

**TOW TRUCK OPERATOR APPLICATION
BOROUGH OF KEYPORT YEAR _____**

BUSINESS INFORMATION:

NAME OF BUSINESS: _____
 STREET ADDRESS: _____
 CITY: _____ STATE: _____ ZIP: _____
 PHONE: _____ EMAIL: _____
 TYPE OF BUSINESS (MECHANIC, AUTO BODY, ETC): _____

OWNER INFORMATION:

NAME: _____
 STREET ADDRESS: _____
 CITY: _____ STATE: _____ ZIP: _____
 PHONE: _____ EMAIL: _____

INSURANCE INFORMATION:

NAME: _____
 STREET ADDRESS: _____
 CITY: _____ STATE: _____ ZIP: _____
 PHONE: _____ FAX: _____
 POLICY#: _____ COVERAGE: _____
 EXP. DATE: ____/____/____ COPY ATTACHED: YES ____ NO ____

VEHICLES TO BE USED

(Attach copies of all Registration and Insurance Cards)

- | | |
|---------------|---------------------------|
| 1. MAKE _____ | MODEL _____ |
| YEAR _____ | WEIGHT CLASS _____ |
| REG # _____ | INSP. DATE ____/____/____ |
| 2. MAKE _____ | MODEL _____ |
| YEAR _____ | WEIGHT CLASS _____ |
| REG # _____ | INSP. DATE ____/____/____ |
| 3. MAKE _____ | MODEL _____ |
| YEAR _____ | WEIGHT CLASS _____ |
| REG # _____ | INSP. DATE ____/____/____ |
| 4. MAKE _____ | MODEL _____ |
| YEAR _____ | WEIGHT CLASS _____ |
| REG # _____ | INSP. DATE ____/____/____ |

(LIST ADDITIONAL VEHICLES ON PAGE 3)

OPERATORS (INCLUDING OWNERS)

**TOW TRUCK OPERATOR APPLICATION
BOROUGH OF KEYPORT YEAR _____**

- | | |
|--|--|
| 1. NAME _____
ADDRESS _____

D.L.# _____ | 2. NAME _____
ADDRESS _____

D.L.# _____ |
| 3. NAME _____
ADDRESS _____

D.L.# _____ | 4. NAME _____
ADDRESS _____

D.L.# _____ |

The following **MUST** be submitted with this application:

- 1) Insurance certificate
- 2) Diagram of storage yard
- 3) Proof of ownership or lease agreement of storage area

7a. Statement: *I hereby certify that all tow and storage rates will be set in compliance with the requirements of the Keyport towing Ordinance 5-13.4b.*

7b. Statement: *I hereby certify that I have sufficient personnel to comply with the provisions of Ordinance 1-08 relating to response time and applicable State Law N.J.S.A. 40:48-2.49, with proof of ownership or lease of storage area.*

7c. Statement: *I hereby certify that I am in compliance with non-discriminatory and non-exclusionary employment practices as per N.J.S.A. 40:48-2.49.*

Print Name of Applicant

_____/_____/_____
Date

Applicant's Signature

BOROUGH OF KEYPORT USE ONLY

APPLICATION DATE: ____/____/____

APPROVAL DATE: ____/____/____

EXPIRATION DATE: ____/____/____

FEE: _____ () CHECK# _____ () CASH

LICENSE#: _____

DATE ISSUED: ____/____/____

TOW TRUCK OPERATOR APPLICATION
BOROUGH OF KEYPORT YEAR _____

ADDITIONAL VEHICLES
(NOT LISTED ON PAGE 1 OF ORIGINAL APPLICATION)

- | | |
|----------------|---------------------------|
| 5. MAKE _____ | MODEL _____ |
| YEAR _____ | WEIGHT CLASS _____ |
| REG # _____ | INSP. DATE ____/____/____ |
| 6. MAKE _____ | MODEL _____ |
| YEAR _____ | WEIGHT CLASS _____ |
| REG # _____ | INSP. DATE ____/____/____ |
| 7. MAKE _____ | MODEL _____ |
| YEAR _____ | WEIGHT CLASS _____ |
| REG # _____ | INSP. DATE ____/____/____ |
| 8. MAKE _____ | MODEL _____ |
| YEAR _____ | WEIGHT CLASS _____ |
| REG # _____ | INSP. DATE ____/____/____ |
| 9. MAKE _____ | MODEL _____ |
| YEAR _____ | WEIGHT CLASS _____ |
| REG # _____ | INSP. DATE ____/____/____ |
| 10. MAKE _____ | MODEL _____ |
| YEAR _____ | WEIGHT CLASS _____ |
| REG # _____ | INSP. DATE ____/____/____ |

