

Chapter 468

TOWING

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[**HISTORY: Adopted by the Mayor and Township Council of the Township of Toms River 9-4-2012 by Ord. No. 4373-12.¹ Amendments noted where applicable.**]

GENERAL REFERENCES

Junkyards and salvage yards — See Ch. 344.

Inoperative vehicles — See Ch. 481.

Vehicles and traffic — See Ch. 477.

Sale or storage of vehicles on vacant land — See Ch. 485.

§ 468-1. Definitions.

As used in this chapter, these terms shall be defined as follows:

BASIC TOWING SERVICE — The removal and transportation of a vehicle from a highway, street or other public or private road or a parking area or from a storage facility, and other services normally related thereto, but does not include the recovery of an automobile from a position beyond the right-of-way or berm or from being impaled upon any other object within the right-of-way or berm.

CRUISING — The operation of an unengaged wrecker along the public streets in any fashion intended likely or calculated to solicit business.

OFF-ROAD RECOVERY — The removal of a vehicle from a position beyond the right-of-way or berm of any roadway, but does not include any area where the recovered vehicle, if operable, could be driven from without the assistance of special equipment or others.

OWNER — Person, firm or corporation who owns and/or operates a vehicle on the roads and highways within the Township of Toms River, which vehicle by reason of being disabled or being unlawfully upon said roads requires towing services.

1. Editor's Note: This ordinance also repealed former Ch. 468, Towing, adopted 12-9-2008 by Ord. No. 4168-08.

PAYMENT OF TOWING FEES — The owner of a towed vehicle shall be allowed to pay the tower for services rendered by means of cash payment, certified check, money order or any other form of payment agreed to by both parties.

STORAGE CHARGES FOR TWENTY-FOUR-HOUR PERIOD — The maximum allowable amount to be charged by a storage facility for a twenty-four-hour period or fraction thereof in accordance with state statutes. A new twenty-four-hour period begins at 12:01 a.m.

TOWING OPERATOR — A person, firm or corporation engaged in the business of providing wrecker services and storage services for vehicles towed, which services are made available to the general public upon such rates, charges and fees as determined by said person, firm or corporation and who is licensed under the provisions of this chapter.

WRECKER — A vehicle driven by mechanical power and employed for the purpose of towing, transporting, conveying or removing any and all kinds of vehicles, or parts of vehicles, which are unable to be operated under their own power, for which a service charge or fee is exacted.

§ 468-2. License requirement; prohibition on transfer.

- A. No towing operator shall operate within the Township of Toms River without being officially licensed in accordance with this chapter. Specifically exempted from this licensing requirement are:
- (1) The towing, transporting, conveying, or removing of vehicles from private property within the Township; and
 - (2) Towing operators directly and privately engaged or designated by the owner of a vehicle to be towed, transported, conveyed, or removed.
- B. Licenses issued pursuant to this chapter are not transferable for any reason.

§ 468-3. Maximum number of licenses; term.

- A. A maximum of five towing licenses may be issued pursuant to this chapter.
- B. Each license shall run for term of three years, commencing on July 1 and terminating on June 30 of the third year.
- C. Upon expiration or revocation thereof, the license shall be null and void.
- D. No towing operator, including any parent company, subsidiary, alter-ego or affiliated entity, may apply for or receive more than one towing license. **[Added 5-8-2018 by Ord. No. 4585-18]**

§ 468-4. Licensing standards.

To be eligible for a license, towers must meet or exceed the following standards:

- A. Equipment. No license shall be issued to a towing operator that does not possess and use the following equipment, which shall be periodically inspected by the Chief of Police or the Chief's designee prior to issuance:
- (1) Heavy-duty fleet requirements. Towers must have operational and in service a minimum of two trucks having a combined boom capacity of 50 tons, with neither

having a boom capacity of less than 16 tons, which meet the following criteria:

