolen or impounded.

§ 115A-2 Requirements.

- (1) In compliance with N.J.S.A. 40:48-2.49, no person, persons, partnership, corporation or business entity shall offer to perform or engage or attempt to engage in the business of towing within the

Town of Secaucus, unless that company complies with the provisions of this Ordinance, without first obtaining a license as provided herein.

- (2) Tow operators must be registered with the Division of Consumer Affairs in the State of New Jersey Department of Law and Public Safety, and maintain this status.

§ 115A-3 Application process; review; licensing.

- A. An application for inclusion on the official towers list shall be submitted to the Town Clerk in duplicate upon a form prepared by the Chief of Police or their designee, and shall contain all of the following information:
 - (1) Full name, address and contact information for the applicant. This shall include the name, residence and business addresses, and telephone number of any person or corporation with ownership interest. All will be considered applicants under this chapter.
 - (2) Details which may be required by the Town concerning applicant's personnel, vehicles (including, but not limited to, type, vehicle identification number, license plate and registration information), equipment and storage facilities, showing that the applicant meets the minimum standards of performance as set forth in this chapter.
 - (3) A certificate or certificates of insurance evidencing insurance coverage as hereinafter provided.
 - (4) Certification that the applicant will provide towing services anywhere in the Town of Secaucus with a maximum response time of twenty (20) minutes, except when extraordinary circumstances occur.
 - (5) Certification that the applicant will be available for services by phone twenty-four (24) hours per day for police calls, and that the applicant will abide by the fees contained in this chapter.
 - (6) Address(es) of the garage(s), storage area(s) and other facilities, the number of cars that can be stored and the total square footage of each area.
 - (7) Non-refundable application fee of fifty dollars (\$50.).
- B. Each applicant shall execute an Indemnification/Hold Harmless Agreement in the form provided by the Town Clerk. The licensee is required to defend and hold harmless the Town of Secaucus for liability from any and all obligations, liabilities, judgments, claims and demands for personal injuries and damages to property which may arise out of the performance of municipal police towing exclusive of the negligent acts of the Town.
- C. Any applicant must have maintained a towing business for a minimum period of one (1) year.
- D. In addition to the foregoing, upon submission of an application, all applicants are consenting to and agreeing to meet the following for the protection of public health, safety and welfare:
 - (1) A federal and state background check to determine if the applicant and all persons employed by the applicant, including but not limited to operators, drivers, supervisors, management and employees, supervisors and managers, have been convicted of a crime of moral turpitude or have had their driver's licenses suspended or revoked within the past year. Conviction of a criminal offense or suspension of driver's license within one (1) year preceding the date of the application shall, at the discretion of the Chief of Police be cause for disqualification from inclusion on the official towers list. Applicants shall be responsible for the cost associated

with conducting the background checks. The applicant shall authorize the Chief of Police to be the recipient of the affirmation or negative response of the background check from the Federal Bureau of Investigation, Identification Division, the State Police or other entity.

- (2) An inspection by the Chief of Police or their designee of the personnel, vehicles, equipment and storage area proposed to be utilized by the applicant to verify the accuracy of the information contained in the application.
- (3) Each applicant shall produce such information, documentation and assurances as may be required to establish the financial stability, integrity and responsibility of the applicant, including but not limited to bank references, business and personal income and disbursements schedules, tax returns and other reports filed with governmental agencies, and business and personal accounting and check records and ledgers, if necessary and requested by the Town. In addition, each applicant shall, in writing, authorize the examination of all bank accounts and records as may be deemed necessary by the Town.
- (4) A review by the Chief of Police or their designee of the applicant's professional and business history with the Town and other municipalities and/or entities, including but not limited to, adherence with the necessary requirements, complaints lodged against applicant in the course of towing services and response reports, or by way of a check of applicant references for new applications.
- (5) All towing operators and drivers shall partake in the New Jersey Traffic Incident Management (TIM) Training. All towing operators and drivers employed with the company at the time of license application shall agree to attend and complete the New Jersey Traffic Incident Management (TIM) Training within six (6) months of licensure with the Town or within a time period approved by the Chief of Police in their sole discretion.

