

**ATLANTIC COUNTY**  
**APPLICATION FOR PARTICIPATION IN ROTARY TOWING AND STORAGE**  
**PURSUANT TO ATLANTIC COUNTY TOWING AND STORAGE ORDINANCE**  
**NO. 2012-12**



<b>SHERIFF OFFICE USE ONLY</b>	
<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved By _____ Date _____
Zone 1 _____	Zone 3 _____ Zone 2 _____ Zone 4 _____

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

Corporate Name \_\_\_\_\_

Business Location \_\_\_\_\_

Block/Lot/Unit Number \_\_\_\_\_

Office Location (if different than business location) \_\_\_\_\_

Business Telephone Number \_\_\_\_\_

Home Telephone Number \_\_\_\_\_

Emergency Contact Person \_\_\_\_\_

Telephone Number \_\_\_\_\_

Name of Insurance Company \_\_\_\_\_

Insurance Policy # \_\_\_\_\_

Zone Requested \_\_\_\_\_

A completed application along with all supporting documentation must be submitted to the Atlantic County Division of Budget and Purchasing; 6th floor; 1333 Atlantic Ave; Atlantic City, NJ 08401

\_\_\_\_\_  
 Name of Person Submitting Application Title

\_\_\_\_\_  
 Signature of Person Submitting Application Date

**BY SIGNING THIS APPLICATION YOU CERTIFY THAT YOU HAVE READ AND UNDERSTAND THE ATTACHED ORDINANCE AND AGREE TO ABIDE BY ALL THE TERMS, CONDITIONS, AND SPECIFICATIONS OF THE SAME**

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

**1. List the names, addresses, and telephone numbers of all owners owning 10 percent or more of the business. If more space is required, please attach additional sheet(s).**

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City/State/Zip \_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City/State/Zip \_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City/State/Zip \_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City/State/Zip \_\_\_\_\_

**2. Describe in detail the type of business activity being conducted:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**3. Are there any additional businesses being conducted by you at this location?**

YES or NO

If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_

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

**4. Are there any additional tenants conducting business at this location?**

YES or NO

If yes, Provide:

Name(s) \_\_\_\_\_

Type of Business \_\_\_\_\_

Days/Hours of licensed activity \_\_\_\_\_

Area in square feet of licensed business \_\_\_\_\_

**5. Addresses, Block and Lot numbers and dimensions of all storage areas:**

\_\_\_\_\_  
\_\_\_\_\_

**6. Is security fencing (a minimum of six feet in height) and a gate provided at each storage area?**

YES or NO

**7. If no to number 6 above, will the required fencing be installed prior to starting the contract towing?**

YES or NO

**8. If this place of business is rented or leased from another, please provide the name and address of owner:**

\_\_\_\_\_

**9. Has the owner or owners of the applicant company ever been convicted of any crimes or misdemeanors?**

YES or NO

**If yes, indicate date, place, and penalty/punishment imposed:**

\_\_\_\_\_  
\_\_\_\_\_

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

**10. List the names and addresses of each and every person who the Applicant will authorize to perform towing services. (Each person must complete the attached tow employee registration and attach a copy of each authorized person's driver's license to this application. )**

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City/State/Zip \_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City/State/Zip \_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City/State/Zip \_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City/State/Zip \_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City/State/Zip \_\_\_\_\_

**If more space is needed, please attach additional sheet(s).**

**11. Attach all other documents required by the Atlantic County Towing Ordinance (Atlantic County Ordinance No. 2012-012 and the Atlantic County Sheriff's Office Towing Directive.**

I state that the answers, statements, and declarations made in this application are absolutely true and correct in all respects.

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

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

Print Name: \_\_\_\_\_

Print Title and Company Name: \_\_\_\_\_

Subscribed to and sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Notary Public

**ATLANTIC COUNTY**  
**APPLICATION FOR PARTICIPATION IN ROTARY TOWING AND STORAGE**  
**PURSUANT TO ATLANTIC COUNTY TOWING AND STORAGE ORDINANCE**  
**NO. 2012-12**



**TOW EMPLOYEE REGISTRATION TO BE  
FILLED OUT BY EACH DRIVER AUTHORIZED  
BY APPLICANT TO TOW VEHICLES**

Company: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**I, the undersigned, attest to the fact that I am an employee of the Company stated above and the information I am providing below is accurate and truthful.**

(Attach a copy of the employee's NJ Driver's License)

