

18-47



Township Council  
1 Municipal Plaza  
Bloomfield, NJ 07003

Louise M. Palagano  
Municipal Clerk

<http://www.bloomfieldwpnj.com>

Meeting: 10/29/18 07:00 PM

18-47

**2018 ORDINANCE AMENDMENT**

**AN ORDINANCE TO AMEND CHAPTER 254, "VEHICLES AND TRAFFIC",  
ARTICLE VII, ARTICLE VIII and Article IX.**

**BE IT ORDAINED**, by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey, as follows:

**Section 1.** Chapter 254 "VEHICLES AND TRAFFIC", VEHICLES AND TRAFFIC", ARTICLE VII Pedestrian Crossing, ARTICLE VIII and Wreckers and Towing of the Code of the Township of Bloomfield, County of Essex, State of New Jersey, is hereby amended by the to read as follows:

Article VII. Pedestrian Crossing Wreckers and Towing

**§ 254-66. Guidelines for the installation of in-street pedestrian crossing signs.**

The following requirements must be satisfied for the installation of an in-street pedestrian crossing sign:

- A. The sign shall meet all the provisions of Section 2B.12, In-Street Pedestrian Crossing Signs (R1-6, R1-6a), of the 2003 Edition of the Manual on Uniform Traffic Control Devices.
- B. The R1-6 "Yield to Pedestrian" sign shall be used.
- C. The in-street pedestrian crossing sign shall not be used at signalized intersections.
- D. The in-street pedestrian crossing sign shall not be placed on an island if there is sufficient width to install a "Yield to Pedestrian" sign (R 9-9a), a "Pedestrian Crossing" sign (W11-2) or a school crossing sign (S1-1), as appropriate.
- E. Signs shall only be installed in central business areas or other areas with significant pedestrian activity.
- F. Posted speeds along the roadway shall not exceed 35 mph.
- G. The sign's system, sign and support, shall be no wider than 14 inches.
- H. There shall be a minimum clear roadway width of 24 feet (e.g., forty-inch roadway with eight-foot-wide parallel parking lanes on either side).
- I. In-street pedestrian crossing signs shall only be used at marked crosswalks.
- J. If the device is attached to the pavement, it should be removable sleeve, lag screws, epoxy, etc., such that it can be removed for seasonal (snow removal) or other maintenance purposes.
- K. No signs may be physically attached to any state highway without NJDOT authorization.
- L. The signs shall only be installed on sections of roadway, which have a no-passing zone, approaching the sign location from each direction of travel. A passing zone may exist once the motorist has passed the sign.

- M. The signs shall not be installed on one-way roadways, divided roadways, or roadways with two-way left-turn lanes.
- N. An in-street pedestrian crossing sign (R1-6) may be installed on multi-lane roadways (two or more lanes approaching the pedestrian crossing), in conjunction with either a pedestrian crossing sign (W11-2) and ahead plaque (W16-9q) or a school crossing sign (S1-1) and ahead plaque (W16-9q). If used with a school crossing sign, the school plaque (S4-3) shall be mounted above the R1-6 sign. The color of the R1-6 shall match the color of the signs it is being used in conjunction with.

**§ 254-67. Placement of in-street pedestrian crossing signs.**

- A. The in-street pedestrian crossing signs shall be placed a minimum sight distance and minimum distance from a crosswalk as a function of the posted speed limit as follows:

Speed Limit (mph)	Minimum Sight Distance (feet)	Minimum Distance From Crosswalk (feet)
25	150	50
30	250	50
35	350	50

- B. The in-street pedestrian crossing signs shall not:
  - (1) Contain metal, wood or other inflexible material or have sharp edges.
  - (2) Disintegrate or destruct upon impact so that it, or any of its component parts, becomes a projectile.

Be located where it will adversely affect the turning radius of motor vehicles.

**§ 254-68. Crosswalks approved for in-street pedestrian crossing signs**

In accordance with the above requirements and pursuant to N.J.S.A. 39:4-8d, in-street pedestrian right-of-way signs may be utilized on the following streets:

- Bay Avenue and Lakewood Terrace
- Broad Street and Huck Road
- Broad Street and Johnson Avenue
- Broad Street and Park Avenue
- Broad Street and Parkway Drive

**§ 254-68.1 Mid-Block Crosswalks**

- Lackawanna Place 292 Feet and 10 inches from the North curb line of Washington Street
- Lackawanna Place 219 Feet and 9 inches from the south curb line of Glenwood Avenue.

**Article VIII Wreckers and Towing**

- § 254-69 Definitions.
- § 254-70 License required.