F. Review of Qualifications: Disapproval

If, as a result of such investigation, the applicant's qualifications are found to be unsatisfactory, or if it is found that the issuance of a license to the applicant would present a danger to the public health, welfare or safety, the Chief of Police shall indicate their disapproval on such application with the reasons and shall return the application to the Town Clerk. The applicant shall be notified in writing that their application is disapproved, the reasons for said disapproval and the applicant's right to a hearing. Any applicant aggrieved by a rejected application is entitled to be heard by the Town Administrator upon written notice to the Town Clerk within fourteen (14) days of the disapproval.

F. Review of Qualifications: Approval

- (1) If, as a result of such investigation, the qualifications of the applicant are found to be satisfactory, and it is found that the issuance of a license to the applicant will not present a danger to the public health, welfare and safety, the Chief of Police shall endorse their approval on the application and return the application to the Town Clerk.
- (2) An applicant may be included on the official towers list by the Mayor and Council by resolution adopted at a public meeting, when, from consideration of the application and from such other information as may otherwise be obtained, it finds that all of the following circumstances exist:

- (a) The applicant has not knowingly and with intent to deceive, made any false, misleading or fraudulent statements of material fact in the application or in any other document required pursuant to this chapter.
 - (b) The applicant has met the standards in this chapter and has furnished the required documents and certificate(s) of insurance.
- (3) Upon approval of the application as herein provided and payment of the fee, the Town Clerk shall issue the applicant an official towers license pursuant to this chapter.
 - (4) Said license shall be prominently displayed in the licensee's primary place of business at all times.
 - (5) The license shall be nontransferable and subject to suspension and/or revocation as set forth in this chapter.

§ 115A-4 Term of license; fee.

Each license shall be for a period of two (2) years. All applications shall be received between the date publicized and at least thirty (30) days prior to the start date of the period. The fee for said license shall be One thousand dollars (\$1,000.) per two-year license period.

The license issuing authority shall be the Town Clerk. Such additional rules and regulations, as may be promulgated by the Mayor and Council pursuant to this chapter, shall take effect after notification of such upon all licensees in writing at the address contained in the most current application. The licensee shall be given a reasonable opportunity to be heard on such changes if requested in writing.

§ 115A-5 Implementation.

Upon the adoption of this Ordinance, the Town Clerk shall provide public notice for receipt of any license applications for the initial license period in compliance with 115A-4. The initial license period shall be from January 1, 2019 through December 31, 2020.

§ 115A-6 Equipment.

A. Tow operators shall maintain and have, but not be limited to, the following equipment:

- (1) Four (4) light duty wheel lift wreckers with hydraulic booms with a rating of no less than four (4) tons.
- (2) Two (2) light duty flatbed type vehicles with wheel lift. They should have a GVW of a least twenty-four thousand (24,000) pounds and be equipped with a snatch block.
- (3) One (1) heavy duty flatbed capable of towing an oversized limo or any extra long vehicle. This vehicle should have a GVW of no less than thirty-five thousand (35,000) pounds and be equipped with a snatch block.
- (4) One (1) heavy duty rotating wrecker/crane with a rating of no less than forty-five (45) tons. The boom must have extendable and rotating capabilities. This equipment shall be equipped with snatch blocks.