Employee Name \_\_\_\_\_

Position \_\_\_\_\_ FULL TIME or PART TIME

NJ Driver's License # \_\_\_\_\_  
And State \_\_\_\_\_

Eye Color \_\_\_\_\_

Date of Birth \_\_\_\_\_

Social Security Number \_\_\_\_\_

Number of current points \_\_\_\_\_

Has license ever been revoked? \_\_\_\_\_

If yes, which state? \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

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

**AGREEMENT TO TERMS AND CONDITIONS FOR APPLICANTS TO BE PUT ON ATLANTIC COUNTY'S TOW LISTS PURSUANT TO ATLANTIC COUNTY ORDINANCE NO. 2012-12.**

I, \_\_\_\_\_, a duly authorized representative for \_\_\_\_\_  
(print name) (Company Name)

(hereinafter referred to as "Applicant") seeking approval as an independent towing operator for Atlantic County, acknowledge and agree to fully comply with all of the terms and conditions listed in this document below:

- A. Applicant shall pay a non-refundable \$100.00 application fee to provide tow services between October 1<sup>st</sup> and September 30<sup>th</sup>. Non-refundable renewal fees of \$100.00 shall be submitted by October 1<sup>st</sup> of each year regardless of the date the initial application was submitted. Fees shall be paid with a money order or cashier's check issued to "Atlantic County Treasurer".
- B. If approved as a towing operator for Atlantic County, Applicant agrees that all personnel and equipment used pursuant to the Atlantic County Towing and Storage Ordinance shall be and remain employees and property of the towing operator.
- C. Applicant shall at all times maintain direct supervision, management and control over its agents, personnel and equipment, and in no event shall such equipment and/or personnel be represented as belonging to or employed by the County of Atlantic.
- D. Applicant agrees they are operating under the Atlantic County Towing and Storage Ordinance as an independent contractor, and the Applicant is in no manner or form an agent or employee of the County of Atlantic.
- E. Applicant shall at no time sublet or assign approval as a towing operator, or any part thereof, for any purpose whatsoever.
- F. Applicant shall at all times comply with all of the terms and conditions in the Atlantic County Towing and Storage Ordinance (Atlantic County Ordinance No.12-2012), including but not limited to the fee schedule provided therein as may be amended from time to time.

[This document continues on next page with "Indemnification and Hold Harmless Requirements".]

**G. INDEMNIFICATION AND HOLD HARMLESS REQUIREMENTS.**

- a. **DAMAGE TO COUNTY PROPERTY.** Applicant shall indemnify and reimburse the County of Atlantic for any damage caused to any County-owned property arising out of the performance of any service or activities by the Applicant undertaken pursuant to the Atlantic County Towing and Storage Ordinance.
  
- b. **DAMAGE CAUSED BY OPERATOR'S SERVICES.** Applicant shall defend, indemnify and hold harmless the County of Atlantic from any and all claims or lawsuits against the County arising out of Applicant's performance of any service or activities undertaken pursuant to the Atlantic County Towing and Storage Ordinance. This includes but is not limited to defending, indemnifying and holding the County harmless in any and all claims arising from Approved Towing Operator's failure to create, provide, and maintain detailed records to support any and all charges and expenses for services.
  
- c. **WAIVER OF FEES FOR UNCLAIMED VEHICLES.** In the event that passenger automobiles, trucks and motor vehicles that are stored or towed by Applicant are abandoned or unclaimed by the owners thereof, Applicant agrees to make no claim whatsoever against the County, its agents, representatives and/or employees for any of the following:
  - (1) **Towing fees or charges;**
  - (2) **Storage fees or charges;**
  - (3) **Any other fees or charges whatsoever.**

***IMPORTANT:*** APPLICANT SIGNS BELOW INDICATING THEY REVIEWED AND UNDERSTAND THIS ENTIRE PAGE, AND APPLICANT HAD THE OPPORTUNITY TO INDEPENDENTLY SEEK LEGAL GUIDANCE REGARDING THIS PAGE AND THE REST OF THIS CONTRACT.

