

TOWNSHIP OF NEPTUNE
NOTICE OF FINAL ADOPTION OF ORDINANCE
ORDINANCE NO. 14-37

AN ORDINANCE AMENDING VOLUME I, CHAPTER VIII, SECTION 8-1 OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED "PARKING METERS, PARKING LOTS" TO PERMIT THE DESIGNATION OF RESERVED PARKING SPACES IN THE MUNICIPAL BUILDING PARKING LOT

Approved on First Reading: September 22, 2014

Approved, passed and adopted on final reading: October 9, 2014

**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE
PUBLIC NOTICE
BOND ORDINANCE NO. 14-38 STATEMENTS AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Township Committee of the Township of Neptune, in the County of Monmouth, State of New Jersey on October 9, 2014 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: REFUNDING BOND ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$500,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS BY THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, TO THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY (THE "MCIA") FOR THE PURPOSE OF REFUNDING CERTAIN BONDS HERETOFORE ISSUED BY THE TOWNSHIP TO THE MCIA

Purpose(s): To Generate A Debt Service Savings To The Township

Appropriation: Not To Exceed \$500,000

Bonds/Notes Authorized: Not To Exceed \$500,000

Grants Appropriated: None

Section 20 Costs: \$25,000

Useful Life: 8 years

RICHARD J. CUTTRELL,
Clerk of the Township of Neptune

NOTICE
ORDINANCE NO. 14-40
Township of Neptune
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 9th day of October, 2014, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 27th day of October, 2014, at the Neptune Municipal Complex, Township Committee Meeting Room – 2nd Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at www.neptunetownship.org.

ORDINANCE NO. 14-40

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING A PARKING TIME LIMITATION ON THE NORTH SIDE OF WASHINGTON AVENUE BETWEEN DAVIS AVENUE AND NEPTUNE BOULEVARD AND THE EAST SIDE OF DAVIS AVENUE BETWEEN WASHINGTON AVENUE AND THE ENTRANCE TO THE MUNICIPAL COMPLEX

BE IT ORDAINED, by the Township Committee of the Township of Neptune that the Code of the Township of Neptune is hereby amended as follows:

SECTION 1

Volume I, Chapter VII, Section 7-7.5 – Parking Time Limited on Certain Streets – is hereby amended to add the following:

<u>Name of Street</u>	<u>Side</u>	<u>Hours</u>	<u>Max Time</u>	<u>Day</u>	<u>Location</u>
Washington Avenue	North	7:00am to 7:00pm	120 mins	Mon. thru Fri	Between the intersection with Davis Avenue and the intersection with Neptune Boulevard
Davis Avenue	East	7:00am to 7:00pm	120 mins	Mon. thru Fri	Between the intersection with Washington Avenue and the entrance to the Municipal Complex

SECTION 2

This ordinance shall take effect upon publication in accordance with law.

Richard J. Cuttrell,
Municipal Clerk

NOTICE
ORDINANCE NO. 14-41
Township of Neptune
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 9th day of October, 2014, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 27th day of October, 2014, at the Neptune Municipal Complex, Township Committee Meeting Room – 2nd Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at www.neptunetownship.org.

ORDINANCE NO. 14-41

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XX, SECTION
20-3 OF THE CODE OF THE TOWNSHIP OF NEPTUNE
ENTITLED, "WATER AND MARINE REGULATIONS"

WHEREAS, under the municipality's police powers, the municipality may establish and amend ordinances concerning environmental regulations within the Township; and

WHEREAS, certain federal agencies, such as FEMA require certain environmental regulations on the local level in order to obtain necessary federal assistance,

THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Neptune, County of Monmouth and the State of New Jersey, that Township Committee hereby amends the Neptune Township Code of Ordinances, Chapter XX, Section 20-3, entitled, "Water and Marine Regulations as follows:

SECTION 1

Subsection 20-3.1, entitled, "Dumping and Littering" is hereby amended in its entirety as follows:

§20-3.1 – "Dumping and Littering"