ORDINANCE #15-17

AN ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF
MONMOUTH, NEW JERSEY, AMENDING CHAPTER V, TOWING

WHEREAS, pursuant to *N.J.S.A. 40:48-1*, the power to adopt public ordinances for the public health, safety and welfare of the Borough of Keyport ("Borough") and its residents is coterminous with the power of the Legislature; and

WHEREAS, furthermore, *N.J.S.A. 40:48-2.49* authorizes the Borough to regulate the removal and storage of motor vehicles, and to establish reasonable rates and charges with respect to the same; and

WHEREAS, the Borough has previously by ordinance, as thereafter amended and supplemented, and as codified at Chapter 5-13 of the Borough Code, with respect to towing and storage within the Borough in the general sense; and

WHEREAS, consistent with the forgoing authority, the Mayor and Borough Council wish to amend Ordinance 5-13 to modify fees and practices associated with towing and storage, all as herein set forth.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Keyport, that the Code of the Borough, Chapter 5-13 entitled "Towing," is hereby amended as follows:

5-13 **TOWING.**

5-13.1 **Purpose.** The purpose of this section is to fix and establish licensing requirements, towing procedures and regulations for the use of tow truck operators in the Borough of Keyport. (Ord. #27-92, 1)

5-13.2 **Compliance with State Statutes.** This section complies with *N.J.S.A. 40:48-2.49* creating nondiscriminatory and nonexclusionary regulations governing towing and storage services. (Ord. #27-92, 2)

5-13.3 **List of Contractors.** An annual list of towing contractors, not to exceed a total of four (4) contractors, is to be selected by the Borough Council upon written recommendation of the Chief of Police. Each towing contractor on said list shall be called on a rotating basis. Said list shall be maintained by the Police Department and updated on an annual basis by the Borough Clerk. (Ord. #27-92, 3)

5-13.4 **License, Application, Investigation, Fees.** A tow truck operator's license is required for any person, partnership, corporation or other entity to be placed on the tow truck rotating call list. An application for license pursuant to this section shall be made in a form prepared by the Police Department of the Borough of Keyport, and a complete application shall be filed with both the Police Department and the Borough Clerk's Office. A completed application must be submitted no later than the 15th of December. **There will be no exceptions.**

The application must state the following:

- a. Location, description, availability, number of tow trucks operating, each vehicle description, including year, make, model, type and serial number.
- b. Rates charged for towing and for storage, which rates must be available for public inspection and shall not be in excess of the maximum rates established by this ordinance or by State Law.
- c. A thorough diagram and complete description of the area the applicant intends to utilize for accommodating towed vehicles indicating all security measures (such as fencing, gates, locks, alarms, etc.) in place for the protection of stored vehicles.

- d. A statement that applicant has sufficient personnel to comply with the provisions of this ordinance relating to response time, and applicable State Law N.J.S.A. 40:48-2.49, with proof of ownership or lease of storage area.
- e. Name, address, and policy number of applicant's insurance company.
- f. A signed statement by applicant of nondiscriminatory and nonexclusionary employment practices.

The Chief of Police, or his designee, shall conduct an investigation to be made of the applicant and the applicant's business operation and facility within ten (10) days of the filing of an application.

Within the aforesaid ten (10) days, the Chief of Police shall make his recommendation to the Mayor and Borough Council in writing to grant or deny the tow truck operation license to the applicant. If denied, detailed reasons must be set forth in said license; the operator must provide the Borough Clerk and the Mayor with true copies of all necessary insurance policies and proof of payment, or certificates of insurance.

A non-refundable annual application fee of four hundred fifty (\$450.00) dollars is to be paid each year at the time of the application.