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

Print Name: \_\_\_\_\_

Print Title and Company Name: \_\_\_\_\_

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

H. **Insurance.** In performing services pursuant to the Atlantic County Towing and Storage Ordinance, Applicant shall at all times carry liability insurance in the following amounts:

1. Garage liability/comprehensive general liability insurance in an amount not less than \$1 million (\$1,000,000) combined single limit covering bodily injury and property damage liability, including but not limited to personal injury, products liability, independent contractor, and completed operations coverage;
2. Garage keepers legal liability insurance in an amount not less than \$100,000. For heavy duty towing and heavy duty recovery vehicles, \$1 million (\$1,000,000) combined single limit with endorsement MSC-90;
3. Automobile liability insurance in an amount not less than \$1 million (\$1,000,000) combined single limit coverage covering bodily injury and property damage liability, including but not limited to owned, non-owned and hired vehicles;
4. Workers' compensation insurance as required by law, including but not limited to statutory New Jersey Workers' Compensation benefits and employer's liability coverage;
5. All policies shall provide an endorsement for collision coverage for motor vehicle and cargo towed by towing service vehicles;
6. On all of the Applicant's applicable liability policies, County of Atlantic shall be added as an additional insured. Applicant shall provide the insurance policy number(s) and certificate(s) of insurance naming the County as an additional insured and indicating such coverage as primary coverage notwithstanding any insurance carried by the County;
7. Such certificate(s) of insurance shall provide that the insurance policy will not be canceled or materially changed without at least ten (10) days prior written notice addressed separately to the Atlantic County RISC Manager and Atlantic County Counsel at:

Atlantic County RISC Manager  
7<sup>th</sup> Floor  
1333 Atlantic Ave  
Atlantic City NJ 08401

Atlantic County Counsel  
8<sup>th</sup> Floor  
1333 Atlantic Ave  
Atlantic City NJ 08401



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

- I. **Business Information to Be Provided By Applicant.** Applicant shall provide the Sheriff's Office with information requested about the business, including the names and contact information for owners of the company with an interest in the company equal to or greater than 10 percent.

Applicant shall provide vehicle license plate numbers and identification numbers (VINs) for each and every vehicle that will be used to perform services pursuant to the Atlantic County Towing and Storage Ordinance.

Applicant shall also provide the Sheriff's Office with information specific to each and every driver who will be providing towing services for the applicant. This includes but is not limited to each driver's name, address, driver's license number, and social security number. This is information necessary only to be used for background-checks on drivers performing services pursuant to the Atlantic County Towing and Storage Ordinance.

- J. **Identification of Drivers and Vehicles.** Applicant's Drivers shall have their valid driver's license on them and available at all times while performing services pursuant to the Atlantic County Towing and Storage Ordinance. Drivers shall wear a shirt identifying their company name at all times while performing services pursuant to the Atlantic County Towing and Storage Ordinance.

All vehicles used to perform services pursuant to the Atlantic County Towing and Storage Ordinance shall be properly marked to identify the company name and phone number of the applicant's business.

- K. **Equal Opportunity and Anti-Discrimination.** Applicant shall comply with the provisions of **Exhibit A** attached hereto regarding equal opportunity and anti-discrimination.

- L. **Terms and Definitions.** The terms and words used in this document shall have their ordinary and plain meaning unless they are defined in the Atlantic County Towing and Storage Ordinance (Ordinance No. 12-2012). Any and all terms or words in the Ordinance or this document that are deemed to be ambiguous shall be resolved with an interpretation that best promotes the County's interest in limiting County liability and protecting the health, safety, and welfare of the public.

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

- M. **Information to Confirm Compliance with the Ordinance.** Applicant shall allow and provide reasonable access and information to the Sheriff's Office as may be needed upon initial approval, and from time to time, to confirm compliance with this agreement and the Atlantic County Towing and Storage Ordinance.
- N. **Acknowledgement of Understanding.** Applicant hereby acknowledges they have read and understand the Atlantic County Towing and Storage Ordinance, and they agree to comply with all of the provisions in this document and the Atlantic County Towing and Storage Ordinance as may be amended from time to time.

As a duly authorized representative of the applicant, I hereby certify I have read the Atlantic County Towing and Storage Ordinance, and I affix my signature to this document acknowledging full understanding of, and agreement with, the terms and conditions of this agreement and the obligations of being an applicant pursuant to the Atlantic County Towing and Storage Ordinance (Atlantic County Ordinance No. 2012-12).

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

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

Print Name: \_\_\_\_\_

Print Title and Company Name: \_\_\_\_\_

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

**EXHIBIT A**

(REVISED 4/10)

**MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE**

**N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127)**

**N.J.A.C. 17:27**

**GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS**

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor will send to each labor union, with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union of the contractor's commitments under this chapter and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, and labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry,

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

marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the targeted employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302 (electronically provided by the Division and distributed to the public agency through the Division's website at [www.state.nj.us/treasury/contract\\_compliance](http://www.state.nj.us/treasury/contract_compliance))

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

ATLANTIC COUNTY ORDINANCE NO. 12 - 2012

AN ORDINANCE REGULATING THE TOWING  
AND STORAGE OF MOTOR VEHICLES.