- (a) Thirty-three thousand pounds GVWR minimum commercially manufactured hydraulic wrecker and chassis, with under-reach capabilities.
 - (b) Compliance with state and federal DOT requirements governing commercial motor vehicles.
 - (c) Air brakes.
 - (d) Air transfer system to control brakes of towed vehicles.
 - (e) Vehicle manufacturer serial plate legible and visible for inspection on undercarriage and chassis boom or certified by manufacturer's rating paperwork.
 - (f) Two safety chains: two inches by 10 feet, with a minimum of Grade 8 alloy.
 - (g) Two tow chains: 5/8 inch by 10 feet, with a minimum of Grade 8 alloy.
 - (h) Axle lift safety straps or equivalent retention device.
 - (i) Amber emergency lights with proper amber light permit from State of New Jersey.
 - (j) Two flood- or work lights to the rear of the wrecker.
 - (k) Two light bar or magnetic tow lights.
 - (l) Two-way radio or cellular phone.
 - (m) Assortment of wood blocks and boards.
 - (n) Assortment of tools.
 - (o) Flashlight.
 - (p) T-bolts/maxi release pins.
 - (q) Angle iron.
 - (r) First-aid kit.
 - (s) Fire extinguisher.
 - (t) Broom and shovel.
 - (u) Road flares, triangles, or road cones.
 - (v) Two twelve-ton snatch blocks per winch.
 - (w) An ample supply of industry-approved absorbent material. **[Added 5-8-2018 by Ord. No. 4585-18]**
- (2) Light-duty fleet requirements. In addition to the required heavy-duty capacity, towers must have operational and in service a minimum of three trucks, consisting of two flatbeds and a light-duty wrecker, which must meet or exceed the following requirements:

(a) Light-duty wrecker:

- [1] Ten thousand pounds GVWR minimum commercially manufactured wrecker and chassis.
- [2] Dual rear wheels.
- [3] Three thousand pounds minimum wheel lift capacity.
- [4] Eight thousand pounds minimum winch capacity.
- [5] Eight thousand pounds minimum hydraulic boom capacity.
- [6] Vehicle manufacturer serial plate legible and visible for inspection on undercarriage and chassis boom or certified by manufacturer's rating paperwork.
- [7] Three-eighths-inch-by-one-hundred-foot cable or OEM specifications.
- [8] Two safety chains 3/8 inch by 10 feet, with a minimum of Grade 8 alloy.
- [9] Two tow chains 3/8 inch by 10 feet, with a minimum of Grade 8 alloy with J&T hooks and grab hooks.
- [10] Wheel lift safety straps or equivalent wheel retention device.
- [11] One four-ton snatch block per winch.
- [12] Trailer ball hitch attachment.
- [13] Motorcycle towing equipment.
- [14] Amber emergency lights, with proper amber light permit from the State of New Jersey.
- [15] Two flood- or work lights at rear of wrecker.
- [16] Two-way radio or cellular phone.
- [17] Assortment of tools.
- [18] Jumper cables.
- [19] Flashlight, fire extinguisher, and first-aid kit.
- [20] Gas can.
- [21] Lug wrench and jack.
- [22] Broom and shovel.
- [23] Road flares, triangles, or road cones.
- [24] An ample supply of industry-approved absorbent material. **[Added 5-8-2018 by Ord. No. 4585-18]**

(b) Flatbeds:

- [1] Fourteen thousand five hundred pounds GVWR minimum commercially manufactured flatbed and chassis.
 - [2] Vehicle manufacturer serial plate must be legible and visible for inspection on under-reach and chassis or certified by manufacture's rating paperwork.
 - [3] Seventeen feet or longer hydraulically operated slide back or tilt bed.
 - [4] Three-eighths-inch-by-fifty-foot cable or OEM specifications.
 - [5] Four tie-down devices, either chains at 3/8 inch by 10 feet, with a minimum Grade 7 alloy, or synthetic web straps or equivalent strength.
 - [6] One bridle chain high test with J&T hooks and grab hooks.
 - [7] One four-ton snatch block.
 - [8] Assortment of wood blocks and boards.
 - [9] An ample supply of industry-approved absorbent material. **[Added 5-8-2018 by Ord. No. 4585-18]**
- B. Storage facilities. Storage shall be provided for all vehicles until claimed by the vehicle owner or until legally disposed of. The towing operator shall provide land area sufficient to store a minimum of 20 vehicles. Each storage area must be enclosed by a security fence. Additionally, the towing operator must also provide inside garage area space for at least one vehicle.
- C. Required vehicle operating licenses.
- (1) Drivers must have valid New Jersey drivers' licenses with the proper commercial endorsements to operate the vehicles and equipment required hereunder.
 - (2) (Reserved)²
 - (3) Each heavy-duty driver must obtain a certification from a nationally recognized organization as determined by the Chief of Police and the Garden State Towing Association. New hires must obtain certification within nine months of employment. Additionally, each driver must possess a commercial driver's license (CDL) and must also comply with 49 CFR 391.51.
 - (4) All drivers must maintain their certifications and have satisfactorily completed training course within the preceding five years.
 - (5) The Police Department will recognize certifications from either of the following nationally recognized organizations in the respective classification levels:
 - (a) Towing and Recovery Association of America:
 - [1] Light-duty certification: Level 1.
 - [2] Medium- and heavy-duty certification: Level 2.

