

**Borough of Little Ferry  
Police Department Application for Rotational Towing List  
215 – 217 Liberty St., Little Ferry NJ, 07921  
(Application to be completed in duplicate)**

**Note:**

All applicants must comply with the requirements set forth in Borough Ordinance 1387-16-13 and as part of this application.

Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

Business phone(s): \_\_\_\_\_

Owner Name (list all with more than 10%; include name, residence, DOB, Social Security Number, Driver License Number, business address & phone):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

List two business references and phone numbers:

1) \_\_\_\_\_

2) \_\_\_\_\_

The following information is required:

- List of employees (Name, Address, Driver's License Number, DOB, Social Security Number, Yes/No criminal record))
- List of vehicles (Year, Make, Model, Registration & State, Vehicle ID Number, Proof of inspection, type of emergency lighting)

**Certification checklist:**

- Towing can be provided within 15 minutes anywhere in the Borough  Yes  No
- Business will be available for service 24 hours a day  Yes  No
- All fees will be abided by  Yes  No
- Site plan showing location of storage area with number of cars that can be stored and total square footage of the area is included with this application?  Yes  No
- A Business Registration Certificate is included with this application?  Yes  No
- Proof of required insurance is included with this application?  Yes  No
- List of company vehicles, as well as proof of ownership or lease of the the vehicles to be utilized, is included with this application?  Yes  No
- Proof of required vehicle insurance is included with this application?  Yes  No
- Signed Background Check Authorization Waiver is included with this application?  Yes  No
- Signed Hold Harmless Agreement is included with this application?  Yes  No

All applicants must comply with the requirements set forth in this application and Borough Ordinance Number 1387-16-13. All documents must be submitted for the application to be deemed complete. Only those applicants who comply or agree to comply, as appropriate with the complete requirements set forth in the Ordinance and application may be placed on the list of approved towers.

The applicant represents all statements herein are true and that they are in compliance (or agree to comply) with the requirements thereof. The applicant understands that any misrepresentation of any material fact may be sufficient grounds to refuse to approve the applicant for placement on the rotational towing list or, alternatively, to remove the applicant from said list.

\_\_\_\_\_  
Applicant's Signature & Date

\_\_\_\_\_  
Print Name & Title

\_\_\_\_\_  
Business Name

\_\_\_\_\_  
Business Address



The Governing Body shall either grant or deny approval for placement on the rotational towing list. Complete applications shall be considered in the order that they are received.

Date application filed with Police Chief: \_\_\_\_\_

New application?      Yes      No

Date application completed: \_\_\_\_\_

Application Granted?      Yes      No     Date: \_\_\_\_\_

Police Chief Signature & Date: \_\_\_\_\_



# Borough of Little Ferry

## POLICE DEPARTMENT

**RALPH C. VERDI**  
CHIEF OF POLICE

COUNTY OF BERGEN  
215-217 LIBERTY STREET  
LITTLE FERRY, NJ 07643-1507

INCORPORATED 1894

PHONE (201) 641-2770 • FAX (201) 641-4828

### AUTHORIZATION WAIVER

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

S.S.# \_\_\_\_\_ Driver's License # \_\_\_\_\_

To Whom It May Concern:

I respectfully permit and authorize you, the **LITTLE FERRY POLICE DEPARTMENT**, to review my criminal history to include juvenile, adult arrest or probation records and driver's license history. I also consent and give permission to copy any material contained therein.

I hereby release you, your organization, or others from liability or damage, which may result from furnishing the requested information.

The original of this form will be maintained by the Little Ferry Police Department Records Bureau and will be made available upon demand. The information requested is to be used to assist the Little Ferry Police Department in processing my application.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**HOLD HARMLESS AGREEMENT  
(CONTRACTOR)**

\_\_\_\_\_ agrees to make payment of all proper charges for  
(Name of Contractor)  
labor or materials required and hereby agrees to release, indemnify and hold harmless  
the Borough of Little Ferry including their employees, officers, agents and officials from  
and against any loss, damage, liability, judgement or demand including attorney fees and  
defense costs which arise out of injuries to persons, including death, or damage to  
property caused by that party, his employees, agents, subcontractors or any other person  
or persons.