- a. No person, firm or corporation shall deposit, throw or dump any debris or material of any nature in any stream, watercourse, catch basin, street storm water sewer inlet or drainage ditch, which could impede or block the flow of water in any stream, watercourse, street storm water sewer inlet or drainage ditch within the limits of the Township.
- b. No person, firm or corporation shall throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, river or any other body of water in or adjacent to any park or tributary stream, storm sewer or drain flowing into such water, any substance, matter or thing, liquid or solid, which will or may result in the pollution of such waters. This shall include but not be limited to fin fish, shell fish, bait harvested in or transferred to the waters of the Township of Neptune or property adjacent thereto, where the dumping of said remains shall be caused to come to rest in or impact the waters of said Township.
- c. The remains of fin fish, shell fish or bait shall be permitted to be placed in the Shark River if such remains are the result of recreational fishing in the Shark River or from recreational fishing on a boat or vessel that originates from the Shark River.

SECTION 2

Subsection 20-3.3, entitled, "Penalty" is hereby amended in its entirety as follows:

§20-3.3 – "Penalty"

Any person who shall violate any provision of this section shall, upon conviction thereof for such instance of violation, be fined an amount not less than \$100.00 and not more than \$2,000.00, and/or imprisonment for a period not exceeding 90 days and/or a period of community service not exceeding 90 days, or any combination thereof, at the discretion of the judge of the Municipal Court.

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

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

Richard J. Cuttrel,
Municipal Clerk

NOTICE
ORDINANCE NO. 14-42
Township of Neptune
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 9th day of October, 2014, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 27th day of October, 2014, at the Neptune Municipal Complex, Township Committee Meeting Room – 2nd Floor, 25 Neptune Blvd.

Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at www.neptunetownship.org.

ORDINANCE NO. 14-42

AN ORDINANCE TO AMEND VOLUME I, CHAPTER IV, SECTION 4-18 OF THE CODE OF THE TOWNSHIP OF NEPTUNE, BY UPDATING THE REQUIREMENTS AND PROCEDURES FOR OBTAINING A LICENSE TO PROVIDE MUNICIPAL TOWING SERVICES

WHEREAS, pursuant to N.J.S.A. 40:48-2.49, the Township of Neptune is authorized to enact an ordinance setting forth regulations for the removal of motor vehicles from private or public property, including the fees charged and notice requirements for such removal and storage, along with the licensing of towing operators; and

WHEREAS, under this statute, the Township may set forth minimum standards of performance for such operators, including, but not limited to, the adequacy of equipment and facilities, availability and response time, and the security of vehicles towed or stored; and

WHEREAS, N.J.S.A. 40A:11-5(1)(u) provides for an exception to the public bidding requirements of the Local Public Contracts Law for towing contract licensing when the municipality has provided for a non-discriminatory method of rotating calls between all licensed towing operators within the municipality; and

WHEREAS, the Mayor and Township Committee of the Township of Neptune find it to be in the best interest of the Township and its citizens to enact an ordinance to govern and regulate the licensing of towing operators for the provision of municipal towing services, including the establishment of minimum requirements for equipment, location and response time, and performance of those operators of towing services on behalf of the Township.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Neptune, in the County of Monmouth and State of New Jersey as follows:

SECTION 1

Volume I, Chapter IV, Section 4-18 of the Code of the Township of Neptune shall be amended in its entirety to provide requirements and licensing for towing within the Township of Neptune as follows:

4-18 – MUNICIPAL TOWING SERVICES

4-18.1 - DEFINITIONS

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

BASIC TOWING SERVICE shall mean private property towing and other non-consensual towing as defined in this section and other ancillary services that include the following: arriving at the site from which a motor vehicle will be towed; 15 minutes daytime and 25 minutes nighttime waiting time; hooking a motor vehicle to, or loading a motor vehicle onto, a tow truck; transporting a motor vehicle to a storage facility; unhooking or unloading a motor vehicle from the tow truck; and situating the motor vehicle in the space in which it will be stored. "Basic tow" also includes the clean up of glass and debris as well as the issuing of the documents for the release of a motor vehicle to its owner or other person authorized to take the motor vehicle; issuing an itemized bill; three trips to the motor vehicle in storage, which, if applicable, include making a vehicle available to an insurance appraiser or adjuster; and retrieving a motor vehicle from storage during the hours in which the storage facility is open, see Section X for required hours of operation. The basic tow fee incorporates all anticipated administrative costs. Additional administrative costs are unauthorized unless extraordinary circumstances exist. Any additional administrative costs must be pre-authorized with the customer, and a detailed explanation included in the itemized bill.