2. Editor's Note: Former Subsection C(2), which required light-duty drivers to obtain certification from a nationally recognized organization, was repealed 5-8-2018 by Ord. No. 4585-18.

(b) WreckMaster:

- [1] Light-duty certification: Level 2/3.
- [2] Heavy-duty certification: Level 4/5.

D. Insurances. Towers must present a certificate of liability insurance from a company licensed to provide insurance in the State of New Jersey certifying the following coverage, which shall be maintained throughout the license term:

- (1) Combined, single-limit workers' compensation and garage liability insurance of not less than \$1,000,000.
- (2) Garage keeper's liability policy of not less than \$300,000 for any one claimant and not less than \$1,000,000 for more than one claimant with \$100,000 coverage for property damage for any one event, and providing coverage for fire, theft, and explosion.
- (3) All public liability insurance, including garage liability and garage keepers' legal liability coverage, shall name the Township of Toms River, and its officers, agents, and employees, as additional insureds, and shall hold them harmless and indemnify them from any and all claims filed against the Township arising out of any act or failure to act on behalf of the tower and shall contain an endorsement providing 30 days' notice to the Township in the event of any material changes of the policy or cancellation thereof.

E. Personnel.

- (1) Towing operators must have a minimum of four drivers certified to operate heavy-duty trucks. At least two certified heavy-duty truck operators must be on duty at all times. **[Amended 5-8-2018 by Ord. No. 4585-18]**
- (2) Towing operators and employees shall be fully trained and knowledgeable in the operation of all required equipment, possess in good standing all of the licenses and certifications required pursuant to § 468-4C, must be competent to provide minimum road services for disabled vehicles, present a neat appearance at all times, obey all traffic safety laws, and shall not have been convicted of an indictable criminal offense or any offense involving stolen or embezzled vehicles, fraud relating to the towing business, stolen property, or any offense of a similar nature, within the past seven years.

F. Land use. A facilities and sites located within the geographic boundaries of Toms River Township used for towing operations and storage must comply with all applicable zoning regulations, land use approvals, construction permits, and property maintenance and safety codes. **[Amended 5-8-2018 by Ord. No. 4585-18]**

- (1) (Reserved)
- (2) Applicants must have obtained all requisite approvals and be in compliance at the time of application.
- (3) Licensees must remain in continuous compliance with all approvals and conditions of approvals throughout the license term.

- (4) Failure to obtain and comply with all requisite approvals and conditions thereof, or to rectify any violations as required by the appropriate enforcement authority, shall result in suspension or revocation of the license as provided herein.
- G. Location. To the extent possible, towing operators shall be located in a geographic area that enables a response time of 15 minutes under normal circumstances.
- H. Availability. All towing operators must be available for service on a twenty-four-hour, seven-day-per-week basis without exception.

§ 468-5. License fees.

- A. To apply for and obtain a towing license, the following fees apply:
 - (1) Application fee: \$500.
 - (2) License fee: \$3,000.
 - (3) The application fee must be remitted at the time the application is submitted. The license fee must be remitted within 30 days of date of the resolution awarding the license.
- B. Fees paid pursuant to this section are not refundable for any reason.

§ 468-6. Application procedures.

- A. Required information. Applications for towing licenses must provide the following information:
 - (1) Name, residence, business address, and telephone number of the owner of the towing company. If the owner is a corporation, limited-liability company, partnership, or other business entity, the application must contain the name, residence, business address, and telephone number of every stockholder owning more than 10% of the issued stock or member owning more than 10% of the membership interest.
 - (2) Current registrations and proof of insurance for each vehicle in the applicant's fleet.
 - (3) Verification of three years' towing-for-hire experience, either as an owner or principal, which shall be confirmed by the Police Department.
 - (4) For each employee, full name and home address.
 - (5) Copies of all motor vehicle and operator's licenses required pursuant to § 468-4C and proof that license holders have satisfactorily completed training courses in the past five years.
 - (6) Detailed statement evidencing that the applicant meets or exceeds the equipment standards set forth in § 468-4A.
 - (7) A certificate or certificates of insurance evidencing adequate insurance coverage as required pursuant to § 468-4D.
 - (8) For both applicant and each employee, full fingerprinting and criminal background check in accordance with the procedures established by the Police Department.