- § 254-71 Application for license; contents.
- § 254-72 Investigation.
- § 254-73 Issuance of license; contents; term; fee.
- § 254-74 License not transferable; display.
- § 254-75 Equipment and maintenance.
- § 254-76 Insurance requirements.
- § 254-77 Twenty-four-hour operation.
- § 254-78 Agent for service of process.
- § 254-79 Principal place of Township; storage areas.
- § 254-80 Duties of licensee; enforcement and supervision thereof.
- § 254-81 Wrecker restrictions.
- § 254-82 Towing and storage charges.
- § 254-83 Revocation of license; notice of hearing.
- § 254-84 Appeal from denial of license.
- § 254-85 Indemnity.
- § 254-86 Federal regulations.
- § 254-87 Violations and penalties.
- § 254-88 Notification of owner.
- § 254-89 Registration of towing companies.
- § 254-90 Towing lots.
- § 254-91 Application for license.
- § 254-92 Issuance of a license.
- § 254-93 License not transferable; display.
- § 254-94 Equipment and maintenance.
- § 254-95 Insurance requirements.
- § 254-96 Towing operations.
- § 254-97 Licensee responsibility, enforcement and sus-pension.
- § 254-98 Wrecker and tow truck restrictions.
- § 254-99 Towing fees.
- § 254-100 Exceptions to fees.

GENERAL REFERENCES

**§ 254-69. Definitions.**

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

TOWNSHIP - Township of Bloomfield.

CRUISING - The operation of a tow truck in a township street to solicit vehicle towing or storage Township, except in response to a police request.

DIRECTOR - The Police Director or Agency Head of the Bloomfield Police Department.

LICENSEE - A towing operator having a license granted by the township pursuant to the provisions of this chapter.

OWNER - An individual or entity who or which owns or leases and/or operates, parks or

abandons a vehicle within the township.

POLICE - The police of the Township or of any other jurisdiction having authority in the subject matter.

STORAGE SERVICES - The storage of vehicles by a towing operator.

TOWING OPERATOR - An individual or entity engaged in the Township or providing towing services and storage services.

TOWING SERVICES - The on-site vehicle repair and/or towing service rendered by a towing operator.

VEHICLE - Any powered or non-powered object operated, or intended to be operated, in a township street.

**§ 254-70 License required.**

- A. No person who wishes to engage in municipal police towing shall engage in the Township of operating wreckers or tow trucks for the aforementioned purpose within the Township without first obtaining a license therefor.
- B. There shall not be more than three (3) licenses, issued pursuant to this chapter, in effect at any time.

**§ 254-71 Application for license; contents.**

- A. Every applicant for a license under this chapter shall complete, sign and verify a written application, in duplicate, on forms furnished by the Township Administrator or his designee.
- B. The application shall state:
  - (1) The name and address of the applicant.
  - (2) The residence address and full local address, if any, of the applicant.
  - (3) The serial number and registration owner and lienholder of each vehicle to be operated by the applicant.
  - (4) The location of the principal place of Township and storage area for wreckers and cars and the amount of available space for storage of towed cars and proof that the applicant owns, leases or otherwise controls the premises.
  - (5) The name and address of the insurer and policy numbers of the garage keeper's liability and other required liability policies.
  - (6) Consent to appointment of the Municipal 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.
  - (7) An agreement to be available for service or on call twenty-four (24) hours a day and to abide by the fees contained in this chapter.

**§ 254-72 Investigation.**

- A. Applications received by the Township Administrator shall be referred within three (3) Township days to the Bloomfield Police Director .

- B. The Director shall be charged with the investigation of all applicants and shall recommend, in writing, the approval or disapproval of each application to the Township Administrator after considering the following:

criteria:

- (1) If the public convenience and necessity require the proposed towing and storage services for which an application has been submitted.
- (2) Whether the applicant and all employees are fit and proper persons to conduct or work in the Township of towing and storage of vehicles.
- (3) Whether the application complies with the requirements of this chapter and all other applicable ordinances of the Township.

**§ 254-73 Issuance of license; contents; term; fee.**

- A. The Township Administrator shall promptly notify the applicant of the approval of his application by the Police Director and shall issue the license.
- B. The license shall contain the following:
  - (1) The name and address of the licensee.
  - (2) The number of the license and the amount of fee paid.
  - (3) The date of issuance of the license and the expiration date.
  - (4) The signature of the Township Administrator or his designee.
- C. All licenses shall expire on December 31<sup>st</sup> of the year issued, unless an earlier expiration date is indicated on the license.
- D. The Township Administrator or his designee shall send a copy of the license to the Police Department for filing and shall forward a copy to the Township Clerk for a permanent record of all licenses issued.
- E. The license fee for the license issued under this section shall be as set forth in Chapter 88, Fees. No portion of this fee shall be prorated for any part of the year.

**§ 254-74 License not transferable; display.**

- A. A license issued under this chapter shall not be transferable.
- B. Each licensee shall produce his license whenever called upon to do so.