A towing fleet license fee of two hundred fifty (\$250.00) dollars shall be paid by the applicant to the Borough Clerk with a single roster of vehicles which will be used in the towing operation within five (5) business days of written notification to the applicant of the applicant's approval. Upon full payment to the Borough Clerk, the Borough Clerk may place the applicant's name on the tow list. All licenses issued under this section shall expire on December 31st [following the date of issuance, without regards to the time of the year issued, and the application and license fees as herein fixed shall not be pro-rated and shall be payable regardless of the time the application is made or approval is given.] of the licensing year. Renewal of the license shall require the same information and filing as the original application, using the same form and fees.

The Borough Council shall terminate any license issued pursuant to this section if determined that the applicant has provided fraudulent or inaccurate information or the application, is in violation of any municipal, County or State ordinance, law or regulation, is providing unsatisfactory service, is in violation of New Jersey Department of Insurance rules and regulations, or equipment is inadequate. Proceedings for suspension or revocation of the license shall be service of five (5) day notice of charges preferred against the licensee, and a reasonable opportunity for a hearing shall be afforded. A hearing shall be held by the Mayor or the Chief of Police. A recommendation for the appropriate action shall be submitted in writing by the hearing officer to the Borough Council with five (5) days after conclusion of said hearing. (Ord. #27-92, 4; Ord. #1-94, 1)

5-13.5 Maximum Rates. The maximum rates that may be charged for the use of a tow truck and/or storage of a vehicle towed, whether licensed or unlicensed, are as follows:

- a. Towing services to a location outside the Borough of Keyport or within the Borough of Keyport or to a storage yard, which services shall consist of the removal and transportation of a vehicle from a highway, street or other public or private road, or a parking area, or from a storage facility:

Class I Vehicles (under 2 tons) One Hundred Fifty (\$150.00) dollars.

Class II Vehicles (over 2 tons to 15,000 pounds) One Hundred Seventy-Five (\$175.00) dollars.

Class III Vehicles over 15,000 pounds Two Hundred Fifty (\$250.00) dollars.

- b. Storage fees shall be charged per calendar day or fraction thereof. An additional charge of Fifty (\$50.00) dollars may be imposed if a request is made of the storage facility to release the vehicle in question after normal business hours, on a weekend, Saturday or Sunday, or on a holiday. (Ord. #27-92, 5)

Class I Vehicles

Outside Fifty (\$50.00) dollars.

Inside Sixty-Five (\$65.00) dollars, (at request by police or vehicle owner).

Class II Vehicles

Outside Fifty-Five (\$55.00) dollars.

Inside Seventy (\$70.00) dollars, (at request by police or vehicle owner).

Class III Vehicles

Under 30,000 pounds Sixty (\$60.00) dollars.

Over 30,000 pounds Seventy-Five (\$75.00) dollars.

All fees to be paid to an operator by a municipality, or department thereof, for the storage of removed motor vehicles shall not exceed the amount set forth in N.J.S.A. 40:48-2.50.

c. Other fees

Off road recovery or winching

Class I vehicles one hundred (\$100.00) dollars.

Class II vehicles one hundred twenty (\$120.00) dollars.

Towing to another location other than the tow company's yard

Rates to be determined by the towing company and the owner or operator of the vehicle to a maximum of \$3.00 per mile.

Additional man power

Seventy-five (\$75.00) dollars.

Dolly use

Fifty (\$50.00) dollars per axle.

Administrative fee (after 2 days)

Twenty-five (\$25.00) dollars.

Clean up fee

Thirty-Five (\$35.00) dollars in half hour increments.

Speedy dry

Twelve (\$12.00) dollars per bag.

Waiting time

After one quarter (1/4) hour twenty-five (\$25.00) dollars per quarter (1/4) hour.

Vehicle removal

Fifty (\$50.00) dollars.

Service Calls

Fifty (\$50.00) dollars plus cost of service Twenty-Five (\$25.00) Dollars per quarter (1/4) hour (i.e., changing flat, supplying gasoline or other services at scene).

Other fee's not listed above may not be charged unless preauthorized by vehicle operator or owner.

d. Definitions.