- (9) For each driver, copies of individual New Jersey Motor Vehicle Commission drivers' abstracts.
 - (10) Names and addresses of at least two business references that have known the applicant for at least two years and can attest to the applicant's experience and performance in the towing, wrecking, and storage business.
 - (11) Proof from the Zoning Officer or other appropriate official in the municipality where any facilities and sites used for towing operations and storage are located that those facilities and sites are in compliance with all applicable zoning regulations, land use approvals, and property maintenance codes.
- B. Application deadline. Applications shall be submitted to the Township Clerk no later than April 1 of the licensing year. Late applications will not be considered. On or before February 1 of the licensing year, the Township Clerk shall provide public notice of the application period.
- C. Police Department review. Upon submission, applications shall be forwarded to the Chief of Police for review. Review by the Chief of Police or the Chief's designee shall involve the following:
- (1) Background check to determine if either the applicant or the applicant's personnel have been convicted of any indictable offense or any offense involving stolen or embezzled vehicles, fraud relating to the towing business, stolen property, or any offense of similar nature, and maintain all required licenses in good standing.
 - (2) Inspection of personnel, vehicles, equipment, and storage areas to determine the accuracy of information set forth in the application and compliance with the licensing and eligibility standards set forth in § 468-4 and all applicable laws, regulations, and performance standards.

§ 468-7. License approval; grounds for rejection.

- A. Following review, the Chief of Police or the Chief's designee shall issue a written report to the Township Council detailing the results of the required background investigation and inspection and recommending approval or rejection of the applicant based on the criteria set forth in this chapter.
- B. Upon consideration of the report issued by the Chief of Police or the Chief's designee, the Township Council shall award licenses to qualified applicants by resolution.
- C. Applications for towing licenses may be rejected on any or all of the following grounds:
- (1) The applicant's or its employees' criminal convictions for any indictable offense or any offense involving stolen or embezzled vehicles, fraud relating to the towing business, stolen property, or any offense of a similar nature, within the past seven years.
 - (2) Failure to meet or exceed any of the eligibility criteria set forth in § 468-4.
 - (3) Repeated or egregious violations of the requirements of this chapter during previous service as a licensed tower for the Township of Toms River.

- (4) Repeated complaints from the general public, substantiated and documented by the Police Department, of inadequate or unsatisfactory service or improper or illegal practices during previous service as a licensed tower for the Township of Toms River.
 - (5) Fraudulent or illegal activity of any kind.
- D. Rejected applicants may appeal in accordance with the procedures set forth in § 468-13.

§ 468-8. Towing rotation.

In order to assure provision of safe and efficient towing service, tow licenses pursuant to this chapter shall be issued upon the following basis:

- A. A towing rotation shall be established on a per-incident basis throughout the Township. This rotation will be calculated and monitored by the Police Department's CAD system.
- B. The number of vendors in the rotation will be determined by the number of licenses, not to exceed five, issued pursuant to this chapter.

§ 468-9. Duties and responsibilities of licensed towers; rules and regulations; standards of conduct.

All towers licensed pursuant to this chapter shall operate in accordance with the following rules, regulations, and standards of conduct throughout the license term:

- A. Towing operators and employees shall be fully trained and knowledgeable in the operation of all required equipment.
- B. Towing operators shall remain in compliance with the eligibility requirements set forth in § 468-4.
- C. Towing operators must provide service on a twenty-four-hour, seven-day-per-week basis without exception.
- D. Towing operators shall immediately notify the Chief of Police or the Chief's designee of the hiring or termination of any employee.
- E. Towing operators shall immediately notify the Chief of Police or the Chief's designee of any employee convicted of a criminal offense or whose drivers' license is suspended.
- F. All facilities and sites used for towing operations and storage, wherever located, shall be in continuous compliance with all applicable municipal zoning regulations, land use approvals, construction permits, and property maintenance codes.
- G. No towing operator shall engage in cruising as defined in this chapter.
- H. No towing operator shall solicit or attempt to divert patrons of another towing operator whether or not licensed under this section. Also, no towing operator shall solicit or divert prospective patrons of a given repair service to any other repair service.
- I. Each licensed towing operator at all times shall maintain and carry the necessary equipment to remove disabled or locked vehicles or equipment necessary to operate or open vehicles to enable public safety personnel to remove entrapped passengers.