WHEREAS, pursuant to *NJSA 39:10A-1 et. seq.*; *NJSA 40:48-2.50*; and *Harvey v. Township of Deptford*, 402 N.J. Super. 156 (App. Div. 2008), there is a need for Atlantic County to provide for the authorization and regulation of towing motor vehicles and subsequent storage of said vehicles;

WHEREAS, the purpose of this ordinance is promote the health, safety and welfare of the public in a manner that also limits Atlantic County's liability to the greatest extent possible pursuant to law;

WHEREAS, this ordinance shall be known as the Atlantic County Towing and Storage Ordinance.

NOW, THEREFORE, pursuant to *NJSA 39:10A-1 et. seq.*; *NJSA 40:48-2.49*; *NJSA 40:48-2.50*; and *Harvey v. Township of Deptford*, 402 N.J. Super. 156 (App. Div. 2008), be it ordained by the Atlantic County Board of Chosen Freeholders as follows:

1. Definition of Terms. As used in this Ordinance, the following terms shall have the meanings indicated:

Abandoned vehicles or abandoned automobiles: Automobiles, trucks or any motor vehicle that is left unattended for a period of time which, under the circumstances, indicates that the owner has no intention of reclaiming or moving the automobile, truck or motor vehicle. This term also applies to automobiles, trucks or motor vehicles that are in violation of any other County Ordinances or any Statutes of the County of Atlantic and are located on County property or roadways.

Approved towing operator: A towing operator that has complied with all provisions of this Ordinance and whose name appears on the list of approved towing operators maintained by the Sheriff of Atlantic County.

Compound: An enclosed area suitable for the parking and storage of automobiles, trucks or other motor vehicles.

Dolly-wheel: A portable device with wheels that is used in combination with a tow truck to transport automobiles, trucks or motor vehicles.

Illegally parked: Any automobile, motor vehicle truck or bus that is parked in a fashion or in a place that is in violation of applicable local and/or state law.

Motor vehicle or automobile: All vehicles that are not exclusively propelled by muscular power, except vehicles that run exclusively on tracks. This term shall also include motorcycles and mopeds.

Omnibus: All motor vehicles used for the transportation of passengers for hire including those used for the transportation of school children.

Operator: Any person who is in actual physical control of an automobile, truck or motor vehicle.

Passenger automobile: Any automobile used and designed for the transportation of passengers. This term shall also include motorcycles and mopeds.

Private property: Real property owned by any person, partnership, firm or corporation and not owned by the County of Atlantic or any other governmental body.

Response fee: The monetary charge for the presence of a tow truck and operator where no towing service is conducted or supplied.

Sheriff: Means the Atlantic County Sheriff or an authorized designee of the Atlantic County Sheriff.

Towing operator: A person, firm, corporation or other business entity engaged in the business of transporting disabled, wrecked, or otherwise immobile motor vehicles, automobiles or trucks by means of tow trucks or other means.

Towing service, towing, or tow: The transportation of automobiles, trucks or motor vehicles that as a result of accident, collision, breakdown, abandonment or otherwise are unable to be moved under their own power. This includes the transportation of illegally parked, police-impounded or abandoned automobiles, trucks or motor vehicles.

Towing slip: A written document, on a form provided by the Sheriff of Atlantic County, which shall contain a description of the motor vehicle towed as well as the location from which it was towed. It shall also provide the location where said vehicle is stored and the name of the truck operator who towed the vehicle.

Tow truck: A motor vehicle specifically designed, constructed, used or maintained for the safe transportation of automobiles, trucks, or motor vehicles.

Truck: Every motor vehicle designed, used, or maintained primarily for the transportation of property. This includes delivery vans and pickup trucks.

Vehicle: Every device in, upon or by which a person or property is or may be transported upon a highway, except devices powered by human power or operated on stationary tracks. This definition of "vehicle" includes mopeds and motorcycles.

Winching service: Providing the use of the mechanical cable devices attached to a tow truck to move or transport any vehicle where the actual towing of the vehicle does not take place.