CHIEF OF POLICE shall mean the Chief of the Neptune Township Police Department or his/her designee.

DECOUPLING shall mean releasing a motor vehicle to its owner or operator when the motor vehicle has been, or is about to be, hooked to or lifted by a tow truck, but prior to the motor vehicle actually having been moved or removed from the property.

MOTOR VEHICLE shall include all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks and motorized bicycles, motorized scooters, motorized wheelchairs and motorized skateboards.

NON-CONSENSUAL TOWING shall mean the towing of a motor vehicle without the consent of the owner or operator of the vehicle. "Non-consensual towing" includes towing a motor vehicle when law enforcement orders the vehicle to be towed whether or not the owner or operator consents.

PERSON shall mean an individual, a sole proprietorship, partnership, corporation, Limited Liability Company or any other business entity.

RECOVERY shall mean the winching of any vehicle off the roadway.

SNOW EMERGENCY shall mean anytime the Township declares a snow emergency and vehicles are to be removed from roadway in accordance with municipal ordinance chapter 7-7.3.

STORAGE FACILITY means a space at which motor vehicles that have been towed are stored. Said facility is to be surrounded by a fence, wall, or other physical barrier that is at least six feet high and is lighted from dusk to dawn.

TOWING shall mean the moving or removing from public or private property or from a storage facility by a motor vehicle of a consumer's motor vehicle that is damaged as a result of an accident or otherwise disabled, is recovered after being stolen, or is parked illegally or otherwise without authorization, parked during a time at which such parking is not permitted, or otherwise parked without authorization, or the immobilization of or preparation for moving or removing of such motor vehicle, for which a service charge is made, either directly or indirectly. Dues or other charges of clubs or associations which provide towing services to club or association members shall not be considered a service charge for purposes of this definition.

TOWING LIST shall mean the list maintained by the Neptune Township Police Department containing the names of those active towing operators whom are licensed with the Township to provide municipal towing services for the Township.

TOWING OPERATOR shall mean any person who owns a tow/recovery vehicle and is in the business of offering towing services whereby motor vehicles are or may be towed or otherwise removed from one place to another by the use of a motor vehicle adapted to and designated for that purpose.

VEHICLE shall mean any device in, upon or by which a person or property is or may be transported upon a roadway.

YARD FEE shall mean any fee charges to move a stored vehicle within the tow yard. The vehicle shall be stored in a manner to facilitate access and removal from the tow yard. Yard fees are unauthorized under this Ordinance.

TOWNSHIP shall mean the Township of Neptune, Monmouth County, New Jersey.

4-18.2 - PURPOSE

It is the purpose of this Ordinance to establish a non-discriminatory method of rotating calls between all licensed operators requesting to provide municipal towing services at the request of, on behalf of, or for the Township or its Police Department.

4-18.3 - MUNICIPAL TOWING SERVICES; LICENSE.

- a. Any towing operator desiring to provide municipal towing services for the Township must file an application with the Township, meeting the requirements of this Ordinance, and obtain a license from the Township for such services. Said license will be a supplemental use to the annual Mercantile Registration.
- b. The Township shall issue a license to those towing operators who file applications with the Township and desire to provide municipal towing services for the Township. The license shall provide for an annual review of the towing operator's services and compliance with this Ordinance. The license shall prohibit subcontracting or transfer by the towing operator.
- c. In order to continue to provide municipal towing services for the Township, the towing operator shall file a new application, with the required submissions, and obtain a new license from the Township.
- d. Applications must be submitted annually by November 30 to the Township Mercantile Officer. The license shall not be exclusive, with the Township being able to award licenses to multiple towing operators at any time.
- e. The Township shall have the sole discretion to deny a license to any towing operator failing to file the requisite application or to meet the requirements of this Ordinance. All applications for a license for the provision of municipal towing services filed with the Township shall be granted or denied by the Mercantile Officer, based upon the approval of the Chief of Police, upon review of the applications.