**§ 254-75 Equipment and maintenance.**

- A. A towing operator, when filing an application for and at all times while holding a license under this chapter, shall own, lease or otherwise have available for use in performing the services required by the licensee the following items of equipment:
  - (1) One (1) heavy-duty wrecker with twenty-five-ton capacity.
  - (2) One (1) flatbed-type wrecker (two-car, four-thousand-two-hundred-pound car capacity).
  - (3) Two (2) light-duty wreckers for vehicles under five (5) tons.
  - (4) Safety equipment to be carried on trucks:

- (a) Universal towing sling (except flatbeds).
  - (b) "J" hooks and chains.
  - (c) Snatch blocks for three-eighths- to one-half-inch cable.
  - (d) Two (2) high-test safety chains.
  - (e) Auxiliary safety light kit to place on the rear of towed vehicles.
  - (f) Four-lamp or three-lamp revolving amber light or light bar (no wrecker shall possess or exhibit flashing lights except as provided under N.J.S.A. 39:1-1).
  - (g) Shovel and broom.
  - (h) Steering wheel lock or tie down.
  - (i) Two-way radio communication system.
  - (j) Necessary equipment to remove disabled or locked vehicles upon the signing of the proper waiver form.
- B. All tow trucks shall be properly lettered on both sides in accordance with the law.
- C. All equipment used by a licensee in performing its obligation under the license shall be maintained in good and safe condition and may be inspected for such condition by the Director of Police at any time wherever located.

**§ 254-76 Insurance requirements.**

The licensee shall have in effect, prior to application and at all times during the terms of the license, the following insurance:

- A. Garage-keeper's liability policy in the amount of seven hundred fifty thousand dollars (\$750,000.) for any one
  - (1) claimant and one million dollars (\$1,000,000.) for more than one (1) claimant, with five hundred thousand dollars (\$500,000.) coverage for property damage for any one (1) event.
- B. Liability insurance issued by a financially sound insurance corporation or authorized to transact Township in the state insuring the licensee and every tow truck operator against liability imposed by law for damages because of bodily injury, including death, sustained by any person and injury to or destruction of property, including the loss of use thereof, caused by accident and arising out of the ownership, maintenance or use of the tow trucks of the licensee and from the licensee's towing and storage of vehicles. The amount of the limits of liability coverage to be afforded by such policy shall be one million dollars (\$1,000,000.) for bodily injuries in each accident (combined single limit) and five hundred thousand dollars (\$500,000.) for property damage in each accident.
- C. The licensee shall supply a certificate of insurance to the Township Administrator or his designee describing every policy of insurance and identifying the Township as an insured party. Each such certificate of insurance shall contain a provision that no cancellation of the policy shall become effective until after the expiration of thirty (30) days' written notice of such proposed cancellation forwarded by the insurance company to the Township Administrator.

- D. The form and content of the insurance policy and certificate of insurance shall be submitted to the Township Attorney for review and approval.

**§ 254-77 Twenty-four-hour operation.**

No license shall be issued to an applicant hereunder unless he or his employee shall be available or on call on a twenty-four-hour basis to tow disabled vehicles.

**§ 254-78. Agent for service of process.**

No license shall be granted to an applicant unless and until he has appointed the Township Clerk his true and lawful attorney for the purpose of acknowledging service out of any court of competent jurisdiction to be served against the applicant.

**§ 254-79 Principal place of Business; storage areas.**

- A. Each licensee shall have its principal place of businesses in the Township and all of its storage space within the Township sufficient to accommodate at least one hundred fifty (150) towed vehicles and storage space for properly accommodating and protecting all disabled motor vehicles to be towed or otherwise removed from the place where they were disabled or illegally parked. Each licensee shall at the same location provide an office for the retrieval of vehicles and payment of bills. In the event that more than one (1) tower is licensed pursuant to this chapter, the Township Administrator may, in his discretion, accept fewer than one hundred fifty (150) spaces as qualifying within the meaning of this section.
- B. No disabled or towed vehicle will be placed, stored or allowed to remain on public property, Township streets or in Area which is not zoned for such storage
- C. Each licensee shall also provide indoor storage space for a minimum of ten (10) vehicles. This holding area must have a security feature to ensure non-tampering of motor vehicles held for evidence and/or processing by the Bloomfield Police Department. The storage area shall be enclosed by suitable fencing and covered with suitable material so as to prevent view of the interior from outside of the fence. If the storage area is located in the Township of Bloomfield, it shall comply with all existing or future ordinances of the Township of Bloomfield The contractor shall be obliged to provide and make accessible upon request by the Township, either oral or written, or in person by a delegated member of the Bloomfield Police Department, accessibility to the vehicle identification numbers of the vehicles impounded due to an investigation on the part of the Bloomfield Police Department.
- D. All storage and garage facilities shall be adequately safeguarded against vandalism and theft. The licensee shall assume and be solely responsible for all costs incident to moving vehicles from one storage area to an other. The facilities shall also be clean and in good order, and the hours of recovery of vehicles shall be prominently posted and previously approved in writing by the Township.

**§ 254-80 Duties of licensee; enforcement and supervision thereof.**

- A. The Police Director is hereby charged with the supervision and the enforcement of

the terms and provisions of this chapter and to see that the licensees perform the duties set forth below.

