

ORDINANCE 2009-11

AN ORDINANCE AMENDING CHAPTER 68B ENTITLED "TOWING BUSINESSES" OF THE CODE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY

BE IT ORDAINED by the Township Committee of the Township of Barnegat, in the County of Ocean, and State of New Jersey, as follows:

SECTION 68B-6 entitled "License Requirements" is hereby amended as follows:

(D) Each applicant providing towing services shall show proof of ownership or a lease agreement for a proper area to store a minimum of fifteen (15) motor vehicles. Each outside storage area must be enclosed by a secured fence. In addition, that area shall be illuminated during the hour of darkness to the satisfaction of the licensing authority. Each storage area shall be approved for security and safety by the Chief of Police or his designee.

H(1) Name, address, and driver's license number of the applicant and any employees of the applicant that are expected to be involved in the operation of the applicant's vehicular equipment in accordance with this section. Also, each towing applicant and its personnel must obtain and furnish to the Township a copy of their own individual NJ DMV driver abstract.

H(3) A certificate by the applicant and each of the applicant's employees that are expected to participate in the applicant's activities as approved by this section that each individual has not been convicted of a crime or disorderly persons offense involving moral turpitude with a period of five (5) years preceding the date of application. Conviction of a criminal offense or have had their driver's license suspended or revoked within the past year shall be cause for disqualification. The application shall be filed with the Police Department and shall be processed as follows:

SECTION 68B-7 entitled "Equipment Requirements" is hereby amended as follows:

Remove original D (Tow sling type tow bar to prevent any part of towing crane metal from touching the towed vehicle)

All equipment must meet applicable state standards, and the Township reserves the right to make periodic unannounced inspections of vehicles, equipment, storage area and personnel. In addition, each wrecker shall have at a minimum the following equipment:

- A. One (1) large broom and shovel
- B. One (1) set of dolly wheels
- C. Steering wheel lock for towing vehicles from the rear
- D. Emergency warning lights
- E. Portable safety lights
- F. Safety flares for night work

- G. A flatbed trailer capable of removing a motor vehicle
- H. One towing vehicle which shall be sufficient to tow vehicles over two tons
- I. Communication equipment between vehicles and their dispatchers via a two-way radio
- J. Tow vehicles shall have the name, address and telephone number of the contractor painted or permanently attached to both sides of the vehicle in compliance with State law
- K. All contractors on the rotating list shall be issued a license sticker for each of its towing vehicles identifying the contractor and the vehicles as an approved Township tower. Said sticker must be prominently displayed on the vehicle at all times

SECTION 68B-9 Entitled "Issuance of License" shall be deleted in its entirety and in its place the following:

- A. No license shall be issued without the approval of the Chief of Police or his designee
- B. License shall be issued by the Municipal Clerk's Office
- C. License shall be issued for a one (1) year period to expire on December 31. No license shall be prorated
- D. License shall be renewed annually, renewal application shall be submitted sixty (60) days prior to expiration of existing license
- E. Renewal of license is the sole responsibility of the licensee
- F. Said license shall be non-transferable, and no contractor on the rotating list shall subcontract any work to be performed
- G. The licensed contractor shall notify the Chief of Police upon the hiring or termination of personnel

SECTION 68B-10 Entitled "Fees and Charges" shall be amended as follows:

- A. Maximum basic towing and storage charges for passenger vehicles, motorcycles, all-terrain vehicles and mopeds shall be as follows:
 - (1) Days; First mile or less: Seventy-five dollars (\$75.); each additional mile, three dollars and fifty cents (\$3.50), based upon a one way charges
 - (2) Nights, weekends and New Jersey State Holidays; first mile or less, eighty-five dollars (\$85.), each additional mile, three dollars and fifty cents (\$3.50), based upon a one way charge.
- B. Maximum storage fee charges shall be as follows:
 - (1) Inside building: ten (10) to twenty (20) spaces, forty-five dollars (\$45.) per day.
 - (2) Outside building: ten (10) to twenty (20) spaces, thirty-five dollars (\$35.) per day.
 - (3) Outside unsecured: ten (10) to twenty (20) spaces, nine dollars (\$9.) per day.

SECTION 68B-11 Entitled "Requirements" Shall be deleted in its entirety and in its place the following:

Each licensee shall provide a prompt response to each call for towing services. The contractor shall be responsible for the cleanup of debris in accordance with N.J.S.A. 39-4-56.8, with the exception of fuel oil, chemicals or hazardous waste materials. No licensee shall cruise with a towing vehicle for the purpose of soliciting towing business within the Township of Barnegat.

SECTION 68B-12 Entitled "Revocation of license" Shall be deleted in its entirety and in its place the following:

Should the Chief of Police determine that any licensee shall have violated any provision of this ordinance, the Chief of Police shall give the licensee notice by certified mail of the noncompliance by the licensee. Said licensee shall be subject to revocation by the Township Committee or Chief of Police for noncompliance with any provisions of this ordinance or any of the following reasons:

If it is subsequently determined that the applicant knowingly and with the intent to deceive, make false, misleading or fraudulent statements of material fact in the application or in any other document required pursuant to this chapter.

Violation of any Federal or State law or Municipal ordinance or regulation relating to the operation of a motor vehicle of the provisions of towing services.

Unsatisfactory service including; unsatisfactory equipment, storage facility, vehicles or personnel.

Should the licensee desire a hearing on such a determination the licensee shall, within ten (10) days of the mailing of such notice by the Chief of Police, advise the Township Committee of the licensee's desire for such a hearing. Upon the receipt of such request the Township Committee shall, not less than ten (10) days prior to the date of such hearing notify the licensee of the date, time and place of such hearing. Following such a hearing the Township Committee may revoke or suspend the license issued under this ordinance upon a determination that the licensee has violated any provision of this ordinance or any applicable State or Federal law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading at a regular meeting of the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey on the 16th day of March, 2009 and will be considered for final passage at a regular meeting to be held in the Municipal Court Room, 900 West Bay Avenue, Barnegat, New Jersey on the 16th day of April, 2009 at 6:30 PM at which time and place any person desiring to be heard will be given the opportunity to be so heard.

Kathleen T. West, RMC
Municipal Clerk