- (5) Three (3) heavy duty wreckers capable of towing trucks, tractor trailers and buses. These trucks should be capable of lifting no less than twenty-five (25) tons and must have snatch blocks.
- (6) One (1) tandem axle tractor with a GVW of eighty thousand (80,000) pounds.
- (7) One (1) landoll type tandem axle hydraulic tilt flatbed trailer with traveling hydraulic axles and a minimum deck length of no less than forty-eight (48) feet long. Such trailer shall have a winch of sufficient capacity to support pulling up heavily damaged trucks and buses.
- (8) One (1) dry freight type trailer of a length of no less than forty (40) feet long.
- (9) One (1) full set of air cushion recovery systems with compressor and hoses.
- (10) One (1) liquid transfer pump.
- (11) One (1) service truck with cutting torches, tire changing equipment, air compressor, air gun, hand tools, generator set with remote lighting, traffic cones, chains, pry bar, first aid kit, dust masks, disposable suits, one (1) fire extinguisher and amber light with proper permit.
- (12) One (1) trailer dolly either single or dual axle, but a sufficient capacity to allow safe transport of fully loaded trailers.
- (13) One (1) tandem axle dump truck or roll off truck with a GVW of no less than fifty thousand (50,000) pounds.
- (14) One (1) medium duty wrecker wheel lift with a twin cable boom and wheel lift with a minimum boom rating of eight (8) tons.
- (15) One (1) articulated 4x4 loader of sufficient capacity and size which would allow the loading of high side walking floor type trailers and dump trailers.
- (16) One (1) fork lift capable of unloading a trailer.
- (17) One (1) set of heavy duty wheel grids. These wheel grids are required for the towing and removal of fire apparatus vehicles and low profile trucks and buses. These wheel grids must have the capacity to tow and transport heavy duty commercial trucks, buses and tractor trailers.
- (18) One (1) back hoe with the capacity to dig around an overturned trailer or one (1) bob cat type loader to clean up dirt or such due to an overturned or spilled trailer.
- (19) Safety equipment. Each tow truck shall contain and maintain, but not be limited to, the following:

Chains and tie down

One (1) snatch box

One (1) auxiliary safety light kit to be placed on the rear of a towed vehicle that does not have functioning taillight flashers

Rotating amber emergency lights mounted on top of truck

Two (2) white work lights facing the rear of the truck

Jumper cables or a jump box

One (1) steering wheel tie down

Toolbox containing assorted hand tools normally used to conduct emergency roadwork and towing

ANSI-approved safety vests (One (1) per driver/employee which shall be worn at all times)

One (1) five-pound ABC rated powder fire extinguisher

One (1) flashlight

Five (5) pounds of speedy dry or equivalent

One (1) box of flashers
One (1) shovel
One (1) heavy duty broom
Large plastic bags

- B. Every tow vehicle or flatbed shall comply with any and all state, federal and local laws, regulations and ordinances pertaining to safety, lighting and towing equipment.
- C. Every tow vehicle and flatbed shall have the name of the official tower displayed on the vehicle in such a manner and of such lettering as conforms to the provision of N.J.S.A. 39:4-46.
- D. All equipment must be owned and in the applicant's business name at the time that the application is submitted.
- E. All trucks must have two-way radios or cellular service for communication.

§ 115A-7 Insurance.

- A. The official tower shall secure, pay the premium for, and keep in force adequate insurance as provided below, including any renewal thereof, and name the Town of Secaucus, their officers, officials, agents, employees and consultants as additional insureds:
 - (1) General liability coverage in an amount of not less than one million dollars (\$1,000,000.) per occurrence and two million dollars (\$2,000,000.) in the aggregate.
 - (2) Umbrella or excess liability insurance coverage in an amount of not less than two million dollars (\$2,000,000.).
 - (3) Workers' compensation insurance as required by the laws of the State of New Jersey and applicable federal laws.
 - (4) Automobile and garage liability insurance coverage with limits in an amount of not less than one million dollars (\$1,000,000.) per occurrence.
 - (5) Garage keepers legal liability coverage in the amount of one hundred thousand dollars (\$100,000.) per vehicle.
 - (6) On hook liability coverage in the amount of one hundred thousand dollars (\$100,000.) per vehicle.
 - (7) The licensee shall file with the Town Clerk for the Town of Secaucus for approval, one (1) copy of each of the required insurance certificates.
 - (8) Each insurance policy shall carry an endorsement to the effect that the insurance company shall give at least thirty (30) days notice to the Town of Secaucus by certified mail, return receipt requested, of any modification or cancellation of any policies required.

§ 115A-8 Minimum personnel requirements; qualifications.

- A. Official towers shall have available, at all times, four (4) towing operators and one (1) dispatcher. All towing operators and/or drivers must meet the following requirements:
 - (1) All towing operators and drivers must have a valid driver's license.
 - (2) All towing operators must submit to a federal and state background check, which may be conducted by a designated third party entity at a location outside of the Town.
 - (3) All towing operators and drivers must obey all traffic laws and regulations, in compliance with Title 39 of the New Jersey Revised Statutes, and present a neat appearance at all times.
 - (4) All towing operators and drivers shall partake in the New Jersey Traffic Incident Management (TIM) Training.