B. Each licensee shall render the following towing and storage services:

- (1) Towing services by licensees will be rotated on a regular basis with each towing company being given the opportunity on an equal time period basis to provide such services to the municipality.
- (2) Licensees will respond to a police request for service when requested by the Township police desk officer or other officer expressly authorized to communicate such request by dispatching one (1) or more tow trucks to arrive at the scene to with dispatched within a reasonable time. For normal circumstances such reasonable time shall be deemed to be within eight (8) minutes.
- (3) A licensee shall immediately notify the Township police if said licensee is wholly or partially not operational due to failure of any equipment or any personnel insufficiency and shall furnish such details thereof in writing as may be requested by the police.
- (4) Tow trucks of a licensee will not cruise and will not respond to any scene where towing may be required except upon police request or as permitted by this chapter.
- (5) No flashing lights or sirens shall be used on a tow truck except as permitted by the Police Director under applicable law.
- (6) All tow trucks shall be operated in accordance with existing traffic regulations and in a safe and prudent manner. Tow truck drivers will request police assistance during the course of servicing when they find it necessary to turn around, back up, to\ in a direction opposite to normal traffic, to cross a median or other required help.
- (7) Each licensee will be responsible for all vehicles and visible contents in their custody towed off the roads under direction of the police. An inventory shall be made at the scene to note such contents of each vehicle.
- (8) No vehicle will be removed from Township roads or highways traversing the Township without proper authorization from the police at the scene or owner, as the case may be.
- (9) The police officer investigating the incident is in complete charge of the incident scene (excluding actual towing operations), and all drivers shall comply with the officer's instructions.
- (10) Each licensee, prior to departure from the scene of towing services, shall clean and clear the streets of any debris resulting from any accident at such scene when a tow is performed to the reasonable satisfaction of police and at all times carry the necessary equipment to perform such cleaning services and may charge the owner's insurance company for the service.
- (11) In the event that a licensee refuses to tow at the scene of the incident or refuses to tow when requested by the owner, the police officer assigned to the incident shall report the refusal in writing to his superior with all pertinent details. The report of refusal shall be furnished to the Township Police Director as soon as practicable for evaluation of the licensee's performance of its obligation under the license. No towing operator shall be required to to\ any vehicle in an unsafe manner or in such a way as to

- cause further damage to the vehicle towed or the towing vehicle.
- (12) No vehicles shall be towed for illegal parking before the issuance of an illegal parking summons.
  - (13) Each licensee shall submit written reports to the Bloomfield Police Department of all vehicles it tows pursuant to any license issued under the terms of this chapter. The licensee shall furnish the Township with such records, reports and information as to services rendered as the Township may reasonably require. Such report shall be submitted within twenty-four (24) hours after a service has been performed. Written reports shall include the following:
    - (a) The condition and inventory of the vehicle and its contents, if not otherwise inventoried by the police.
    - (b) The inventory shall include items of apparent value within the vehicle which are easily identifiable, including but not limited to tape deck, citizens band radio, audio equipment and articles of personal property left remaining on the seats of the vehicle.
    - (c) Monthly reports of unclaimed vehicles, identifying each vehicle by make, year, serial and registration number and the date said vehicle came within the possession of the licensee.
    - (d) Individual confirmation within twenty-four (24) hours of release of the vehicle, setting forth the identity of the person to whom the vehicle was released and the name of the individual employee of the licensee releasing said vehicle.
  - (14) Vehicles impounded or confiscated by the police and stored by the licensee shall not be released by the licensee without prior written authorization by the police.
  - (15) If a licensee finds that it is unavailable to respond to a police request for service, that licensee shall immediately notify any other holder of a license issued pursuant to this chapter of such unavailability and request that licensee to respond.
  - (16) Licensees shall ensure that procedures and personnel are available to release vehicles from any storage area twenty-four (24) hours per day. Personnel shall be available at the storage site for the release of vehicles between the hours of 9:00 a.m. and 6:00 p.m. weekdays and on weekends and holidays from 9:00
  - (17) a.m. to 12:00 p.m. Release of vehicles during any other period of time shall be effected only upon the direction of the Commander on duty at the Bloomfield Police Department. If vehicles are released during the period from 6:00 pm and 9:00 a.m., the licensee may charge an additional twelve dollars (\$12.) for such evening release.
  - (18) During a declared snow emergency, the licensee shall make available to the Police Department of the Township of Bloomfield or the Public Works Department of the Township of Bloomfield, at all times, at least two (2) wreckers to move or tow vehicles or otherwise clear the street or assist the police or Public Works Department during a declared snow emergency. Such wreckers shall operate under the supervision of the Director of Police, his designee or the Public Works Department. Such service shall be rendered free of charge to the Township. The owner and/or operator of any vehicle towed shall be charged those rates as established by this

chapter.