- J. Each towing operator, prior to departure from the scene of towing services, shall clean and clear the streets of any customary debris resulting from any accident at such scene and shall at all times carry the necessary equipment to perform such cleaning services. At no time shall the tower remove any hazardous material from the roadway such as oil, antifreeze or fuel. The tower will, however, cover such material with an industry-approved absorbent material.
- K. No towing operator, licensed under this chapter or otherwise, shall respond to the scene of an accident except upon the request of the driver or owner of the vehicles involved or except upon notification by the channel of communication established by the Police Department to notify licensed towing operators of the necessity of their presence. The officer investigating accidents which require towing service shall get authorization, in writing, on forms provided by the Police Department, from the driver or owner of cars when an unlicensed towing service is to be engaged.
- L. Refusal to tow at the scene of the towing and the type of car refused shall be reported, by the police officer assigned to the incident, to his superior. The report of refusal shall be furnished to the Chief of Police and the Township Clerk as soon as practicable.
- M. Towing operators shall arrive at the scene to which dispatched within a reasonable time after being dispatched. Under normal circumstances, such reasonable time limit is defined as within 15 minutes.
- N. When any unusual situation occurs which may be dangerous to the safety of the public, such as dangerous cargo, solvents, fluids, natural gas, etc., the most qualified towing operator will be selected by the Toms River Township Police Department.
- O. Where no designation has been made, licensed towing operators are authorized to remove the vehicle to the towing operator's place of business.
- P. Where vehicles are towed to premises controlled by the Police Department for the purpose of utilizing the vehicle or its contents as evidence or for other purposes, such vehicle shall not be released from police custody unless the owner of the vehicle furnishes the Police Department with a receipt that towing service fees have been paid.
- Q. In all cases where cars are to be towed for illegal parking, summonses for such offenses shall be issued prior to towing.
- R. In the event that any applicant for a license in the barrier island section of the Township is unable to meet the standards for licensing set forth herein, said standards may be relaxed by the licensing authority in order to ensure that service for the area to be served by said license is provided.
- S. No towing operator operating under the license issued hereunder shall employ, directly or indirectly, any personnel or employees of the Township of Toms River.
- T. Towing operators shall provide the Police Department with the following information on abandoned and unclaimed vehicles, which are either junk vehicles unclaimed over 15 business days or resalable vehicles unclaimed over 20 business days:
 - (1) The year, make, color and vehicle identification number.
 - (2) The owner's name and address, if known.

- (3) A copy of the certified letter advising the owner of the vehicle's whereabouts.
 - (4) A photograph of the vehicle.
 - (5) Vehicle mileage and Toms River Township Police Department case number.
- U. All towers shall obtain a photo identification card from the Police Department for each of their employees who are involved with the towing of motor vehicles pursuant to this chapter.
 - V. A list of all fees charged to the general public shall be posted in a conspicuous place on the towing company's garage, and no other fees shall be charged.
 - W. Release of stored motor vehicles to the general public shall be provided by the tower on a seven-day-a-week basis.
 - X. Such additional rules and regulations as may be promulgated by the Township Council pursuant to ordinance shall take effect after notification of such rules and regulations upon all the holders of licenses for towing operators. Service shall be made by forwarding these rules and regulations by certified mail, return receipt requested, to the licensee at the address listed in his or her most recent application.
 - Y. Each licensed towing operator or agent or employee thereof must wear high-visibility clothing whenever performing work for the licensed tower within the Township. **[Added 5-8-2018 by Ord. No. 4585-18]**
 - Z. Towers shall provide for release of stored motor vehicles during regular business hours, defined as 8:00 a.m. to 4:00 p.m. Monday through Friday, and from 8:00 a.m. to 12:00 noon on Saturday. Releases after hours and on Sunday are subject to additional charges provided under § 468-10F(7). Towers must provide after-hours and Sunday releases unless doing so presents an unreasonable safety or security risk, the basis of which must be communicated to the vehicle owner. **[Added 5-8-2018 by Ord. No. 4585-18]**

§ 468-10. Towing rates.