B. Compliance periods for requirements. Licensee is responsible for ensuring that all operators, drivers, supervisors, management and employees remain qualified pursuant this chapter for the duration of the license. Information on new operators, drivers, supervisors, management and employees shall be provided as an amendment to the license application to the Town Clerk within thirty (30) days of any hire. Background checks shall be completed on all new hires and receive a satisfactory determination from the Secaucus Chief of Police prior to their response for a call within the Town of Secaucus pursuant to this chapter. New hires shall attend and complete the New Jersey Traffic Incident Management (TIM) Training within six (6) months of hire or within a time period approved by the Chief of Police in their sole discretion. Failure to comply may be cause for suspension or revocation of the license.

§ 115A-9 Storage facilities; business locations; requirements.

- A. Every official tower shall maintain a secured storage facility and business operation that meets the requirements set forth below. The official tower must be prepared upon request to show written evidence of its ability to meet these requirements for the duration of their license.
- (1) For the convenience of the Secaucus Police Department and the convenience of the residents of Secaucus, the official tower's staffed location must be located within the Town of Secaucus or no further than two (2) miles from a road in the Town of Secaucus. Note that the Town of Secaucus does not dispatch tow trucks to the New Jersey Turnpike.
 - (2) The storage area must be secured with a fence, proper lighting from dusk to dawn, security cameras with recording and storage capabilities and must be properly marked with the official tower's name.
 - (3) A person retrieving their vehicle shall be able to transact all business, including the pickup of any motor vehicle and the payment of fees, at the same location.
 - (4) The official tower must have storage areas capable of storing fifty (50) light duty vehicles and five (5) heavy duty vehicles, including an inside storage area at least four (4) spaces.
 - (5) The official tower will be prohibited from placing a vehicle in storage at any other location without permission from the Town of Secaucus.
 - (6) No impounded vehicle shall be parked on any public street or sidewalk but must be stored by the official tower in the secured storage area. The entire location must be level and clear of all debris. There shall be no piling of vehicles. The official tower shall store all vehicles in such a manner to prevent any damage to vehicles.
 - (7) The official tower shall provide a waiting room with a public rest room. The waiting room must have a public phone for use by motorists/owners.
 - (8) The official tower must accept at least two (2) major credit cards.
 - (9) The official tower shall ensure that the public, after securing the proper release from the Secaucus Police Department, can recover a towed vehicle from the storage facility on weekdays between the hours of 8:00 a.m. and 8:00 p.m. and on Saturdays from 9:00 a.m. to 5:00 p.m. excluding holidays. The office of the official tower must be open and properly staffed during these times.
 - (10) The Secaucus Police Department shall have access twenty-four (24) hours, seven (7) days a week to any towed vehicle. The official tower must maintain a telephone number where a

representative can be reached by the Secaucus Police Department twenty-four (24) hours per day, seven (7) days per week.

- (11) The official tower shall keep a computerized up-to-date inventory of all cars towed and stored, locations and fees charged. Records shall be kept and maintained for at least eighteen (18) months and shall be available for review by the Chief of Police or their designee.

§ 115A-10 Rotational shifts, tow procedures.

- A. The Chief of Police shall maintain a revolving list of licensed towers to provide service where needed and shall instruct all on-duty officers to call those listed in alphabetical order on a weekly rotational basis. Each rotational shift, as referenced above, shall commence on Sunday at 12:00 a.m. and end on the following Saturday at 11:59 p.m.
- B. The Chief of Police or their designee reserves the right, under extenuating or emergent circumstances, to deviate from the rotational list of licensees due to a specific type of equipment and/or expertise required, and in addition, to contact more than one (1) licensed tower to respond to the scene due to a large volume of required vehicles to be towed.
- C. Nothing in this section shall prevent the owner or the operator of vehicle from contacting a tower or roadside assistance provider of their own choice to remove their vehicle from the public streets or roadways of the Town after it has become disabled or otherwise inoperable due to an accident or other reason. Said owner or operator shall have reasonable time within which to select a tower or roadside assistance provider of their choice and contact them to remove the vehicle from the public roadways of the Town. The Secaucus Police Department may also contact the appropriate tow operator for routine response. The first tower or roadside assistance provider to arrive on scene and begin to handle the removal of the car shall be permitted to remove the motor vehicle. If the Town's tow operator arrives on the scene after the tower or roadside assistance provider of the owner or operator's choice, the tow operator shall not charge the owner or driver of the vehicle nor the Town of Secaucus for response.
- D. In the absence of emergent or hazardous conditions, "reasonable time" shall be a period not more than twenty (20) minutes. The discretion of the police officer involved at the scene shall be controlling as to a determination of conditions requiring immediate removal of vehicles involved.
- E. No individual owner or operator of a wrecker shall respond to the scene of an auto accident except upon notification by the officer in charge of the Secaucus Police Department or his designee or upon request of the driver or owner of the vehicle involved.