4-18.4 - MUNICIPAL TOWING SERVICES; APPLICATION

- a. No person shall be eligible to provide municipal towing services for the Township until it submits an application with the Township.
- b. An application for municipal towing shall be made in writing to the Mercantile Officer, in the form prescribed by the Mercantile Officer, and shall be accompanied by a fee of \$150.00 which is inclusive of the annual mercantile registration fee.
- c. The applicant shall state the complete street address of the location or locations from which the business of towing shall be conducted, indicating which the principal location is and which is the storage facility, which shall meet the requirements of Section X of this Ordinance. The applicant shall also provide a lease agreement for any and all land areas being used as a storage location that they do not own.
- d. The applicant shall identify and provide a description of its towing vehicles, including vehicle registration number, gross vehicle weight, and purpose, with which the applicant intends to provide towing services.
- e. The applicant shall provide the name, address and driver's license number of the applicant and all employees of the applicant that are expected to be involved in the operation of the applicant's vehicular equipment for the towing of motor vehicles. All drivers for the applicant shall be at least 18 years of age and possess a valid New Jersey driver's license for the operation of the towing equipment.
- f. The application shall include a valid certificate of insurance from an insurer authorized to do business in the State, at the minimum amounts set forth in Section VII of this Ordinance.
- g. The applicant shall furnish any additional information concerning the personnel, vehicles, equipment and storage facilities of the applicant as may be required by the Chief of Police during the review of the application.
- h. If any of the information required in the application changes, or if additional information should be added after the filing of the application, the applicant shall provide that information to the Mercantile Officer, in writing, within 15 calendar days of the change or addition. Any application to add an additional driver during the contract term shall be accompanied by a fee of \$25.00.
- i. The applicant shall provide a certified statement of compliance with the minimum requirements of Section V of this Ordinance.

4-18.5 - SUSPENSION, REVOCATION OF LICENSE

- a. The Township may deny, suspend or revoke any license for municipal towing services upon the recommendation of the Chief of Police, or upon other proof that the towing operator, or any of its employees or agents:
 1. Has obtained a registration through fraud, deception, or misrepresentation;

2. Has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise, or false pretense;
3. Has engaged in gross negligence or gross incompetence;
4. Has engaged in repeated acts of negligence or incompetence;
5. Has had a towing operation registration or license revoked or suspended by any other state, agency, or authority for reasons consistent with this section;
6. Has violated or failed to comply on more than three occasions with the schedule of tariff or fee regulations herein; or
7. Has violated any municipal ordinance;
8. Has been convicted of:
 - (a) A crime under Chapter 11, 12, 13, 14 or 15 of Title 2C of the New Jersey Statutes;
 - (b) Motor vehicle theft or any crime involving a motor vehicle under Chapter 20 of Title 2C of the New Jersey Statutes; or
 - (c) any other crime under Title 2C of the New Jersey Statutes relating adversely to the performance of towing services or the storage of motor vehicles as determined by the Chief of Police.

- b. A final refusal to license, or the suspension or revocation of a license by the Township shall not be made except upon reasonable notice to the applicant, and an opportunity for the applicant to be heard by the Township Committee.

4-18.6 - ROTATING LIST

The Chief of Police is authorized to establish a system of rotation for the assignment of licensed towing operators to provide municipal towing services required pursuant to this Section. Pursuant to N.J.S.A. 40A:11-5(1) (w), the rotation system shall be established on a non-discriminatory and non-exclusionary basis. Only licensed towing operators with the Township shall be assigned to the rotation list. The rotation list shall be composed so as to permit a reasonable rotation of licensed towing operators. If the towing operator currently on-call under the rotation list cannot respond and provide the required municipal towing service, the Township shall move to the next towing operator on the rotation list. If no towing operator on the rotation list is able to respond and provide the required municipal towing service, the Chief of Police may deviate from the rotation list and arrange for another towing operator to provide such service. Notwithstanding the above rotation list, in the interests of public safety, the Chief of Police, at his/her discretion, taking into account the emergency, safety and location of the situation, may part from the rotation list and call for the closest available towing operator to respond.