2. Services to be Provided by Towing Operators.

Towing operators approved pursuant to this ordinance agree to provide the following towing services to the County in the following manner:

- A. The towing of illegally parked or police-impounded passenger automobiles, trucks, or motor vehicles.
- B. The towing of abandoned passenger automobiles, trucks and motor vehicles on County property or County designated roadways.
- C. The towing of passenger automobiles, trucks and motor vehicles from accident scenes including cleaning and removing debris from the scene of the accident as well as any necessary waiting time.
- D. The towing of County owned vehicles within the limits of Atlantic County when Atlantic County Division of Fleet Management indicates they can not perform the service.
- E. The towing of County owned vehicles outside the limits of Atlantic County when the Atlantic County Division of Fleet Management indicates they can not perform the service.
- F. Providing winching services and dolly-wheel services at scenes of accidents and/or other places where passenger automobiles, trucks or motor vehicles become disabled.
- G. Providing a flatbed truck for vehicles that cannot be towed in an ordinary fashion.
- H. The towing and impounding of any passenger automobile, truck or motor vehicle at the direction of the Atlantic County Sheriff for police investigation purposes.
- I. Storage of any abandoned, wrecked or disabled passenger automobiles, trucks or motor vehicles that might be towed by the towing operator pursuant to this ordinance.

3. Duties of Towing Operator:

- A. An approved towing operator shall provide a compound, which must be located within the boundaries of Atlantic County and shall at all times be

in compliance with all New Jersey statutes and regulations as well as all ordinances promulgated by the County of Atlantic. The following provisions shall apply to said compound:

- (1) The compound shall be enclosed by a six-foot-high fence and be of sufficient size to accommodate at least fifteen (15) passenger automobiles at one time. At no time shall any motor vehicles towed by the approved towing operator be stored at any other location;
  - (2) The compound shall be staffed by the approved towing operator during normal business operations.
- B. An approved towing operator shall make available for service to the County of Atlantic at least two tow trucks having two way communications equipment on a 24 hour call basis.
- C. An approved towing operator shall provide tow trucks capable of handling the transporting of heavy passenger automobiles and equipped to provide appropriate towing service.
- D. An approved towing operator shall equip their tow trucks to provide the following:
- (1) Mechanic's tools to perform complete emergency work.
  - (2) Towing and safety equipment.
  - (3) Warning devices, such as lights, flares and flags, to warn other motor vehicle operators of the presence of a disabled or parked vehicle.
- E. The tow trucks provided by an approved towing operator shall be of such type and design to properly and safely perform all towing services and storage as set forth in Section 2 of this ordinance. Tow trucks shall comply at all times with applicable statutes and regulations of the State of New Jersey and this ordinance. Tow trucks shall be subject to inspection by the Sheriff of Atlantic County to ensure compliance with this ordinance.
- F. Operators of tow trucks shall be courteous and competent mechanics and shall present a clean and neat appearance. They shall abide by and respect all traffic laws and regulations of the State of New Jersey and ordinances of the County of Atlantic. They shall at all times possess valid New Jersey drivers' licenses. Said drivers' licenses shall be subject to inspection by the Sheriff of Atlantic County. No Operator shall have been convicted of any crime.



- G. Approved towing operators' rates and fees for towing service, storage service, or any other service, shall not be in excess of the maximum rates and fees set forth hereinafter and approved by the Atlantic County Board of Chosen Freeholders. Nothing in this ordinance shall limit the fees charged to persons to whom services are supplied outside the scope of Section 2 of this ordinance by any towing operator.
- H. It is the stated purpose of this ordinance to provide towing service within the County no later than 30 minutes from the time that the approved towing operator is notified by the Sheriff's Office. Tow trucks shall be made available pursuant to this ordinance.
- I. The approved towing operator shall see to it that the tow trucks shall be operated in such a fashion as shall produce safe and adequate service to the public. During adverse weather and heavy traffic conditions, the approved towing operator shall arrange to make additional towing trucks available to stand by as necessary to serve the County.
- J. Whenever an approved towing operator tows or otherwise transports any motor vehicle pursuant to the provisions of this ordinance, the operator shall immediately complete a tow slip and file the same with the Sheriff's Office.
- K. Approved towing operators shall issue written receipts for all fees collected for any and all storage charges or services rendered by the approved towing operator.
- L. The fees and charges established pursuant to this ordinance shall be conspicuously posted at the compound or any other business location of the approved towing operator.
- M. Whenever an approve towing operator conducts a tow of a motor vehicle without the consent of the owner or operator, the approved towing operator shall file a towing slip with the Sheriff's Office.