As used in this section:

i. *Cruising* shall mean the driving of a wrecker along any Borough street for the purpose of soliciting business with the Borough.

ii. *Dolly wheels* shall mean wheel and axle substitute.

iii. *Winching* shall mean use of a cable and hook, crane operation, lifting dragging, uprighting a vehicle, etc.

iv. *Administrative fee* shall not be included in a standard tow. This fee is for post-accident service, to include insurance inspection, telephone calls or faxes, removal of personal items and additional paperwork. This shall be assessed only one time per vehicle.

v. *Authorized Storage Facility* shall be a licensed junkyard or auto body repair shop in the Borough of Keyport or a service station or public garage in the Borough of Keyport, or otherwise set forth in Section 5-13.9 of this ordinance, which has a temporary storage facility for disabled or abandoned vehicles.

vi. *Consent Tow* shall mean someone other than the Keyport police Department requests a towing agency's service for the purpose of removing a vehicle. This could include, but is not limited to, the owner or operator of a vehicle or the owner or authorized agent of private property.

vii. *Non-Consent Tow* when the Keyport Police Department contacts the towing agency to remove and/or impound a vehicle at the request of the Keyport Police Department.

viii. *Response Time* shall mean the time from when the operator receives the telephone call from Keyport Police Department until the time the operator arrives on scene.

ix. *Service call* shall mean a response to a motorist to provide aid for the changing of flat tires, providing fuel and/or other services rendered.

x. *Speedy Dry* application shall mean the disbursement of an agent used to absorb liquid spills from vehicles.

xi. *Tow list* is the list of approved tow truck operators authorized to operate in the Borough of Keyport.

xii. *Waiting time* shall mean additional time a tow operator spends at the scene other than the time required for the actual tow and/or recovery.

xiii. *Impound* shall mean any vehicle authorized by law to be seized, towed and held in the custody of an approved impound storage yard as approved by the Keyport Police Department.

xiv. *Wrecker* shall mean a vehicle driven by mechanical power and employed for the purpose of towing, transporting, conveying and removing vehicles which are unable to be operated under their own power.

e. *Return/Release of impounded vehicles:*

No motor vehicle which has been impounded pursuant to the laws of this State shall be released by the Borough unless proof of valid insurance and proof of ownership for that vehicle is presented to the Keyport Police Department. This includes those individuals who plan to remove their vehicle with a wrecker. The recovery or salvage of the impounded motor vehicle by, or on behalf of, an insurer, financial institution or other lending entity, shall not require proof of valid motor vehicle insurance for that vehicle.

A Thirty-Five (\$35.00) dollar administrative fee will be paid to the Borough of Keyport for a release of any impounded vehicle.

Criminal Investigation means vehicle seized for criminal investigation purposes shall not be returned to the owner with authorization from Keyport Police Department representative.

12-hour impoundment of a motor vehicle operated by a D.W.I.

When a Law Enforcement Officer makes an arrest for D.W.I., the officer must impound the vehicle the person was operating and hold it for a minimum of 12 hours from the time of the arrest.

Release of vehicle before the 12-hour impoundment expires:

The vehicle may be released prior to 12 hours of impoundment if the owner of the impounded vehicle was not the operator that was charged with D.W.I. In this circumstance, the vehicle may be released after the owner demonstrates proof of ownership, registration and automobile insurance coverage. The vehicle may only be released if no Title 39 violations exist.

For vehicles impounded and abandoned: Any vehicle which has been impounded and left for a period which exceeds that set forth in *N.J.S.A. 39:4-56.6*, shall be deemed abandoned. The contractor shall be responsible for the legal disposition of the vehicle, and for obtaining a junk title following the New Jersey Motor Vehicle Commission's procedures respecting abandoned vehicles. The contractor must undertake its own due diligence, at its own expense, to contact the vehicle owner (i.e., through legal process including by way of example regular and certified U.S. mail, return receipt requested, keeping all proof of such attempts as Records pertaining to towing and storage under this Chapter) within ninety (90) days of its abandonment. If the vehicle is not claimed by its owner following that period, it may then be sold at public auction in accordance with applicable law, including those provisions set forth at *N.J.S.A. 2A:44-20* through -31. A contractor may also opt to hire an outside agency or firm to obtain junk title to any abandoned vehicle, at the contractor's sole expense.