§ 115A-11 Towing and storage services fee schedule; payments

- A. The maximum allowable fees for towing and storage are set forth below and shall apply to licensees and tow operators providing services for Secaucus Police Department directed tows:

CLASS 1: LIGHT TOW: AUTOMOBILES,
MOTORCYCLES AND MOTOR SCOOTERS

Towing \$125.00

Storage \$35.00 per 24 hour period or part thereof

CLASS 2: LIGHT TOW: SUV, VANS, PICKUPS UP TO 10,000 LBS.

Towing \$ 135.00
 Storage \$45.00 per 24 hour period or part thereof

CLASS 3: HEAVY TOW: TRUCKS, BUSES AND VEHICLES OVER 10,000 LBS

Towing \$250.00/hour per truck (2 hr. minimum)
 Storage \$85.00 per 24 hour period or part thereof

B. While an official tower may not charge a service fee for towing and storage services ancillary to basic services, under certain circumstances official towers shall be allowed to charge for extra services that may be required above the basic towing charge. Any such services and charges shall be in accordance with the fee schedule below:

Decoupling	\$25.00 (up to 10,000 lbs.) \$100.00 (over 10,000 lbs.)
Jump Start	\$25.00
Flat Tire	\$25.00
Lock Out	\$25.00
Road Service	\$25.00
Gasoline/Fuel Service	\$25.00, in addition to gasoline/fuel cost
Crash or window wrap	\$75.00 flat fee
Site Clean up	\$25.00 per bag of absorbent and \$25.00 per bag of debris removal
Winching (not applicable to the towing of parked automobiles or minor maneuvering of automobiles prior to tow)	\$75.00 per hour for light tow vehicles (up to 10,000 lbs) \$150.00 per hour for heavy tow vehicles (over 10,000 lbs)
Snow locked vehicles	\$50.00 per tow additional charge
Rotator/Crane Recovery Unit Service	\$1,200.00 per hour
Tarp	\$125.00

C. Licensees shall tow and make minor roadside service repairs to vehicles owned by the Town of Secaucus and/or its related entities in the event that they become disabled, without charge to the Town. Such shall apply to towing only if towed within the County of Hudson. Other charges for services shall be in accordance with the fee schedule below and applicable state statutes and regulations, including N.J.S.A. 40:48-2.50:

Storage	\$3.00 per day for the first thirty (30) days of storage per vehicle; and \$2.00 per day for the 31 st day of storage and each day thereafter with a \$400.00 limit per vehicle for storage regardless of the duration of the storage.
---------	---

Mileage	\$3.00 per mile for any transport of a Town vehicle outside of the County of Hudson. No mileage/time compensation will be provided for travel to/from the vehicle.
---------	--