4. Responsibilities of Towing Operator.

- A. Approved towing operators and all of their personnel and equipment used under the terms of this ordinance shall be and remain employees and property of the approved towing operator.
- B. Approved towing operators shall at all times maintain direct supervision, management and control over its personnel and equipment, and in no event shall such equipment and/or personnel be represented by an approved towing operator as belonging to, employed by, or an agent of, the County of Atlantic.

- C. Approved towing operators shall operate under this ordinance as an independent contractor and in no manner or sense as an agent or employee of the County of Atlantic.
- D. Approved towing operators shall at no time sublet or assign approval as a towing operator, or any part thereof, for any purpose whatsoever.
- E. Approved towing operators shall agree to indemnify and reimburse the County of Atlantic for any damage caused to any County-owned property arising out of the performance of any services or activities under this ordinance.
- F. An approved towing operator shall agree to defend, indemnify and hold harmless the County of Atlantic from any and all claims or lawsuits against the County arising out of the services or activities the towing operator partakes in pursuant to this ordinance.
- G. Insurance. No towing operator shall perform services or activities under this ordinance unless it carries liability insurance in the following amounts:
  - (1) Garage liability/comprehensive general liability insurance in an amount not less than \$1 million (\$1,000,000) combined single limit covering bodily injury and property damage liability, including but not limited to personal injury, products liability, independent contractor, and completed operations coverage;
  - (2) Garage keepers legal liability insurance in an amount not less than \$100,000. For heavy duty towing and heavy duty recovery vehicles, \$1 million (\$1,000,000) combined single limit with endorsement MSC-90;
  - (3) Automobile liability insurance in an amount not less than \$1 million (\$1,000,000) combined single limit coverage covering bodily injury and property damage liability, including but not limited to owned, non-owned and hired vehicles;
  - (4) Workers' compensation insurance as required by law, including but not limited to statutory New Jersey Workers' Compensation benefits and employer's liability coverage;
  - (5) All policies shall provide an endorsement for collision coverage for motor vehicle and cargo towed by towing service vehicles;
  - (6) On all liability policies, County of Atlantic shall be added as an additional insured, and insurance policies and certificates naming the

County as an additional insured shall indicate such coverage as primary coverage notwithstanding any insurance carried by the County;

(7) Such certificate of insurance shall provide that the insurance policy shall not be canceled or materially changed without ten days prior written notice separately addressed to:

Atlantic County RISC Manager  
7<sup>th</sup> Floor of the County Office Building  
1333 Atlantic Ave  
Atlantic City NJ 08401

AND

County Counsel  
8<sup>th</sup> Floor of the County Office Building  
1333 Atlantic Ave  
Atlantic City NJ 08401

- H. Vehicles towed pursuant to this ordinance shall only be stored at compounds located in Atlantic County. Towing compounds shall be maintained by the approved towing operator in a clean and orderly fashion. Reasonable measures shall be taken by the approved towing operator at all times to prevent vandalism, theft or damage to any passenger automobiles, trucks or motor vehicles stored at said compound.
- I. If a compound is to be located within 1,000 feet of the nearest edge of the right-of-way of any interstate highway or primary highway, it shall at all times comply with the provisions of *N.J.S.A. 27:5E-1 et seq.* (the Junkyard Control Act) and any New Jersey Administrative Code regulations enacted pursuant to said statute.
- J. An approved towing operator shall, on the first day of each month, provide in writing to the Atlantic County Sheriff that month's list of all passenger automobiles, trucks and motor vehicles in the possession of the approved towing operator during the preceding month. The list shall state the make and model of the passenger automobile, truck and motor vehicle; the year of same; the registration number of same; and a detailed list of all charges and expenses relating to said passenger automobile, truck or motor vehicle; and the date the vehicle was towed. In the event that the approved towing operator does not provide or supply such information in a timely fashion, the approved towing operator shall indemnify and hold the County harmless from any and all claims arising from the approved towing operator's failure to do so.

- K. In the event that passenger automobiles, trucks and motor vehicles that are stored or towed by the approved towing operator are abandoned or unclaimed by the owners thereof, the approved towing operator shall make no claim whatsoever against the County, its agents, representatives and/or employees for any of the following:
  - (1) Towing fees or charges;
  - (2) Storage fees or charges;
  - (3) Any other fees or charges whatsoever.