4-18.7 - INSURANCE REQUIREMENTS

In addition to the insurance requirements set forth in N.J.A.C. 45A-31.3, as may be amended from time to time, all licensed towing operators providing municipal towing services must maintain the following insurance policies, naming the Township as an additional insured:

- a. **Garage keeper's Policy.** A garage keeper's liability policy in the minimum amount of fifty thousand (\$50,000.00) dollars, and "on-hook" coverage, for each vehicle damaged on a separate claim.
- b. **Garage Liability Policy.** A garage liability policy covering applicant's business, equipment and vehicles in the minimum amount of five hundred thousand (\$500,000.00) dollars for any one person injured or killed, and a minimum of one million (\$1,000,000.00) dollars for more

than one person killed or injured in any accident and an additional one hundred thousand (\$20,000.00) dollars for any damage arising from injury or destruction to property, and/or a combined single limit of one million (\$1,000,000.00) dollars. In addition to each policy containing an endorsement showing the Township as an additional insured, such policy shall also provide an endorsement entitling the Township to 30 days' prior written notice to the Mercantile Officer in the event of any change in coverage under the policy, or in the event of the cancellation of the policy.

4-18.8 - INDEMNIFICATION

Any license issued by the Township to a towing operator pursuant to this Section shall include a provision whereupon the licensed towing operator assumes all liability and shall indemnify and save the Township, its committees, boards, departments, agents, and employees, harmless from damages or losses sustained by vehicles while being towed, stored or released from towing operator's possession, and from all personal injuries and property damage occurring to any persons, or property, as a result of the performance of the towing operator's services, including, but not limited to, towing, storage, or other such activities relating to the municipal towing services. All responsibility for the release of a stored vehicle shall be on the towing operator only.

4-18.9 - SCHEDULE OF SERVICES ELIGIBLE FOR CHARGING A FEE; REASONABLE FEES

- a. A towing operator may only charge a fee for those towing and storage services set forth as follows unless otherwise provided for in N.J.A.C. 13:45A-31.4:

Service Provided	Fees (Not to Exceed)
Light Duty Rate (less than 10,000 G.V.W.)	Tow - \$100.00 (Basic Tow is a Flat Rate) Recovery - \$110.00 (Recovery is billed per hour, per truck, with 1 hour minimum and 30 minute increments thereafter)
Medium Duty Rate (10,000 to 32, 000 G.V.W)	Tow - \$110.00 (Basic Tow is a Flat Rate) Recovery - \$120.00 (Recovery is billed per hour, per truck, with 1 hour minimum and 30 minute increments thereafter)

Heavy Duty Rate (greater than 32,000 G.V.W.)	Tow - \$400.00 (Basic Tow is a Flat Rate) Recovery - \$425.00 (Recovery is billed per hour, per truck, with 1 hour minimum and 30 minute increments thereafter)
Mileage	\$3.00 per mile from scene or site of tow to locations outside of the boundary of Neptune
Storage, per day	
Light Duty	35.00
Medium Duty	50.00
Heavy Duty	75.00
Snow Emergency	
Snow Emergency Tow	90.00
Snow Emergency Storage, per day	20.00
Other	
Road Service	\$60.00 – per call
Decoupling Fee	\$25.00 – per call
Clean-up charge (the bagging and proper disposal of less than 1 gallon of Antifreeze or oil or any other vehicle fluids)	\$35.00 - per call
Police Investigations	
Criminal Investigations Impound	No fee

- b. A towing operator may not charge a service fee for towing and storage services, which are ancillary to and shall be included as part of basic towing services, and is not included in the schedule approved by the Township.
- c. A towing operator that engages in private property towing or other non-consensual towing shall calculate storage fees based upon full 24-hour periods a motor vehicle is in the storage facility. For example, if a motor vehicle is towed to a storage facility at 7:00 P.M. on one day and the owner of the motor vehicle picks up the motor vehicle on or before 7:00 P.M. the next day, the towing operator shall only charge the owner of the motor vehicle for one day of storage. If a motor vehicle is stored for more than 24 hours, but less than 48 hours, the towing operator may only charge for two days of storage.
- d. A bill for private property tow or other non-consensual tow shall include the time at which a

towed motor vehicle was delivered to a towing company's storage facility.