5-13.6 Applicability of Maximum Rates. The maximum rates fixed in this section shall apply to the towing and storage of all passenger vehicles, except those exempt pursuant to *N.J.S.A. 17:33b-47* and *N.J.A.C.11:3-38.1* et seq. as well as to non passenger vehicles not exceeding two (2) tons in gross vehicle weight. In the case of services rendered to other types of vehicles, services of a nature beyond basic towing services or tows to locations outside of the Borough of Keyport, or other than those covered by basic rates, or services rendered in extraordinary cases involving unusual conditions, the rate to be charged shall be fair and reasonable based on the locations, length of time, number of men and amount of machinery involved and the difficulty of the job. (Ord. #27-92, 6)

5-13.7 Insurance Requirements. No licensed tow truck shall be utilized, approved or placed on the tow list unless and until all the vehicles to be used have been insured, and true copies of the liability insurance policies or certificates of insurance have been received by the Borough.

For the purpose of protecting the Borough of Keyport, the following types and minimum policy limits are applicable and necessary for each applicant:

- a. Automobile Liability: one million (\$1,000,000.00) dollars combined, single limit.
- b. Workers Compensation as required by State Statute.
- c. Garage Keepers' Liability: Sixty thousand (\$60,000.00) dollars per location.
- d. Theft, Fire and Explosion: Sixty Thousand (\$60,000.00) dollars.

The applicable policies shall contain an endorsement to provide collision coverage for vehicles in tow and name the Borough of Keyport as additional named insured.

Each policy required herein must contain an endorsement providing a ten (10) day written notice to the Borough of Keyport in the event of a material change or cancellation of any policy for any cause or reason. (Ord. #27-92, 7)

5-13.8 Equipment. Applicant/licensee is responsible for the inspection and operation of his equipment and is responsible for providing adequate equipment in compliance with the requirements of this section, New Jersey Statutes, Rules and Regulations of the NJ Department of Insurance, and the NJ Division of Motor Vehicles. (Ord. #27-92, 8)

5-13.9 **Response Time.** Any license shall require and applicant to provide the maximum response call time of twenty (20) minutes from 7:00 a.m. to 6:00 p.m. and of thirty (30) minutes from 6:01 p.m. to 6:59 a.m. For the purpose of qualifying to meet response time requirements of this section, all applicants shall have towing vehicles and suitable storage facilities located within three (3) miles of the perimeter of the Borough of Keyport. (Ord. #27-92, 9; Ord. #1-96, 1)

5-13.10 **Records.** Each tow truck operator shall maintain for a period of thirty (30) months accurate records of all calls made, vehicles towed and tow fees. A written release shall be obtained from the owner of any vehicle before it is released. The Police Department shall keep current records of the names, addresses of all persons holding licenses, and the vehicle identification of each tow vehicle utilized. (Ord. #27-92, 10)

5-13.11 **Penalties.** Any person, firm, entity or corporation found guilty in Municipal Court of the Borough of Keyport of a violation of the terms of this section shall be subject to one or more of the following penalties, subject to the discretion of the Municipal Court Judge: Imprisonment in the County Jail or in any place provided by the municipality for the detention of prisoners for any term not to exceed sixty (60) days, or by a fine not to exceed one thousand (\$1,000.00) dollars, or by a period of community service not to exceed sixty (60) days.

Except as otherwise provided, each and every day in which a violation of any provision of this ordinance exists shall constitute a separate violation. In addition, each violation of this section shall be considered a separate offense upon each and every day a violation exists. (Ord. #27-92, 12)

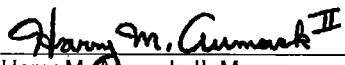
If any part or parts of this Ordinance are, for any reason, held to be invalid, any such adjudication shall not affect the validity of the remaining portions of this Ordinance, which shall be construed or otherwise amended to give the remaining portions effect.

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed, but only to the extent of such inconsistency.

This Ordinance shall become effective immediately upon its final passage and publication as required by applicable law.

Introduced: December 5, 2017
Public Hearing: December 19, 2017
Adopted: December 19, 2017


Valerie Heilweil, RMC
Borough Clerk, Borough of Keyport


Harry M. Carmack, II, Mayor
Borough of Keyport