5. Approval of Towing Operator.

- A. All towing operators shall be approved by Atlantic County based upon compliance with this ordinance; documentation required to be submitted to Atlantic County Division of Purchasing Office; and the completion of an investigation to be furnished by the Atlantic County Sheriff's Office.
- B. The Atlantic County Division of Purchasing shall take an application for the licensing of a towing operator from any towing operator who asserts that it can comply with the terms of this ordinance.
- C. An initial application fee shall be paid upon the submission of the signed application to the Atlantic County Division of Purchasing. Each approved towing operator shall be charged an annual renewal fee thereafter.
- D. The application form shall be provided by the Atlantic County Division of Purchasing. It shall include the name, business address and telephone number of the towing operator, the location of the towing compound, the name of its insurance company, the insurance policy number and any other information that is deemed relevant and appropriate.
- E. The towing operator's authorized representative must date and sign the application and certify that he/she has read this ordinance and agrees to abide by all of the terms, conditions, and specifications of the same.
- F. Upon completion of the application form, copies shall be furnished to the Atlantic County Sheriff who upon receipt of the application shall conduct an investigation of the towing operator and its operation.
- G. The investigation by the Atlantic County Sheriff shall consist of an inspection of the proposed compound and an inspection of tow trucks. The Sheriff shall make such other relevant inquiries as he deems appropriate to determine if the towing operator meets the requirements of this ordinance. The Sheriff or his designee shall have 14 days to complete said

investigation upon receipt of the application. If the Atlantic County Sheriff, after due investigation, deems the towing operator to be in compliance with all of the provisions of this ordinance the Sheriff shall file a report in writing so indicating at which point the towing operator's name shall be added to the list of approved towing operators. If the Atlantic County Sheriff deems the towing operator not in compliance with any provision of this ordinance he shall so report in writing his recommendation for rejection of the application to the Atlantic County Division of Purchasing, a copy of which shall be supplied to the applicant and the County Administrator.

- H. Any towing operator who is aggrieved by a rejected application shall, upon providing written notice, be entitled to be heard by the Atlantic County Division of Purchasing.

6. Rotation of Operators List.

- A. The Sheriff shall maintain a list of all approved towing operators.
- B. There shall be a separate list for all four (4) zones of Atlantic County as provided in the attached map of "Tow Zones". The list for each zone shall consist of eligible tow operators who can respond to the applicable zone within 30 minutes of receiving a call from the Sheriff's Office requesting service.
- C. In the event that more than one towing operator shall become an approved towing operator for a zone, the towing services needed by the County shall be rotated among approved towing operators on an equal basis.
- D. The approved towing operator for any one time period and zone shall be selected pursuant to the rotating list maintained by the Sheriff.
- E. If the Sheriff determines at any time that an approved towing operator is unable to fulfill the requirements under this ordinance, or in times of emergency, the Sheriff's Office may call upon other towing operators to provide services to Atlantic County upon providing notice to the Atlantic County Division of Purchasing and any tow operator affected by the decision. Such determinations by the Sheriff shall be based upon promoting the interest of the public's health, safety and welfare.
- F. The Atlantic County Sheriff shall be responsible for enforcing the provisions of this ordinance in conjunction with the Atlantic County Division of Purchasing.
- G. If the Sheriff finds, at any time, that an approved towing operator is not in compliance with any of the provisions of this ordinance, the Sheriff shall advise the Atlantic County Division of Purchasing of such violations, at which point the

offending approved towing operator shall be removed from the list of approved towing operators by the Atlantic County Division of Purchasing.

- H. In the event of a suspension or removal from the list of approved towing operators, no further towing services as described in this ordinance shall be performed by the towing operator until the Sheriff deems the towing operator to be in compliance with all provisions of this ordinance.
- I. Any towing operator who is aggrieved by a suspension or removal from the authorized list shall, upon providing a written request, be entitled to be heard by the Atlantic County Division of Purchasing.

7. Fees and Rates.

The Atlantic County Board of Freeholders, by ordinance, shall enact standardized fees and rates for an approved towing operator as follows:

- A. Tow operator's initial application fee and annual renewal application fee: \$100.00
- B. Fees for towing of illegally parked or police-impounded passenger automobiles including storage for the first 24 hours:
  - a. \$100.00 for vehicles weighing less than 9,000 lbs.;
  - b. \$175.00 for vehicles weighing 9,000 lbs. or more and less than 26,000 lbs.;  
and
  - c. \$225.00 for vehicles weighing 26,000 lbs. or more.
- C. Fees for towing of passenger automobiles from accident scenes, including cleaning and removal of area debris, waiting time, and storage for the first 24 hours:
  - a. \$135.00 for vehicles weighing less than 9,000 lbs.;
  - b. \$210.00 for vehicles weighing 9,000 lbs. or more and less than 26,000 lbs.;  
and
  - c. \$260.00 for vehicles weighing 26,000 lbs. or more.
- D. Fee for each additional 24 hours of storage: \$25.00 per day.
- E. No charge for the towing of any County vehicles within Atlantic County.
- F. Fees for towing of all County-owned vehicles outside the limits of Atlantic County:
  - a. \$50.00 per hook-up and \$5.50 per mile  
Note: Only for when Atlantic County Division of Fleet Management cannot do the job and requests the need for outside services.
- G. Fee for providing winching service: \$75.00 per half-hour.