- e. The Township Committee may annually change the fees set forth herein by duly adopted resolution.

4-18.10 - STORAGE FACILITIES

- a. The towing operator providing municipal towing services must tow all vehicles to a storage facility meeting the following requirements:
 1. Have the ability to store a minimum of ten vehicles;
 2. Is safe and secure such with a physical barrier that is at least six feet high such as a wall or fence;
 3. Is lighted from dusk to dawn;
 4. Is located within the Township border;
 5. Is open for release of vehicles Monday through Friday 8am to 5pm and Saturday and Sunday 8am to 12pm; and
 6. All vehicles are to be released from the storage facility, unless other arrangements are made with the owner of the vehicle.

4-18.11 - STANDARDS OF TOWING OPERATOR PERFORMANCE

All towing operators who have been licensed with the Township to provide municipal towing services shall be obligated to comply with the following duties and regulations:

- a. Remove and tow to the designated storage facility all vehicles directed by the Chief of Police to be removed and towed because such vehicles are, in the Chief of Police's sole discretion designated as abandoned, illegally parked, disabled, involved in an accident, or to be impounded because of criminal or other investigation. At the sole discretion of the Chief of Police, taking into consideration safety concerns, the owner or operator of a disabled vehicle may be permitted to arrange for the vehicle to be towed by a towing operator of his/her choice.
- b. Store such vehicles and move such vehicles as directed by Chief of Police. When not otherwise directed or required by the Chief of Police, the owner or operator of a disabled vehicle may request that the vehicle be towed to a location other than the designated storage facility. Upon direction of the Chief of Police, the towing operator shall not release a vehicle towed which is subject to a criminal investigation, including, without limitation, compliance with "John's Law," without prior authorization by the Chief of Police.
- c. Provide 24 hours, seven day a week service to the Township during the term of the contract.
- d. Not utilize answering machines or answering services when on-call under the rotation list.
- e. Respond promptly to all requests for municipal towing services by the Chief of Police. In any event, the towing operator shall respond and be present at the location (all locations within the Township) for municipal towing services within 15 minutes of receipt of notice of same between the hours of 8:00 a.m. and 5:00 p.m. (hereinafter "daytime"), and within 25 minutes of receipt of notice between the hours of 5:01 p.m. and 7:59 a.m. (hereinafter "nighttime"). In the event a towing operator does not arrive at the tow location within the above time

periods, the police officer on the scene shall have the right to have a substitute towing operator called to the location who will have the right to perform the municipal towing services; and the originally called towing operator shall have no right to payment from any party.

- f. Not charge any fee for replacement of equipment or materials provided at the scene of the tow.
- g. Tow any and all disabled Township owned or operated vehicle upon request by the Chief of Police to a location within the Township. The towing operator will not charge the Township for the towing of Township owned passenger vehicles or pick-up trucks within two miles of the Township border to a location within the Township. All other towing of Township owned or operated vehicles shall be charged pursuant to Section X at a 20% discount. Nothing herein shall limit the Township from utilizing the towing services provided for in any public bid contract.
- h. Clean up all broken glass and debris at the scene of accidents (all towing operators must be equipped with a broom and a shovel).
- i. Ensure that all drivers and operators of the towing operator must wear ANSI Class II reflective safety vests at all times when responding to a request by the Township.
- j. Furnish additional towing equipment and services during storm periods, periods of snow emergencies, traffic emergencies, natural, or other disasters, any acts of God, and for any other reason when so designated by the Chief of Police. Such standby service shall begin and end when the Chief of Police notifies the towing operator. The Township reserves the right, during any such emergency, to designate temporary areas owned or leased by the Township and/or the towing operator for the storage of disabled vehicles, and to direct the towing operator to remove such disabled vehicles to said areas.
- k. A record of all vehicles towed and/or stored must be retained for a period of seven years. Such records shall include a report of all personal property found within a towed vehicle that can be observed by the towing operator at the time the vehicle came into the towing operator's possession, an accounting of all monies received for fees for towing, and a separate accounting of all monies received for fees for storage services pursuant to this Ordinance. The Chief of Police shall have access upon demand, to any and all records required to be kept by this Section.
- l. In all of the towing operator's dealings with the public, the towing operator shall act in a professional manner, courteous at all times, and respectful to members of the public, as well as representatives of the Township. Reports of discourteous behavior by the towing operator or his/her drivers which may be substantiated and documented, shall be considered by the Township as sufficient cause for revocation and termination of the towing operator's license, and be considered as material default under any license entered into with a towing operator pursuant to this Ordinance.