- D. If the owner of an unattended vehicle appears on the scene and the vehicle does not need to be towed or impounded, the licensee shall not charge for the service call, unless the vehicle has been hooked up to the tow truck, in which event a decoupling fee not to exceed twenty-five dollars (\$25.) for light tow vehicles (up to 10,000 lbs) or one hundred (\$100.) for heavy tow vehicles (over 10,000 lbs) may be assessed against the owner of the vehicle. The tow operator is not required to wait more than five (5) minutes on scene to receive payment; Any bill for the service shall be sent directly to the vehicle owner.
- E. Towing service to a location other than the licensee's storage area, when requested by the vehicle owner or driver, shall be at a reasonable and customary rate as negotiated between the tow operator and the vehicle owner or driver.
- F. If a vehicle is moved during snow events, other weather events or other emergency situations at the direction of the Secaucus Police Department due to an emergent circumstance to a municipal lot within the Town of Secaucus, the Town of Secaucus shall be charged a flat fee of fifty dollars (\$50.) per vehicle moved, regardless of size. No other charges shall be assessed against the Town or the owner of the vehicle.
- G. On any occasion that the highest-ranking officer on duty deems an incident to be a hazard or emergent in nature, said officer is empowered to direct the licensee to respond to the scene of said incident and to take the appropriate action to ensure the public safety and welfare. The owner/operator of the involved vehicle will be advised at the time of the incident that the vehicle will be impounded at the scene at police direction, and stored until the appropriate payment for the directed services are paid to the licensee.
- H. Fee schedules, indicating the set rates for towing and storage in addition to fees for tow service to locations other than those for the Town of Secaucus, shall be posted in the tow operator's place of business and kept in the possession of the drivers of all tow trucks/wreckers and presented to any vehicle driver/owner upon request.
- I. There shall be no charge for towing, storage and/or impoundment if it is determined by the Chief of Police that such vehicle has been towed, stored or impounded due to an error by the tow operator or the Town of Secaucus Police Department. This determination shall be in the sole discretion of the Chief of Police and is binding upon the licensee, who shall make no claims against the Town of Secaucus or the owner of the vehicle. If payment has been received by the licensee, reimbursement in the full amount shall be made.
- J. There shall be no charge for towing to a location designated by the Chief of Police or the highest-ranking officer on duty of the Town of Secaucus Police Department as part of an investigation for which the vehicle, which is the subject of the service call, is needed. The determination that the vehicle is needed as part of an investigation shall be in the sole discretion of the Chief of Police or the highest-ranking officer on duty and is binding upon the licensee, who shall make no claims against the Town of Secaucus or the owner of the vehicle. Any subsequent service call for the

vehicle to be removed from that location by the Town of Secaucus Police Department would be subject to the fees set forth in this section.

- K. Payment. The above fees are chargeable once services are rendered. All charges made by any licensee shall be paid by the owner or operator or any person, firm or corporation claiming the right to possession of any vehicle towed or stored by the licensee as provided for herein. The Town shall not be liable for the payment of any sum to the licensee which may be due on account of towing or storage.

A towing company must accept all forms of payment, such as a credit card or debit card, for payment in lieu of cash for towing, storage and other fees if the tow operator ordinarily accepts such payments at the place of business.

§ 115A-12 Duties of a licensed tow operator; response time; prohibited practices.

A. Tow operators shall abide by the following while performing services pursuant to this chapter:

- (1) The tow operator, upon receiving a call for service from the Secaucus Police Department, must respond to the scene within twenty (20) minutes. If there is no response within twenty (20) minutes, the Secaucus Police Department may notify another licensed tow operator to respond to the scene and cancel the original tow. The Secaucus Police Department will have the discretion to lessen the twenty (20) minute time period in the event of exigent circumstances at the time of the incident. In the event another licensed tow operator is called under this subsection, neither the Town nor the vehicle owner or the operator will be responsible for any damages incurred by the original tow operator that failed to or could not respond in time.
- (2) Under appropriate circumstances and with due consideration for safety, the tow operator shall transport the owner or the operator of the vehicle to be towed to the site where the vehicle is being towed or to another point of safety within the Town of Secaucus, at the discretion of the police officer at the scene, at no additional cost to the owner or the operator of the vehicle being towed.
- (3) The tow operator, during snow events, other weather events or other emergency situations at the discretion of the Chief of Police and upon receiving a call from the Secaucus Police Department, shall provide and make available a tow truck and driver at police headquarters or at a specified location within the Town of Secaucus to handle any tow needs that arise. The Town of Secaucus shall not be charged for this standby service regardless if the tow operator is utilized or not during the time period requested.
- (4) All tow trucks and equipment used and employed in the towing of vehicles shall be kept in clean and good working condition.
- (5) The tow operator shall, when performing under this license, follow the lawful directions of the officers, agents or representatives of the Secaucus Police Department.
- (6) No tow operator shall refuse to render towing and storage services to a vehicle when duly summoned by the Secaucus Police Department.
- (7) Broken glass and debris shall be cleaned by the operator/employee of the tow truck from the scene of an accident to which they are summoned. No tow operator shall refuse to remove