- H. Additional charges for providing dolly-wheels: \$50.00 flat fee.
- I. Additional charges for providing flat bedding of vehicles that cannot otherwise be towed in a normal fashion: \$50.00 flat fee
- J. No charge for towing of any passenger automobiles, trucks or motor vehicles or impounding of any such passenger automobiles, trucks or motor vehicles for investigation purposes at the direction of the Atlantic County Sheriff or the Atlantic County Prosecutor.
- K. Response/Cancellation fee (no tow): \$50.00

Note: tow operator maintains position on notification list in the event of cancellation.

- L. Approved Tow Operators shall not deviate from the fees and rates provided in this ordinance, and any subsequent revisions that may be adopted by the County of Atlantic.

8. County Department Requests for Towing.

All requests for tow services by County departments and agencies shall be made to and performed by the Atlantic County Division of Fleet Management. This includes but is not limited to the Atlantic County Prosecutor's requests for tow services in connection with a criminal investigation.

9. Promotion of Limited County Liability and the Health, Safety, and Welfare of the Public.

Any and all terms or words in this ordinance that are deemed to be ambiguous by a court of competent jurisdiction shall be resolved with an interpretation that best promotes the County's interest in limiting County liability and protecting the health, safety, and welfare of the public.

10. Violations and Penalties.

Any person who violates any provision of this ordinance shall, upon conviction thereof, be subject to a fine not exceeding \$1,000 or a term of imprisonment not exceeding 90 days or a period of community service not exceeding 90 days, or any combination of the foregoing. All other ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.


11. Severability.

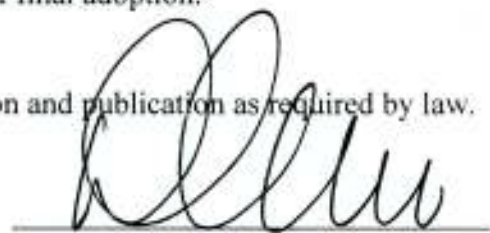
In the event that any portion of this ordinance is found to be invalid for any reason by any court of competent jurisdiction, the remaining portions of the ordinance shall be deemed severable therefrom and fully enforceable.

12. This ordinance shall take effect upon final passage and publication in accordance with law.

13. A certified copy of this ordinance, the applicable fees and rates, and any subsequent revisions thereto shall be submitted to the New Jersey Division of Consumer Affairs for review within ninety (90) days of final adoption.

This ordinance shall become effective upon adoption and publication as required by law.

  
\_\_\_\_\_  
**SONYA G. HARRIS**, Clerk  
Board of Chosen Freeholders

  
\_\_\_\_\_  
**DENNIS LEVINSON**  
County Executive

Date: 7/20, 2012

Date: July 19, 2012

  
\_\_\_\_\_  
**FRANK D. FORMICA**, Chairman  
Board of Chosen Freeholders

Approved as to form:  
  
\_\_\_\_\_  
**JAMES F. FERGUSON**  
County Counsel

Date: 7/17, 2012

Date: 6/27/2012, 2012



**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed on first reading at the meeting of the Board of Chosen Freeholders of the County of Atlantic held on July 3, 2012 at 201 Shore Road, Northfield, New Jersey at 4:00 p.m., and said Ordinance will be further considered for passage and adoption at the public meeting of the Board of Chosen Freeholders to be held in the County Office Building, 1333 Atlantic Avenue, Atlantic City, New Jersey on July 17, 2012 at 4:00 p.m.

**TOW ZONES**

**Zone 1**

**Zone 2**

**Zone 3**

**Zone 4**

Brigantine

Absecon

Galloway Twp

Hamilton Twp

Atlantic City

Pleasantville

Egg Harbor City

Folsom

Ventnor

Northfield

Mullica

Buena Vista

Margate

Linwood

Hammonton

Buena Boro

Longport

Somers Point

Port Republic

Weymouth Twp

Egg Harbor

Estell Manor

Corbin City