\_\_\_\_\_ expressly represents and warrants that he has  
(Name of Contractor)  
complied with all the requirements concerning insurance and contractual indemnification  
and that, simultaneously herewith, \_\_\_\_\_ shall provide the  
(Name of Contractor)  
Borough of Little Ferry with an Insurance Policy naming the Borough of Little Ferry as  
an additional Insured providing general liability coverage including bodily injury and  
property damages with minimum limits of liability not less than \$1,000,000 each  
occurrence. Additional limits and coverages may be required depending on contract.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2013 as the binding act in deed of

\_\_\_\_\_  
Name of Contractor

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Print Authorized Name & Title

**BOROUGH OF LITTLE FERRY  
STATE OF NEW JERSEY  
ORDINANCE NO. 1387-16-13**

**AN ORDINANCE AMENDING AN ORDINANCE ENTITLED  
'TOWERS AND WRECKERS'  
OF THE REVISED GENERAL ORDINANCES OF  
THE BOROUGH OF LITTLE FERRY,  
COUNTY OF BERGEN AND STATE OF NEW JERSEY"**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Little Ferry, that Chapter 32 entitled "Towers and Wreckers" of the Ordinances of the Borough of Little Ferry is hereby amended and that those portions of the aforesaid set forth below are hereby amended as follows and that those portions of the Ordinance not set forth below shall remain unchanged:

**4-32 TOWERS AND WRECKERS**

**4-32.2 Definitions.**

- a. As used in this section, the following terms shall have the meanings indicated:
  1. "Administrative Fee" shall mean a per-tow fee. Total amount collected by each licensee shall be remitted to Borough Clerk monthly.
  2. "Automobile" shall mean a motor vehicle of a private passenger or station wagon type that is owned or leased and is neither used as a public or livery conveyance for passengers nor rented to others with a driver; and a motor vehicle with a pickup body, or delivery sedan, a van, a sport utility vehicle (SUV), or a panel truck or a camper type vehicle used for recreational purposes owned by an individual or by husband and wife who are residents of the same household, not customarily used in the occupation, profession or business of the owner(s).
  3. "Basic towing service" shall mean the removal and transportation of an automobile 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, but does not include recovery of an 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.

4. "Commercial vehicle" shall mean a motor vehicle of any type used in the conduct of any business of professional conveyance, or used as a public or livery means, for the paid conveyance of passengers.
5. "Inside buildings" shall mean a vehicle storage facility that is completely indoors, having one or more openings in the walls, for storage and removal of vehicles and that is secured by a locking device on each opening.
6. "Motor vehicle crash" shall mean an occurrence in which a private passenger automobile comes in contact with any other object for which the private passenger automobile must be towed or removed for placement in a storage facility. This includes all situations which are accidental as to the owner or operator of the motor vehicle even if they were caused by the intentional acts of a perpetrator where the perpetrator was not the owner or operator of the motor vehicle.
7. "Outside secured" shall mean an automobile storage facility that is not indoors and is secured by a fence, wall or other man-made barrier that is at least six (6) feet high. The facility is to be lighted at night.
8. "Outside unsecured" shall mean an automobile storage facility that is not indoors and is not secured by a fence, wall or other man-made barrier, and all other storage facilities not defined above as inside building or outside secured.
9. "Storage charges for twenty-four (24) hour period" shall mean the maximum allowable amount to be charged by a storage facility for a twenty-four (24) hour period or fraction thereof. A new twenty-four (24) hour period begins at 12:01 a.m.
10. "Tow vehicle" shall mean only those vehicles equipped with a boom or booms, winches, slings, tilt beds, wheel lifts or under-reach equipment specifically designed by its manufacturer for the removal or transport of motor vehicles.
11. "Tow vehicle's base of service" shall mean the towing operator's principal place of business where the tow vehicle is stationed when not in use.