4-18.12 - SOLICITATION

No towing operator, whether or not licensed with the Township, shall respond to the scene of an accident or emergency for the purposes of towing a vehicle unless specifically notified by the

Chief of Police or his/her designee, or the individual involved in the accident or emergency. All persons, towing operators, and owners of towing equipment are hereby prohibited from soliciting business at the scenes of accidents and emergencies within the Township.

4-18.13 - COMPLAINT AND DISPUTE RESOLUTION

Any person having a dispute or complaint arising from a specific act of towing services or storage of motor vehicles which is regulated by this Section shall present that complaint or dispute to the Chief of Police for resolution. The Chief of Police shall render his/her decision as to how the said complaint or dispute is to be resolved within 15 business days of his/her conducting a hearing as to the same. Such hearing can be in person, by telephone or on written presentation at the election of the Chief of Police. In the event of an adverse decision against a licensed towing operator, said license may be revoked. Any appeal of the Chief of Police's decision may be appealed to the governing body of the Township.

4-18.14 - VIOLATIONS; ENFORCEMENT AND PENALTIES

- a. This Ordinance shall be enforced by the Neptune Township Police Department.
- b. Any violation of the provisions of this Ordinance shall subject such violator, upon issuance of a summons and conviction in municipal court, and at the court's discretion, to the fines and penalties set forth in Township's general penalty Ordinance for each such violation.
- c. Any violation of the provisions of this Ordinance may also subject the violator to a revocation or non-issuance of the license with the Township. If a towing operator's license is revoked pursuant to this provision, such towing operator is barred from reapplying with the Township for a period of three (3) years from the date of the revocation.
- d. In addition to any penalties or other remedies provided herein, the towing operator that has billed a person an amount in excess of the fee specified in this Ordinance for the service provided shall reimburse such person for the excess cost.

SECTION 2

If any article, section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3

In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Neptune, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Township of Neptune are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4

This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal law.

SECTION 5

This Ordinance shall take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey

Richard J. Cuttrell,
Municipal Clerk

**TOWNSHIP OF NEPTUNE
PUBLIC NOTICE
NOTICE OF PENDING BOND ORDINANCE NO. 14-43 AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Neptune, in the County of Monmouth, State of New Jersey, on October 9, 2014. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Township Municipal Complex, 25 Neptune Boulevard, Neptune, in said County, on October 27, 2014 at 7:00 p.m. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 14-09 (WHICH PROVIDES FOR THE RECONSTRUCTION OF THE OCEAN GROVE BOARDWALK) HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON FEBRUARY 10, 2014, TO INCREASE THE APPROPRIATION THEREIN TO \$2,200,000, AND TO PROVIDE FOR THE APPROPRIATION OF A FEDERAL GRANT FOR THE PROJECT IN THE AMOUNT OF \$800,000

Purpose(s): Amending bond ordinance number 14-09, (which provides for the reconstruction of the Ocean Grove Boardwalk) to increase the total appropriation for such project by \$800,000, with such increase to be funded by an \$800,000 grant from the Federal Emergency Management Agency.

Additional Appropriation: \$800,000 Additional Appropriation

New Grant: \$800,000 FEMA grant

**RICHARD J. CUTTRELL, R.M.C.
Clerk of the Township of Neptune**