residual debris from the scene of an accident pursuant to a police directive made in the interest of public safety. If the operator/employee does not remove the debris from the scene of the accident, the tow operator may be subject to a fine of not less than twenty-five (\$25.) dollars nor more than fifty (\$50.) dollars, pursuant to N.J.S.A. 39:4-56.8.

- (8) Tow operators nor their drivers, employees or agents shall make, give or cause any undue or unreasonable preference or advantage, or undue or unreasonable prejudice or disadvantage, to any person, with respect to providing towing services.
 - (9) Tow operators nor their drivers, employees or agents shall give any benefit or advantage, including a pecuniary benefit, to any person for providing information about vehicles parked for unauthorized purposes on privately owned property or otherwise in connection with towing from privately owned property motor vehicles parked without authorization.
- B. Any violation of this section shall be grounds for suspension or revocation after hearing pursuant to the procedures set forth herein.

§ 115A-13 Towing of a vehicle intended to be impounded; seized vehicles; sale of abandoned vehicles; fees.

- A. When a tow operator is directed by the Secaucus Police Department to tow a vehicle intended to be impounded, the tow operator shall abide by the following:
 - (1) Release no vehicle to the vehicle owner without written authorization from the Secaucus Police Department or a court of competent jurisdiction.
 - (2) Allow no person to gain entry to or remove any property from the impounded vehicle.
 - (3) Assume full responsibility for any impounded vehicle released or disposed of without the written authorization from the Secaucus Police Department or a court of competent jurisdiction.
- B. For matters concerning impounded vehicles in accordance with subsection (A), upon authorization for release of a vehicle from the Secaucus Police Department or a court of competent jurisdiction, the tow operator shall deem the vehicle released and available for removal by the owner. Fees for storage shall be in accordance with the storage fees set forth in this chapter from the date of impoundment or in accordance with applicable statutory provisions.
- C. For matters involving impounded vehicles for possible seizure or forfeiture, upon authorization for release of a vehicle from the Secaucus Police Department or a court of competent jurisdiction, the tow operator shall deem the vehicle released and available for removal by the owner. For calculation purposes, fees for storage shall begin on the date of release by the Secaucus Police Department or a court of competent jurisdiction, whichever is earlier, in accordance with the fees set forth in this chapter or the applicable statutory provisions.
- D. Procedures and fees for the auction of junk or abandoned vehicles shall be in accordance with N.J.S.A. 39:10A-1 et seq. and other applicable state statutes and regulations.
- E. The tow operator shall provide the Secaucus Police Department with the following information on vehicles unclaimed over thirty (30) days: vehicle year, make and color; vehicle identification number; state of registration and registration number; name and address of owner (if available); and the Secaucus Police Department case number associated with the tow. Such information shall be provided at least quarterly or more frequently upon request by the Secaucus Police Department.

§ 115A-14 Complaints.

In the event that a complaint is received by the Town of Secaucus involving the improper or unsatisfactory performance of services by a qualified tow operator, the Town representative shall advise the complainant of their right to file a formal complaint against the tow operator with the Town Administrator or their designee.

Nothing contained herein shall prevent or limit the right of any person to commence or maintain an action for damages or any other relief directly against a qualified tow operator in a court of competent jurisdiction.

§ 115A-15 Suspension; revocation.