#### **4-32.3 Official Towers to Be Appointed/Tower's List.**

- a. The borough council shall appoint persons or companies meeting the criteria set forth in this section and engaged in the business of offering the services of a motor vehicle towing or wrecker service, whereby damaged or disabled motor vehicles are towed or otherwise removed from the place where they are damaged or disabled, by use of a tow vehicle, as defined in this chapter. Such persons or companies shall be known as "official towers".
- b. Official towers shall be identified by means of a license that shall be issued in accordance with the provisions of this section.
- c. Not less than one hundred twenty (120) days prior to the beginning of each three (3)-year term of official towers' license, the borough shall advertise for applications for towing licenses for providing towing services pursuant to this section. The advertisement shall be published in the official borough newspaper.
- d. All applicants shall submit their applications at least ninety (90) days prior to the commencement date for each three (3)-year period and the applications shall be reviewed in accordance with the procedures set forth in this section. The award of a license to the successful applicants shall be subject to compliance with the license requirements of the section. Applications received after the date set forth in this sub-section shall be considered and reviewed in accordance with this section.
- e. If an application for a license is approved as set forth herein, the borough clerk shall issue a license that shall be in force and effect until December 31 of the last year of the three (3) year term of issuance, which period shall be clearly stated upon the face of the license. If an application is approved during the then current three (3) year term, the license shall be in effect for the remainder of the three (3) year term in effect.
- f. Notwithstanding the provisions of this section that provide for a three (3) year term of the license, official towers shall submit no later than December 1st of each year that the towing license is in effect, a detailed certification certifying that the official tower meets the requirements of this section in regard to the issuance of licenses. The certification shall be submitted to the Chief of Police for his review and approval. Failure to submit the certification or failure to continue to abide by the requirements of this section in regard to the issuance of a towing license shall subject the official

tower to revocation of the license in accordance with the procedures contained herein.

#### **4-32.4 Services to Be Furnished.**

- a. Official towers shall furnish adequate and proper wrecking, towing, storage and emergency repair services to motor vehicles damaged or disabled within the limits of the borough, when requested to do so by the Chief of Police or his authorized designee. The official tower must be available on a twenty-four-hour-a-day basis, seven days a week, as scheduled by the Borough.
- b. No official tower shall subcontract any work to be performed pursuant to this section without having first obtained prior written approval from the Chief of Police. Any official tower to whom approval to subcontract work has been given shall be responsible for the services performed by the subcontractor and shall remain liable for any violation of this section by the subcontractor.
- c. A maximum response time of 15 minutes will be expected from each official tower called by the Police Department. If the first called official tower fails to respond within the expected response time, the next listed official tower will be called. Failure to respond within the stated response time will be considered a violation of the license, and repeated violations will result in suspension of the official tower license.
- d. Official towers are and remain responsible for coverage for all periods for which they are scheduled. Should the scheduled official tower require another tower to cover a portion of the assigned schedule, (i) the substitution must be approved in advance by the Chief of Police or his designee and (ii) the covering tower must be another official tower. Unauthorized arrangements for coverage may result in the removal of the official tower and/or the alternate official tower from the official tower list.
- e. Substitution of towers under the immediately preceding Subsection D is limited to ten per calendar year. Should alternate coverage in excess of 10 be required, the requesting official tower will be removed from the Borough's official tower list.

- f. Official towers are limited to no more than three (3) missed tows during a calendar year. A missed tow in excess of this number will constitute a ground for removal from the official tower list for the remainder of the calendar year or such other period determined in the sole discretion of the Borough.
- g. The official tower shall be responsible for removing all solid and sweepable debris resulting from a motor vehicle crash.
- h. When requested by the Police Department, the official tower shall be responsible for the preservation of evidence.
- i. The official tower shall comply with all state and federal laws and regulations concerning wages, hours and terms of employment.
- j. The official tower will be required to establish and display to the public procedures for notification of vehicle owners regarding storage fees and removal of vehicles from storage.
- k. Remit administrative fees to the Borough Clerk monthly.

#### **4-32.5 Application Process.**

- a. Applications for inclusion on the official towers' list shall be made to the borough council upon a form prepared by the Chief of Police and approved by the borough attorney and shall contain all of the following information:
  - 1. The name, residence and business address, and telephone number of the owner of the towing company. If the owner is a corporation, the application shall contain the name, residence and business address and telephone number of every stockholder owning more than ten (10%) percent of the issued stock.
  - 2. Such information as may be required by the mayor and council concerning the personnel, vehicles, equipment and storage facilities of such applicant, as hereinafter provided, showing that the applicant meets the minimum standards of performance.
  - 3. A certificate or certificates of insurance evidencing adequate insurance coverage as hereinafter provided.