- A. Class I vehicles (GVWR 8,600 lbs. or under):
 - (1) Tow:
 - (a) From scene to shop or locations within tow zone of call: \$150. **[Amended 5-8-2018 by Ord. No. 4585-18]**
 - (b) Motorcycle, street bike: \$150.
 - (c) Rollover recovery fee: \$225 per half hour. **[Added 5-8-2018 by Ord. No. 4585-18]**
 - (2) Storage:
 - (a) First calendar day: free storage. Daily rates apply on the next calendar day after tow.
 - (b) Outside: \$35/day.
 - (c) Inside by written request of the Police Department or vehicle owner only: \$45/

day.

- B. Class II vehicles (GVWR 8,601 lbs. to 15,000 lbs.):
- (1) Tow, from scene to shop or locations within tow zone of call: \$200.
 - (2) Storage:
 - (a) First calendar day: free storage. Daily rates apply on the next calendar day after tow.
 - (b) Outside: \$45/day.
 - (c) Inside by written request of the Police Department or vehicle owner only: \$55/day.
- C. Class III vehicles (GVWR 15,000 lbs. or greater):
- (1) Tow, from scene to shop or locations within tow zone of call: \$350.
 - (2) Storage:
 - (a) First calendar day: free storage. Daily rates apply on the next calendar day after tow.
 - (b) Daily per piece: \$75/day.
- D. Off-road recovery/winching/lifting, as defined in this chapter:
- (1) Class I: \$150/hour.
 - (2) Class II: \$175/hour.
 - (3) Class III: \$350/hour minimum.
- E. Dolly use/air line disconnect/release linkage, brakes (per axle): \$25/each.
- F. Miscellaneous: **[Amended 5-8-2018 by Ord. No. 4585-18]**
- (1) Mileage fee for towing to locations outside of tow zone: \$5/mile, one-way only.
 - (2) Administrative fee: Immediately upon entry into storage, all vehicles incur a one-time administrative flat fee of: \$25.
 - (3) Mandatory debris cleanup pursuant to N.J.S.A. 39:4-56.8:
 - (a) Crash only, flat fee: \$25.
 - (b) Window wrap fee: \$25 per window.
 - (4) Service truck fee: For Class 1 vehicles, \$75 plus costs of parts and fuel.
 - (5) Standby/wait fee:
 - (a) First 15 minutes: \$0.
 - (b) After 15 minutes: \$50 per half hour.

- (6) Yard fee for retrieval of items from stored vehicle: \$25 per half hour.
- (7) After-hours releases of stored vehicles: \$50 per hour.
- (8) No storage or administrative fees apply to recovered stolen vehicles.
- (9) Towers shall not charge any fees not provided in this section unless previously authorized in writing by the owner of the vehicle being towed. Towing rates must be posted in a conspicuous place at each tower's business so that they are visible to the general public.

§ 468-11. Oversight and enforcement.

- A. The Police Department generally, and the Chief of Police particularly, are hereby designated as the supervising authorities to enforce the provisions of this chapter.
- B. The Police Department may periodically inspect each licensed towing operator to ensure compliance with the requirements of this chapter.
- C. Upon receiving notice thereof, the Police Department shall conduct a background check of licensed towing operators' newly hired employees.
- D. The Police Department shall maintain a log of calls to licensed towing operators under this chapter, which shall be available for inspection by any licensed tow operator upon reasonable notice.
- E. The Department shall maintain a log of all complaints from the general public pertaining to towing operators licensed pursuant to this chapter, which shall be available for inspection by any licensed tow operator upon reasonable notice.
- F. The Police Department may issue a summons for any violation of this chapter which shall be heard in municipal court.

§ 468-12. Suspension and revocation.