- (19) The licensee shall tow all disabled vehicles designated by the Police Department of the Township of Bloomfield Township from the point where disabled to storage facilities as soon as a call is received or notification given. All disabled vehicles shall be stored at the licensee's storage garage facility until the owner and/or driver thereof makes arrangements for removal. The licensee acknowledges that each disabled vehicle driver and/or owner shall be advised by a member of the Bloomfield Police Department responding to the scene that the driver and/or owner has the right to contact his own tow service facility, and if the same is not readily available for quick removal, the licensee shall be contacted to remove the vehicle so that safe movement of traffic will not be impeded. Said removal shall be charged to the owner and/or operator of the disabled vehicle pursuant to the charges set forth in this chapter.

C. Licensees' employees who operate wreckers must have a driver's license with no restrictions or conditional endorsements except the condition requiring the wearing of glasses. In the event that said employees operate the vehicles the weight of which requires an articulate license (N.J.S.A. 39:3- 10c), the same shall be obtained pursuant to the regulations of the Division of Motor Vehicles. All employees shall be familiar with the gear and equipment of the wreckers which they operate and shall be fully capable and qualified in the use of said gear and equipment. Licensee employees shall be of high moral character, alert, capable of performing their duties in a proper manner and should present a neat appearance at all times. The names, ages, addresses and driver's license numbers of all the licensee's employees shall be submitted with the application for license and shall be continuously updated during the course of the license and shall be supplied to the Director of Police of the Township of Bloomfield. Licensees and their employees shall be prohibited from using profane language or being under the influence of alcoholic beverages while in the course of their performance of services under the terms of this chapter and are prohibited from collecting or attempting to collect any fee, pay or charge other than as set forth herein.

#### **§ 254-81 Wrecker restrictions.**

- A. No wrecker shall maintain a high-frequency police radio receiving set for the purpose of intercepting police calls in regard to disabled vehicles.
- B. No wrecker shall possess or exhibit flashing lights except as provided under N.J.S.A. 39:1-1 et seq.

#### **§ 254-82 Towing and storage charges.**

The maximum rate for towing and storage of vehicles pursuant to this chapter shall be as follows:

- (1) Passenger automobiles, motor vehicles and similar vehicles: one hundred twenty-five dollar (\$125.) flat rate for any time of day or night.
- (2) Medium duty vehicles (7,001-16,000 pounds): two hundred fifty dollars (\$250.) per hour.

- (3) Heavy duty vehicles (16,001 pounds): three hundred fifty dollars (\$350.) per hour.
  - (4) Road service: eighty-five dollars (\$85.) per hour.
- B. The maximum rates for storage of vehicles pursuant to this chapter shall be as follows:
- (1) Inside storage of passenger automobiles, motorcycles and similar vehicles: forty-five dollars (\$45.) for each twenty-four (24) hour period.
  - (2) Inside storage of trucks, tractor-trailers, campers and similar vehicles: eighty-five dollars (\$85.) per twenty-four (24) hour period.
  - (3) Outside storage of passenger automobiles, motorcycles and similar vehicles: fifty-five dollars (\$55.) for each twenty-four (24) hour period.
  - (4) Outside storage of trucks, tractor-trailers, campers and similar vehicles: fifty-five dollars (\$55.) for a twenty-four (24) hour period.
- C. The maximum rates for each of the following services shall be:
- (1) Winching - seventy-five dollars (\$75.).
  - (2) Transmission service - twenty dollars (\$20.).
  - (3) Waiting time - fifty dollars (\$50.).
  - (4) Rollover (cars) - one hundred twenty-five dollars (\$125.).
  - (5) Lockouts - fifty-five dollars (\$55.) per day.
  - (6) Investigation of hidden VI Number - thirty-five dollars (\$35.) per hour.
  - (7) Normal clean up - fifty-five dollars (\$55.).
  - (8) Yard fee - forty-five dollars (\$45.).
  - (9) Administrative fee (towing company) - forty-five dollars (\$45.).
- D. The waiting period for subsection C, (3) and (4) above shall be confirmed by the officer in charge at the scene of the time such service is provided. An administrative fee of twenty dollars (\$20.) shall be paid to the Chief Financial Officer of the Township for each vehicle towed by the licensee; said fee shall be paid on a monthly basis, without exception upon the filing of mandatory monthly reports.

#### **§ 254-83 Revocation of license; notice of hearing.**

- A. Licenses issued under the provisions of this chapter may be revoked by the Township, after notice and hearing, for any of the following causes:
- (1) Fraud, misrepresentation, or false statement contained in the application for the license.
  - (2) Any violation of this chapter.
  - (3) Conviction of any crime or disorderly person's offense involving moral turpitude.
- B. Notice of the hearing for revocation of a license shall be given to the licensee, in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed by registered or certified mail, return receipt requested, addressed to the licensee at his last known address, at least five (5) days prior to the date set for the hearing.

#### **§ 254-84. Appeal from denial of license.**

- A. Any person aggrieved by the action of the Police Director in the denial of a license

shall have the right of appeal to the Township Administrator. Such appeal shall be taken by filing with the Township Administrator, within fourteen (14) days after notice of the action complained of is mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal.

- B. The Township Administrator shall set a time and place for the hearing of such appeal, and notice of such hearing shall be given to the appellant in the same manner as provided above for the notice of the hearing on revocation.
- C. The decision and order of the Township Administrator on such appeal shall be final and conclusive.