4. The names and addresses of two (2) business references who have known the applicant for at least two (2) years.
  5. Certification that the applicant will be able to provide towing services anywhere in the borough with a maximum response time of fifteen (15) minutes, except when extraordinary circumstances occur.
  6. Certification that the applicant will be available for service on business premises twenty-four (24) hours a day and that they will abide by the fees contained in or referred to in this section.
  7. Certification that tower will consent to appointment of the borough clerk as the applicant's true and lawful attorney for the purpose of acknowledging service out of any court of competent jurisdiction to be served against the applicant.
  8. A site plan showing the location of the storage area, the number of cars that can be stored and the total square footage area of the storage area.
  9. Agreement to abide by the general rules and regulations established by the Chief of Police in connection with towing procedures within the borough.
  10. Business Registration Certificate.
- b. The applicant shall submit completed duplicate original applications to the borough clerk, who shall forward a copy to the Chief of Police for his review and approval. The review by the Chief of Police shall consist of the following:
1. A background check to determine if either the applicant or the applicant's personnel have been convicted of a criminal offense 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 the past year shall be a cause for disqualification from inclusion on the official towers' list.
  2. An inspection 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 and to determine compliance with applicable laws and

regulations and the standards of performance required by this chapter.

- c. An applicant may be included on the official towers list by the borough council, by resolution adopted at a regular public meeting, when, from a consideration of the application and from such other information as may otherwise be obtained, they find that all of the following circumstances exist:
  1. 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 section.
  2. The applicant has met the standards in this chapter and has furnished the required hold harmless agreement and certificate(s) of insurance.
  3. The application has been reviewed and approved by the Chief of Police.
  4. Neither the applicant nor the applicant's personnel have been convicted of a criminal offense or had their driver's license suspended within the past year.
- d. The Chief of Police shall conduct his review and render a report to the borough council, recommending either approval or denial of the application, within forty-five (45) days of receipt of the application from the borough clerk. The borough council shall take action with regard to the application at its next full meeting of receipt of the report of the Chief of Police. The applicant, or its representative, shall be given notice of the date on which the borough council will consider the application and shall be permitted to appear and be heard at that time.
- e. Written notice of the approval or denial of the application shall be provided to the applicant within seven (7) days of the decision of the borough council. This notice shall come from the Borough Clerk.
- f. If the borough council fails to take action within sixty (60) days of receipt of a complete application, the application shall be deemed to have been denied.

#### **4-32.6 Issuance of License.**

- a. Upon approval of the application as herein provided and payment of the required fees, the borough clerk shall issue the applicant one official towers license listing all vehicles and a placard shall be displayed in each tow vehicle or flat bed vehicle being utilized in providing services pursuant to this section.
- b. The licenses, which shall be in a form approved by the borough council, shall be displayed in the rear window of the tow vehicle or flat bed vehicle at all times.
- c. The licenses shall be valid for the three (3)-year period as set forth in the section, shall be nontransferable and shall be subject to revocation by the borough council for any of the following reasons:
  1. If it is subsequently determined that the applicant knowingly and with intent to deceive, made false, misleading or fraudulent statements of material fact in the application or in any other document required pursuant to this section.
  2. Violation of any Federal or State law or municipal ordinance or regulation relating to the operation of a motor vehicle or the provision of towing services.
  3. Violation of any rule or regulation promulgated by the New Jersey Department of Insurance.
  4. Unsatisfactory service provided pursuant to this section.
  5. Failure to annually certify compliance with the requirements of this section as required by subsection 4-32.3f.
- d. The fee for the license issued under this section, as well as the annual review of certification and inspection of vehicles and equipment shall be seven hundred fifty dollars (\$750.00) per year.
- e. Licenses shall not be transferable from one vehicle to another without the consent of the Chief of Police. Consent may be granted at the sole discretion of the Chief, if the licensee demonstrates that the transferee vehicle complies with all of the requirements of this section.