A. The Town of Secaucus may suspend or revoke any approval or license issued by it, upon the recommendation of the Secaucus Police Department for good cause, including but not limited to, the following circumstances:

- (1) Has failed to comply with any of the provisions of this chapter;
- (2) Has obtained a registration through fraud, deception or misrepresentation;
- (3) Has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense;
- (4) Has engaged in gross negligence or gross incompetence;
- (5) Has engaged in repeated acts of negligence or incompetence;
- (6) Has provided unsatisfactory service provided pursuant to this chapter;
- (7) Has had a towing operation registration or license revoked or suspended by any other state, agency or authority for reasons consistent with this section;
- (8) Has violated or failed to comply with the fee schedule in this chapter;
- (9) Has failed to respond to calls in a timely manner pursuant to this chapter;
- (10) Has failed to maintain the required insurance pursuant to this chapter; or
- (11) Has been convicted of: A crime under Chapter 11, 12, 13, 14 or 15 of the Title 2C of the New Jersey Statutes; motor vehicle theft or any crime involving a motor vehicle under Chapter 20 of Title 2C of the New Jersey Statutes; or any other crime under Title 2C of the New Jersey Statutes relating adversely to the performance of towing services or the storage of motor vehicles as determined by the Town.

B. Notice and opportunity of hearing for suspension or revocation of a license shall be given in writing, setting forth the grounds of the complaint and the time and place of hearing with the Town Administrator and appropriate Town representatives. Such notice shall be served personally upon the licensee or mailed by registered letter to the licensee at their last known address at least five (5) days prior to the date set for the hearing.

C. In the event of a suspension or revocation of a license, the Chief of Police or Town Administrator shall report their findings and reasons to the Mayor and Council.

D. Any licensee aggrieved by the action of the Chief of Police or the Town Administrator in the suspension or revocation of an application for a license as provided in this section shall have the

right of appeal to the Town Council. Such appeal shall be taken by filing with the Town Council within fourteen (14) days after notice of the action has been mailed to the licensee's last known address, a written statement setting forth fully all the facts why the action of the Chief of Police or the Town Administrator was improper. The Town Council shall set a time and place for hearing on such appeal and notice of such hearing shall be given to the appellant in writing. The decision and order of the Town Council on such appeal shall be final and conclusive.

- E. A tow operator is subject to warnings, suspension and/or revocation of their license as set forth above in addition to or separate from any monetary penalties set forth in the subsequent section.

§ 115A-16 Enforcement.

The Chief of Police and the Secaucus Police Department, as agents of the Chief, shall supervise the enforcement of the terms and provisions of this chapter.

§ 115A-17 Violations; penalties.

- A. Any person or corporation who shall violate any of the provisions of this chapter shall upon conviction be subject to a fine not less than five hundred dollars (\$500.) and not more than two thousand dollars (\$2,000.).
- B. Any licensee found to be in violation of the fee schedule as set forth in this chapter pursuant to N.J.S.A. 40:48-2.51 shall be subject to a civil penalty not less than twenty-five dollars (\$25.) or more than fifty dollars (\$50.) for each motor vehicle stored with the tow operator, and may be ordered to make restitution equal to any monies overpaid by the victim.
- C. In addition to or separate from any fines imposed pursuant to this section, a tow operator is subject to warnings, suspension and/or revocation of their license as set forth in the provisions of this Chapter.

§ 115A-18 Repealer.

All ordinances or parts of ordinances inconsistent herewith are repealed as to such inconsistencies.

§ 115A-19 Severability.

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any 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 thereof.

§ 115A-20 Effective Date.

This chapter shall take effect upon passage and publication as provided by law and shall be applicable to any new or renewal applications as set forth herein.

I, Michael Marra, Town Clerk of the Town of Secaucus, County of Hudson, do hereby certify that the above is a true copy of an ordinance introduced and passed on first reading on July 24, 2018 and finally adopted by the Mayor and Council on August 28, 2018.

Michael Marra

Town Clerk

[Signature]

Mayor

Introduction 8-28-18

Motion	Yes	No	Abstain	Absent
<i>JC</i>				
Second: <i>MS</i>				
Councilman Costantino				✓
Councilman McKeever	✓			
Councilman Clancy	✓			
Councilman Dehnert	✓			
Councilman Gerbasio				✓
Councilwoman Tringali	✓			
Mayor Gonnelli	✓			

Adoption 9-11-18

Motion	Yes	No	Abstain	Absent
<i>JC</i>				
Second: <i>RC</i>				
Councilman Costantino	✓			
Councilman McKeever	✓			
Councilman Clancy	✓			
Councilman Dehnert	✓			
Councilman Gerbasio	✓			
Councilwoman Tringali	✓			
Mayor Gonnelli	✓			