#### **§ 254-85 Indemnity.**

- A. The application of any towing operator for a license pursuant to this chapter shall include an agreement by the towing operator that upon the issuance of a license the licensee shall indemnify the township against all statutory, common law or contractual claims of third parties relating to towing services and storage services of the licensee.
- B. Licensees shall be fully responsible for all vehicles towed and/or stored, including the contents, and while servicing and towing these vehicles. It is understood that licensees shall be responsible and liable for all towing, storage and servicing charges which arise as part of or as a result of any police investigation. In the event that a vehicle is towed and abandoned, that said vehicle will be sold to public auction, and all sale proceeds exceeding the towing and storage charges less deduction for costs payable to the Township will be paid to the Township. Any vehicle which the Township of Bloomfield deems worthwhile for use by the Township of Bloomfield will not be auctioned and will remain in the possession of the Township.
- C. The licensee agrees that all personnel utilized under the terms of its license, and all vehicles and equipment used, shall be and remain the employees and property of the licensee. In no event shall such personnel be deemed employees of the Township, nor shall any vehicles or equipment be deemed property of the Township. Licensees are independent contractors and are not agents or employees of the Township. No licensee shall represent itself or hold itself out in any manner as an agent or employee of the Township.

#### **§ 254-86. Federal regulations.**

An applicant for a license under this chapter must be in total compliance with all United States Department of Transportation Federal Motor Carrier Safety Regulations, and failure to be in compliance and/or remain in compliance shall be grounds for denial or revocation of a license.

#### **§ 254-87 Violations and penalties.**

Any person who shall violate the provisions of this chapter shall, upon conviction thereof, be liable to a fine of not more than one thousand dollars (\$1,000.) or imprisonment for a term of not more than ninety (90) days, or both, in the discretion of the Judge, and shall be prohibited from receiving a license for a period of three (3) years from the date of said conviction. Upon the second or subsequent conviction under the provisions of this chapter, a person shall be subject to the above penalty, in the discretion of the Judge, and shall be prohibited from receiving a license

for a period of ten (10) years from the date of the second or subsequent conviction.

#### **§ 254-88 Notification of owner**

A licensee must assist, at the request of the Police Department, said Department in notifying, in writing, the operator and/or owner of a vehicle towed or stored of the location of the vehicle and the requirement that towing charges and/or the storage rates be paid prior to the release of said vehicle.

#### **§ 254-89 Registration of towing companies.**

- A. All towing companies who wish to do Township in the Township of Bloomfield must obtain a license and remit an annual licensing fee. In addition thereto, each vehicle used for towing shall be assessed a charge of twenty-five dollars (\$25.). Said vehicle must display a properly retained decal provided by the Township of Bloomfield. The above fees are mandatory and without exception. Any company who fails to register and attempts to operate without proper registration credentials shall be subjected to a fine of not less than two hundred fifty dollars (\$250.) or no more than five hundred dollars (\$500.).
  - (1) Companies who tow a vehicle pursuant to an individual agreement with a vehicle owner (i.e. Triple A, Motor Club of America, AARP and others) shall not be required to obtain a license for such towing purposes.
- B. No vehicle shall be towed from public or private property until the Bloomfield Police Department shall have been notified by the property owner or his/her agent. Any agent must provide written documentation that he/she is the current agent. The police must be given the opportunity to respond to the scene of the vehicle that is subject to being towed.

#### **§ 254-90 Towing lots.**

- A. All vehicles towed from the Township of Bloomfield must be towed to a lot or facility within -the Township of Bloomfield.
- B. Towing company, complex owner, lot owner or building owner must install signage at each and every entrance and exit of their respective parking lots. Such sign must be a minimum thirty-six (36) inches by twenty-four (24) inches high with a minimum letter height of two (2) inches. The sign shall list the following information:
  - (1) Name of towing company;
  - (2) Address of company lot or lots;
  - (3) Telephone number to towing lot;
  - (4) The time of parking on property for residents or visitors;
  - (5) Unauthorized vehicle will be subject to towing.
- C. The towing lot shall be open seven (7) days a week.

#### **§ 254-91 Application for license.**

- A. Every applicant for a license under this chapter shall complete, sign and verify a written application on forms furnished by the Municipal Clerk or his/her designee.
- B. The application shall state:

- (1) The name and address of the applicant;
- (2) The name and address of the Township;
- (3) The location of the principal place of Township and storage area for wreckers, tow trucks and towed vehicles;
- (4) The registration information for all wreckers and tow trucks that will be used for towing within the Township of Bloomfield;
- (5) The names and driver's license of all employees who will be operating a wrecker or tow truck within the Township of Bloomfield. Licensees' employees who operate a wrecker or tow truck must have the appropriate driver's license with no restrictions or conditional endorsement except the condition requiring the wearing of glasses. The names, ages, addresses and driver's license numbers of all the licensee's employees shall be submitted with the application for license and shall be continuously updated during the course of the license and shall be supplied to the Director of Police.
- (6) The name and address of the insurer and policy numbers of the garage-keeper's liability and other required liability policies.
- (7) Abide by the fees contained in this chapter.