#### **4-32.7 Minimum Standards of Performance.**

To qualify for inclusion on the list of official towers, applicants must meet the following minimum standards:

- a. Minimum vehicle requirements.
  1. Every official tower shall maintain and have available to render services required by this section a minimum of one (1) regular tow vehicle, one (1) flat bed vehicle and one (1) heavy-duty wrecker.
  2. Vehicle classes.
    - (a) Regular tow vehicles must be equipped with a boom or winch assembly mounted on the chassis, a dolly assembly, a tow sling or wheel lift assembly at least one hundred (100) feet of either three-eighths (3/8) inch or seven-sixteenths (7/16) inch cable attached to a motor driven winch.
    - (b) Flat bed vehicles must be equipped with a winch or hydraulically operated bed which slides or tilts to accommodate transporting of vehicles.
  3. Every official tower shall have available a heavy duty wrecker and under reach shall be rated at thirty-five thousand (35,000) pounds and shall be capable of towing new style buses and trucks with fiberglass front ends.
  4. All equipment shall comply with all State and Federal regulations and all vehicle operators shall possess a C.D.L. license for over twenty six thousand (26,000) pounds.
  5. Each applicant shall submit, along with its application, proof of ownership or lease of the vehicles which will be utilized to provide services pursuant to this section.
- b. Minimum equipment requirements.
  1. Every tow vehicle or flat bed vehicle shall be equipped with the following:
    - (a) At least one (1) amber rotating beacon or strobe light mounted on the highest practical location of the

vehicles, visible from three hundred sixty (360) degrees when in use and visible at a minimum distance of five hundred (500) feet during daylight hours.

- (b) One (1) snatch block per winch.
- (c) Safety tow lights or magnetic tow lights for towing vehicles at night, amber colored.
- (d) Extra chains and cable for pulling or securing a towed vehicle.
- (e) At least one (1) heavy-duty broom, a shovel, a crowbar or pry bar, a set of jumper cables, a flashlight, one (1) two (2)-pound or larger fire extinguisher of dry chemical type, one (1) dozen flares or similar warning devices for placement at the scene of a motor vehicle crash or behind a disabled vehicle, at least ten (10) pounds of dry sand or a drying compound for gasoline and oil spilled onto the roadway and a sufficient quantity and types of tools to enable the tow operator to perform proper and adequate emergency repair services for the tow.

- 2. Every tow vehicle or flat bed vehicle shall comply with any and all State, Federal and local laws, regulations and ordinances pertaining to safety, lighting and towing equipment requirements and shall be subject to inspection by the Chief of Police or his designee at any time. No changes may be made in said vehicles or equipment unless prior written approval is obtained from the Borough.
- 3. Every tow vehicle or flat bed vehicle shall display the official towers license and shall have name of the official tower displayed on the vehicle in such manner and of such lettering as conforms to the provisions of N.J.S.A. 39:4-46.

c. Minimum personnel requirements.

- 1. Official towers shall have available, at all times, a minimum of two (2) persons to provide the services required by this section. All persons employed by official towers to provide the services required by this section shall meet the following requirements and be subject to the following regulations. They shall:

- (a) Be competent mechanics able to provide minimum road service for disabled vehicles.
- (b) Have a valid driver's license having no restrictions or conditional endorsements other than a condition requiring the wearing of eyeglasses.
- (c) Be mentally alert and present a neat appearance at all times.
- (d) Obey all traffic laws and regulations.
- (e) Be subject to inspection by the Chief of Police of the borough and shall be approved by the chief prior to rendering any services pursuant to this section.
- (f) Not have been convicted of a crime nor had their driving privileges suspended or revoked within the past year.

d. Minimum storage requirements.

- 1. Every official tower shall maintain an inside building or outside secured storage area meeting the following requirements:
  - (a) The storage area shall be capable of storing a minimum of ten (10) passenger vehicles and one (1) tractor and trailer. The area shall have at least eight hundred (800) square feet of inside storage facilities to hold and protect "police hold" vehicles.
  - (b) The location of the storage area shall be either within the limits of the borough or at such location outside of the borough as to facilitate reasonable towing distances.
  - (c) The storage area shall be fully enclosed by a sturdy fence having a minimum height of six (6) feet, with at least one (1) lockable gate for ingress and egress and shall be lighted from dusk to dawn.
  - (d) The storage area shall be in an area legally zoned for such use.