- A. Suspension. The Chief of Police or the Chief's designee is hereby empowered to temporarily suspend for cause any towing operator's license and rights to operate thereunder.
 - (1) Grounds for suspension. Violations of any provisions of this chapter, any other applicable law, regulation, or Township ordinance, illegal, improper, or fraudulent activity, or substandard performance or service shall constitute grounds for suspension. Three separate violations, arising from three separate incidents, will result in automatic suspension for a temporary period.
 - (2) Procedure for suspension. Upon a determination that appropriate grounds exist and that suspension is warranted, the Chief of Police or the Chief's designee shall issue written notice thereof to the offending tower. The notice shall advise of the suspension, state the basis and duration thereof, establish the conditions for reinstatement, and inform the offending tower of the right to appeal the suspension in accordance with § 468-13.
 - (3) Consequences of suspension. Suspended towers must immediately cease all towing

operations for the Township until reinstatement.

- (4) Reinstatement. Suspended towers may be reinstated only after the violations leading to the suspension have, in the determination of the Chief of Police or the Chief's designee, been cured or appropriately rectified.
- B. Revocation. Towing licenses may be revoked by resolution of the Township Council upon written recommendation from the Chief of Police or the Chief's designee that a licensed tower is no longer qualified, capable, or competent to serve based on the requirements of this chapter.
- (1) Grounds for revocation. Repeated or egregious violations of any provisions of this chapter, any other applicable law, regulation, or Township ordinance, illegal, improper, or fraudulent activity, or substandard performance or service shall constitute grounds for suspension.
 - (2) Procedure for revocation. Upon a determination that appropriate grounds exist and that revocation is warranted, the Chief of Police or the Chief's designee shall so report to the Township Council in writing. If the Township Council agrees that revocation is appropriate, it shall adopt a resolution to that effect, which shall state the basis for revocation. The Chief of Police shall thereafter provide written notice thereof, along with a copy of the resolution, to the offending tower. The notice shall advise the tower of the right to appeal the revocation in accordance with § 468-11.
 - (3) Consequences of revocation. Following revocation, towers must immediately and indefinitely cease all towing operations for the Township.

§ 468-13. Appeal process.

- A. Right to appeal. The rejection of a towing application submitted, or suspension or revocation of a towing license issued, pursuant to this chapter may be appealed to the Toms River Police Department Traffic Safety Bureau.
- B. Time for appeal. Appeals must be filed not later than 45 days from the date of the rejection, suspension, or revocation challenged.
- C. Procedure for appeal. Requests for an appeal must be timely submitted in writing to the Chief of Police or the Chief's designee. The request must clearly identify the action challenged and include a statement of reasons in support of reversal. The appeal may be decided on the written record or a formal hearing may be conducted, which must be specifically requested. Upon receiving such a request, the Chief of Police shall, within reasonable time, schedule a mutually agreeable date for a hearing.
- D. Conduct of hearing. The hearing authorized by this section shall be conducted before a three-officer panel of the Toms River Police Department Traffic Safety Bureau, appointed by the Chief of Police or the Chief's designee.
- E. Disposition of appeal. After reviewing the aggrieved tower's written submissions and the record of the formal hearing, if any, the panel shall issue a written decision upholding, reversing, or modifying the original determination.
 - (1) If the panel recommends a reversal of a rejection or revocation, its decision shall be forwarded to the Township Council which, if in agreement, shall adopt a resolution to

that effect. Notice of the reversal, together with a copy of the panel's decision and Township Council resolution, shall be sent to the aggrieved party.

- (2) If the panel recommends reversal or modification of a suspension, it shall so notify the aggrieved party. The notice shall include a copy of the panel's decision and state the conditions for reinstatement, if any.
- (3) If the original determination is upheld, the panel shall so notify the aggrieved party and provide a copy of its written decision.

§ 468-14. Personal property.

- A. Personal items or property not part of or permanently attached to the vehicle in storage may be removed by the vehicle owner.
- B. Vehicles impounded as part of a police investigation may not be entered without the investigating officer's approval.

§ 468-15. Implementation.

- A. The initial series of licenses issued pursuant to this chapter shall commence on November 1, 2012, and run through June 30, 2015. Subsequent licenses shall be issued for successive three-year periods.
- B. The application period for the initial series of licenses shall commence following the enactment of this chapter and continue through October 1, 2012. The Township Clerk shall publish notice of the application period immediately following enactment of this chapter.
- C. Applications shall be reviewed and licenses issued to qualified towers in accordance with the provisions of this chapter. Applicants who applied previously under the prior ordinance and paid the required fee may resubmit without paying additional application fees.
- D. Successful applicants must pay the license fees required by this chapter.