**§ 254-92. Issuance of a license.**

- A. The Municipal Clerk shall promptly notify the applicant of the approval of his/her application by the Director of Police and shall issue the license.
- B. The license shall contain the following:
  - (1) The name and address of the licensee.
  - (2) The number of the license and the amount of fee paid.
  - (3) The number of vehicles and vehicle information for all vehicles that will be utilized by the licensee.
  - (4) The date of issuance of the license and the expiration date.
  - (5) The signature of the Municipal Clerk or his/her designee.
- C. All licenses shall expire on December 31 of the year issued, unless an earlier expiration date is indicated on the license.
- D. The Municipal Clerk or his/her designee shall send a copy of the license to the Police Department for filing and shall retain a copy for permanent record of all licenses issued.
- E. A copy of a valid license shall be placed in all wreckers and tow trucks and shall be produced upon request by police personnel of the Bloomfield Police Department.

**§ 254-93 License not transferable; display.**

- A. A license issued under this chapter shall not be transferable.
- B. Each licensee shall produce his/her license whenever called upon to do so.

**§ 254-94 Equipment and maintenance.**

- A. All wreckers and tow trucks shall have a valid registration and inspection sticker from this state issued by the NJ Department of Motor Vehicles.

- B. All wreckers and tow trucks shall be properly lettered on both sides in accordance with law.
- C. All wreckers and tow trucks used by the licensee in performing its obligation under the license shall be maintained in good and safe condition and may be inspected for such condition by the Director of Police or his/her designee at any time.

#### **§ 254-95 Insurance requirements.**

The licensee shall have in effect, prior to application and at all times during the terms of the license the proper insurance for the principal place of Township, the wreckers and tow trucks and all its storage space.

#### **§ 254-96. Towing operations.**

- A. When a vehicle is being towed from public or private property the Bloomfield Police Department shall be notified by the property owner or his/her agent, and a police officer must be present at the location of the tow prior to a vehicle being affixed to a wrecker, tow truck or place on flatbed.
- B. A written receipt describing the vehicle and its condition as well as the location of the tow, tow company information, driver's name and reason for the tow shall be turned over to the responding police officer for record keeping purposes.

#### **§ 254-97. Licensee responsibility, enforcement and suspension.**

- A. The Police Director is hereby charged with the supervision and enforcement of the terms and provisions of this chapter and to see that the licensees perform the duties set forth below.
- B. Each licensee shall render the following towing and storage services:
  - (1) Each licensee will be responsible for all vehicles and visible contents in their custody. An inventory shall be made at the scene to note such contents of each vehicle.
  - (2) No vehicle will be removed from the property without proper authorization from the police at the scene.
  - (3) The police officer investigating the incident is in complete charge of the incident scene (excluding actual towing operations), and all drivers shall comply with the officer's instructions.
  - (4) No towing operator shall tow any vehicle in an unsafe manner or in such a way as to cause further damage to the vehicle towed or surrounding property.
  - (5) No vehicle shall be towed before the issuance of a private property summons.
  - (6) Each licensee shall submit written reports to the Bloomfield Police Department of all vehicles it tows pursuant to any license issued under the terms of this chapter. The license shall furnish the Township with such records, reports and information as to the services rendered as the Township may reasonably require. Such reports shall be submitted within twenty-four (24) hours after a service has been performed. Written reports shall include the following:
    - (a) The conditions and inventory of the vehicle and its contents if not otherwise inventoried by the police.

- (b) The inventory shall include items of apparent value within the vehicle, which are easily identifiable, including but not limited to audio and visual equipment and articles of personal property remaining in the vehicle.
- (c) Monthly reports of unclaimed vehicles, identifying each vehicle by make, year, serial number and registration number, and the date said vehicle came within the possession of the licensee.
- (d) Individual confirmation within twenty-four (24) hours of the release of the vehicle, setting forth the identity of the person to whom the vehicle was released and the name of the individual employee of the licensee releasing said vehicle.

**§ 254-98 Wrecker and tow truck restrictions.**

- A. No wrecker or tow truck shall maintain a police radio receiving set for the purposes of intercepting police calls.
- B. No flashing lights or sirens shall be used on wrecker or tow truck except as permitted by state law.
- C. All wreckers and tow trucks shall be operated in accordance with existing traffic regulations and in a safe and prudent manner.