- (e) The storage facility shall be available twenty-four (24) hours a day, three hundred sixty-five (365) days per year and shall be open to the public on weekdays during normal business hours and for four (4) hours on Saturdays. The applicant shall specify the hours on which the facility will be open on Saturdays. The applicant is not required to be open on Sundays.
  - (f) The official tower shall have an employee on duty during all hours in which the storage facility is open.
  - (g) The official tower shall not charge a release fee or other charge for releasing vehicles to their owners after normal business hours or on weekends.
  - (h) The official tower shall have available an area to store vehicles involved in suspected crimes or criminal activities as directed by the Chief of Police.
- 2. The applicant shall, with its application, submit proof of ownership or lease of the storage area.
  - 3. The official tower shall be responsible for ensuring the proper and safe storage of all vehicles towed pursuant to this section. The official tower shall be liable for any damage incurred by such vehicles while in transit to or while stored in the storage areas.

#### **4-32.8 Utilization of the Official Towers List.**

- a. Official towers shall be placed on the official towers' list at the beginning of each three (3)-year period in accordance with the procedures as set forth in this section. The official towers shall rotate on the list for one (1) month at a time or for such a period as designated by the Chief of Police in accordance with his rule-making authority under this section. Unless otherwise changed by the Chief of Police under his rule-making authority, the one (1) month rotation shall commence at 0000 hours (12:00 a.m.) on the 1<sup>st</sup> day of the month and terminate at 2359 hours (11:59 p.m.) on the last day of the month.
- b. The borough shall request wrecking, towing and storage services from each official tower in rotation. When called, the tower shall advise the dispatcher if a vehicle is available and the estimated time of arrival. If no tow vehicle is available or if, in the discretion

of the borough official making the request, the response time is insufficient under the circumstances to properly protect the public health, safety or welfare, the next official tower on the list shall be called for that particular towing event. The official tower who is at the top of the list, however, shall remain on the top of the list for any subsequent calls until that tower's one (1) month period at the top of the list is finished.

- c. All requests for service shall be made by the Chief of Police or his official designee.
- d. The borough shall request service only from official towers provided, however, that if no emergency or road hazard exists, the borough shall request such service from such other person as the owner of the motor vehicle in need of such services may request; and provided further that, if none of the official towers are available or able to provide such services as are requested by the borough, or if an emergency exists, the borough may request such services from any other available source.
- e. During adverse weather conditions, heavy traffic conditions or emergency conditions, official towers shall give priority to requests from the borough over any other requests which may be received by the official towers.

#### **4-32.9 Hold Harmless Agreement.**

Applicant shall agree in writing to assume the defense of and indemnify and hold harmless the borough, its elected officials, boards, commissions, officers, employees and agents, from all suits, actions, damages or claims to which the borough may be subjected of any kind and nature whatsoever resulting from, caused by, arising out of or as a consequence of the provisions of towing, wrecking, storage and/or emergency services provided at the request of the borough pursuant to this section. Official towers shall enter into a hold harmless agreement in a form to be prepared by the borough attorney prior to being included on the official towers list.

#### **4-32.10 Insurance.**

- a. No person shall be included on the official towers list unless and until such person has provided to the borough a certificate or certificates of insurance evidencing that there is in effect the following insurance coverages:

1. Automobile liability insurance in an amount not less than one million (\$1,000,000.00) dollars combined single limits.
  2. Workers' compensation as required by law.
  3. Garage keepers liability in an amount not less than one hundred thousand (\$100,000.00) dollars on a direct primary basis.
  4. Garage liability in an amount not less than one million (\$1,000,000.00) dollars combined single limit.
  5. Sufficient comprehensive general public liability insurance to protect the borough from any liability, loss or damage arising out of the activities to be conducted. Such insurance shall be in the minimum amount of one million (\$1,000,000.00) dollars for each person, and three million (\$3,000,000.00) dollars for each accident.
- b. Policies of insurance shall contain endorsements to provide collision coverage for vehicles in tow.
  - c. Policies of insurance shall be written by insurance companies authorized to do business in the State of New Jersey. Insurance companies shall be acceptable to the borough and shall have at least a B+ rating by a recognized rating service.
  - d. The Borough of Little Ferry shall be named as an additional insured on all policies of insurance provided pursuant to this section. All certificates of insurance shall provide that the policies may not be cancelled, terminated or coverage decreased without thirty (30) days written notice to the borough.
  - e. Policies of insurance required by this section shall be maintained in full force and effect at all times. In the event any coverage is cancelled, terminated, interrupted or decreased in amount, the tower shall be removed from the official towers list until such time as the required coverage is reinstated or replaced.

#### 4-32.11 Towing and Storage Fee Schedule.

- a. The fees charged for the towing and storage of passenger vehicles (including Sport Utility Vehicles) damaged in a crash, disabled on the roadway or recovered after being stolen shall not exceed the following:

1. Fee schedule for towing services, including flatbed and dolly services, from the Borough to the tower's yard. No mileage fees will be charged except as noted:

<u>Passenger Vehicles</u>	<u>Fees for Towing and Storage</u>
Basic Tow	\$100.00
Each additional mile outside Borough (If towed to location other than storage yard)	\$4.00
Administrative Fee per tow	\$25.00

2. The following is the fee schedule for storage services:

Inside Building:	\$35.00 per day
Outside Secured:	\$25.00 per day

3. The fees set forth above are the maximum charges that shall apply to a private passenger automobile for basic towing services. There shall be no additional charges other than those provided herein, including, but not limited to, flatbedding, waiting time, winching, cleanup cost, and additional labor when only basic towing services as defined are provided. The official towers, however, shall be allowed to charge for services other than basic towing services as defined in Paragraph D below.
4. In the event that the maximum fees allowable are limited by any law passed by the State of New Jersey, this chapter shall be amended accordingly.

- b. Fees for towing and storage of private passenger vehicles, other than those damaged in a crash or recovered after being stolen, shall be the same as those set forth in paragraph A. if the official tower is called to the scene by the Police Department of the Borough of Little Ferry in accordance with this section. Any other

towing services to private passenger vehicles not involved a crash or recovered after being stolen when requested privately by individuals shall be at the rates as agreed to between the individual and the tower.

- c. Fees for all other types of vehicles, other than private passenger vehicles pursuant to paragraphs A. and B. of this section, shall be determined in accordance with this subsection:

1. The following is the fee schedule for towing services for other than private passenger vehicles. No mileage fees will be charged except as noted:

	<u>Class 1</u> All vehicles 6,000 to 16,000 lbs. GVW	<u>Class 2</u> All vehicles 16,000 to 80,000 lbs. GVW
Standard Tow	\$200.00	\$300.00
Flat Bed	\$225.00	\$325.00
Each additional mile outside Borough (If towed to location other than storage yard)	\$6.00	\$8.00
Administrative Fee per tow	\$40.00	\$50.00

2. The following is the fee schedule for storage services:

Storage Facility	<u>Class 1</u>	<u>Class 2</u>	<u>Tractor-Trailer</u>
Inside Building:	\$60.00	\$125.00	\$140.00
Outside Building:	\$50.00	\$100.00	\$140.00

3. The fees set forth for non-passenger vehicles in this section are the maximum charges that shall apply for basic towing services. The official towers, however, shall be allowed for winching and wrecking services over and above the basic towing services as set forth in paragraph D below.

d. Official towers shall be allowed to charge for services other than basic towing services as follows:

- |   |          |                                  |
|---|----------|----------------------------------|
| 1. Emergency Road Service   | \$60.00  | Includes up to 2 gallons of fuel |
| (If a tow results, there will be no charge for road service except for the fuel supplied) |          |                                  |
| 2. Winching (beyond right of way) roll  | \$75.00  | (Vehicle did not over)           |
| 3. Off road Recovery/<br>Up-righting overturned vehicle                                   | \$150.00 | per hour                         |
| 4. Off road Recovery Medium Duty/<br>6,000 to 16,000 lbs                                  | \$250.00 | per hour                         |
| 5. Off road Recovery Heavy Duty/<br>over 16,000 lbs                                       | \$425.00 | per hour                         |
| 6. Crane Service  | \$600.00 | per hour                         |
| 7. Crash Wrap – per side window   | \$25.00  |                                  |
| Front or rear window  | \$40.00  |                                  |
| 8. Clean up fees-Clean excessive debris   | \$35.00  |                                  |
| Speedy dry  | \$30.00  | first bag                        |
|   | \$12.00  | each addl bag                    |
| 9. Extra Personnel  | \$75.00  | per hour/man                     |
| 10. Additional tow vehicles required  |          | Normal truck rate                |

e. Tow vehicles transporting multiple passenger cars at one time shall receive the applicable fees for each vehicle transported.

f. The fees set forth on the schedule for storage fees are the maximum storage charges per twenty-four (24) hour period that shall apply to a private passenger automobile that is stored by a person.