**§ 254-99. Towing and storage fees for private property tows.**

The maximum rate for towing and storage of vehicles pursuant to this chapter shall be as follows:

- (1) Passenger automobiles, motor vehicles and similar vehicles: one hundred twenty-five dollars (\$125.) flat rate for any time of day or night.
  - (2) Medium duty vehicles (7,001-16,000 pounds): two hundred fifty dollars (\$250.) per hour.
  - (3) Heavy duty vehicles (16,001 pounds): three hundred fifty dollars (\$350.) per hour.
  - (4) Road service: eighty-five dollars (\$85.) per hour.
- B. The maximum rates for storage of vehicles pursuant to this chapter shall be as follows:
- (1) Inside storage of passenger automobiles, motorcycles and similar vehicles: forty-five dollars (\$45.) for each twenty-four (24) hour period.
  - (2) Inside storage of trucks, tractor-trailers, campers and similar vehicles: eighty-five dollars (\$85.) per twenty-four (24) hour period.
  - (3) Outside storage of passenger automobiles, motorcycles and similar vehicles: fifty-five dollars (\$55.) for each twenty-four (24) hour period.
  - (4) Outside storage of trucks, tractor-trailers, campers and similar vehicles: fifty-five dollars (\$55.) for a twenty-four (24) hour period.
- C. The maximum rates for each of the following services shall be:
- (1) Winching - seventy-five dollars (\$75.).
  - (2) Transmission service - twenty dollars (\$20.).
  - (3) Waiting time - fifty dollars (\$50.).
  - (4) Rollover (cars) - one hundred twenty-five dollars (\$125.).

- (5) Lockouts - fifty-five dollars (\$55.) per day.
- (6) Investigation of hidden VI Number - thirty-five dollars (\$35.) per hour.
- (7) Normal clean up - fifty-five dollars (\$55.).
- (8) Yard fee - forty-five dollars (\$45.).
- (9) Administrative fee (towing company) - forty-five dollars (\$45.).

D. The waiting period for subsection C, (3) and (4) above shall be confirmed by the officer in charge at the scene of the time such service is provided. An administrative fee of twenty dollars (\$20.) shall be paid to the Chief Financial Officer of the Township for each vehicle towed by the licensee; said fee shall be paid on a monthly basis, without exception upon the filing of mandatory monthly reports.

#### **§ 254-100. Exemptions to fees.**

- A. Vehicles that are towed as a result of being stolen or which are subject to police investigation shall not be subject to a towing fee. Vehicles subject to police investigation shall only be released under the supervision of the Bloomfield Police Department. There shall be no release charge for releasing vehicles other than those permitted by this chapter. There shall be no fees for moving vehicles within the towing yard.
- B. All fees to be paid to an operator by a municipality for the storage of removed motor vehicles shall not exceed the following:
  - (1) A limit of \$3.00 per day for the first 30 days of storage per vehicle; and
  - (2) A limit of \$2.00 per day for the 31st day of storage and any day thereafter; and
  - (3) A limit of \$400.00 per vehicle stored regardless of the duration of the storage, except that a waiver may be granted for good cause upon the request of a municipality by the Division of Local Government Services in the Department of Community Affairs.

#### Article IX. Immobilization or Booting of Vehicles on Private Property

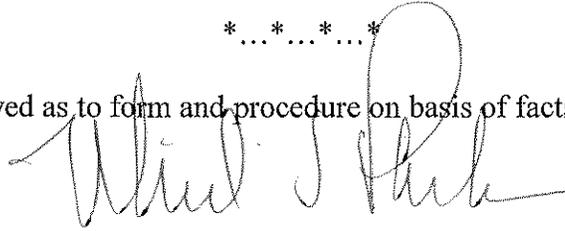
##### **§ 254-101 Immobilization or Booting of Vehicles on Private Property**

- A. It shall be unlawful to immobilize, by use of any wheel lock device (“boot”) or other method, a vehicle that is parked on private property, whether for an unauthorized or authorized purpose, without the permission of the owner, lessee or agent of the motor vehicle.
- B. The prohibition shall not apply to the Township of Bloomfield, its authorized agent or any unit of local government.

C. A violation of this provision shall subject such violator, upon issuance of a summons and conviction in Municipal Court and at the Court's discretion, to a fine not exceeding \$2,000.00, or imprisonment for a period not exceeding 90 days, or a period of community service not exceeding 90 days, or any combination thereof.

\*...\*...\*...\*

Approved as to form and procedure on basis of facts set forth.



Director of Law-Township Attorney

I hereby certify that the above ordinance was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on OCTOBER 29, 2018.



Municipal Clerk of the Township of Bloomfield



Mayor of the Township of Bloomfield

✓ Vote Record - Ordinance						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopt						
<input type="checkbox"/> Deny						
<input type="checkbox"/> Withdrawn	Jenny Mundell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Not Discussed	Sarah Cruz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> First Reading	Wartyna Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table with no Vote	Ted Gamble	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Approve	Richard Rockwell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Veto by Mayor	Michael J. Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Discussion						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Discussion No Vote						

✓ Vote Record - Ordinance						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopt						
<input type="checkbox"/> Deny						
<input type="checkbox"/> Withdrawn	Jenny Mundell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Not Discussed	Sarah Cruz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> First Reading	Wartyna Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table with no Vote	Ted Gamble	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Approve	Richard Rockwell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Veto by Mayor	Michael J. Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Discussion						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Discussion No Vote						