- g. Additional storage shall not accrue if the vehicle has been released by the Little Ferry Police Department but the official tower is not available to release it. In that case, the impound charge will not accrue if the vehicle owner is on-site at the storage facility and can perform all acts necessary to retrieve the vehicle by 10:00 a.m. of the next business day.
- h. All official towers shall be obligated to tow and to make minor roadside service repairs to vehicles owned by the Borough of Little Ferry in the event that they become disabled, without charge to the Borough if towed within the County of Bergen.

#### **4-32.12 Miscellaneous Provisions.**

- a. Copies of this section and the schedule of fees that may be charged by official towers shall be made available to the public during normal business hours at the borough municipal building. Copies shall also be made available to the public at each official tower's place of business.
- b. All official towers shall post, in a prominent place at each storage area clearly visible to the public, a schedule of the fees that may be charged for all services provided pursuant to this section.
- c. The borough reserves the right to make periodic unannounced inspections of the personnel, vehicles, equipment and storage areas of all official towers.
- d. The relationship between an official tower and the borough is one of an independent contractor. Neither party shall be construed in any manner whatsoever to be an employee of the other, nor shall any employee or agent furnished by any party be construed to be an employee or agent of the other party. Inclusion on the official towers list shall not be construed or considered as a joint venture, partnership, association, contract of employment or profit sharing agreement.

- e. The municipality shall not be liable or responsible for compensating the official towers for any of the services performed under this section unless those services are performed for the borough vehicles. Compensation shall be the responsibility of the owner of the towed motor vehicle and the official tower shall proceed directly against the owner.
- f. The official tower shall, at all times, be solely responsible for the conduct of its employees.
- g. Each official tower shall keep and maintain adequate and complete records showing all vehicles towed, stored and released, all services rendered and all fees charged and collected. All records shall be available for inspection by the borough at any time during normal business hours. Records shall be kept and maintained by the official tower at one (1) central location and shall be retained for a period of seven (7) years. Records may be written, printed or computerized as long as the requirements of this paragraph are met.
- h. Each official tower shall provide the Little Ferry Police Department, free of charge, the year, make, color, registration and vehicle identification number of vehicles unclaimed over 30 days.
- i. All services rendered regarding borough-owned vehicles shall be free of charge and at no cost to the borough.

**4-32.13 Dispute Resolution and License Revocation.**

- a. In the event a complaint is received by the borough involving the improper or unsatisfactory performance of services by an official tower, excessive charges or damage to a motor vehicle while in custody of the tower, written notice of same shall be provided by the borough administrator to the official tower involved. The tower shall have the opportunity to respond, in writing, within five (5) days.
- b. Within fourteen (14) days of receipt of the tower's response, or within twenty-one (21) days of receipt of the complaint, if no response is received, the matter shall be presented by the borough administrator to the borough council.
- c. The borough council shall consider the matter at a regular public meeting and may request that the complainant and the tower involved appear and give testimony regarding the complaint.

- d. If, after considering the matter, the borough council shall determine that one of the causes for revocation of the official towers license, as set forth in subsection 4-12.5c. exists, the license shall be revoked and the tower shall surrender same to the borough administrator within one (1) day.
- e. Failure to surrender the license upon revocation shall constitute a violation of this section.
- f. 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 an official tower in a court of competent jurisdiction.

#### **4-32.14 Violations and Penalties.**

- a. Any person who shall violate any of the provisions of this section shall, upon conviction, be punished by a fine not to exceed one thousand (\$1,000.00) dollars and each violation of any of the provisions of this section and each day the same is violated shall be deemed and taken to be a separate and distinct offense.
- b. In addition to the fine provided above, a violation of any of the provisions of this section shall be cause for revocation of the official towers license.

#### **REPEALER**

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

#### **SEVERABILITY**

If any section, subsection, sentence, clause, phrase or portion of this ordinance 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.

#### **EFFECTIVE DATE**

This ordinance shall take effect upon passage and publication as provided by law.

