

## CONFERENCE MEETING JANUARY 10, 2006

Council President Agostini opened the Conference Portion of the Regular Meeting at 7:30 p.m. and noted that adequate notice of this meeting has been provided in accordance with the requirements of the Open Public Meetings Law by filing the notice in the Office of the Township Clerk and by posting the meeting notice on the bulletin board at the Municipal Building on November 30, 2005 where it has remained posted since that date. A legal notice appeared in both the Daily Record and Star Ledger on December 7, 2005. Additionally, copies of this notice were forwarded by fax to other local newspapers and to local radio stations on November 30, 2005.

**PRESENT:** Council Members Cesaro, dePierro, Grossi, Vigilante and Agostini

**OTHERS PRESENT:** R. Strechay, Business Administrator; M. Fabian, Esq., Representing the Office of the Township Attorney; J. Silver, Township Clerk

Council Members reviewed the agenda for the meeting. Council President Agostini indicated that the Council has been asked to adopt a resolution confirming Mayor Luther's appointment of the Township Attorney. In keeping with legislation that Governor Codey signed into law on January 5<sup>th</sup> regarding "Pay-to-Play," Council President Agostini proposed a resolution, which she asked Ms. Grossi to read.

**BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that pursuant to N.J.S.A. 19:44A-20.4, 20.5, et seq., the Township of Parsippany-Troy Hills shall pursue a "Fair and Open Process" in awarding all professional services contracts, EUS contracts and all contracts for goods and services between \$17,500 and the bid limit annually, in the aggregate.

**BE IT FURTHER RESOLVED** that the Township Council of the Township of Parsippany-Troy Hills will not award any professional services, EUS, or goods and services contracts between \$17,500 and the bid limit annually, in the aggregate, under the "Non-Fair and Open Process."

**BE IT FURTHER RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that all advertisements for contracts to be awarded under a "Fair and Open Process" shall be advertised on the Township's website for a period of no less than ten business days.

Mr. Cesaro seconded the resolution proposed by Mrs. Agostini.

Mr. Vigilante stated that he sees Ms. Grossi has a copy of this resolution, but he does not. Mr. dePierro stated that the Council should not be considering a resolution unless all Council Members have had a chance to review it. Mr. Vigilante expressed concern that he did not receive something that three of the other Council Members have. Council President Agostini stated that the three Council Members (Mr. Cesaro, Ms. Grossi and Council President Agostini) don't have the resolution. Mr. Vigilante commented that three of the Council Members knew about it, noting Ms. Grossi read the resolution and Mr. Cesaro seconded it. Mrs. Agostini indicated that this resolution is going to be put on the agenda for discussion. Mr. dePierro commented that for eleven years he has heard Mrs. Agostini complaining about not wanting a matter put before her unless she has had time to review it. Now, as President of the Council, she is violating her own complaint. Mr. dePierro felt this is wrong. Mrs. Agostini stated that there is absolutely no violation, commenting that this is being put on the table with regard to "Pay-to-Play" legislation that was just initiated at the State level. She asked that this resolution be placed on the

agenda for the next agenda meeting so that the entire Council can discuss it. Mrs. Agostini advised that no one is asking the Council to vote on the resolution this evening. Mr. Vigilante questioned why then is a vote being taken. Council President Agostini replied, "To move it forward." Mr. dePierro explained that, procedurally, as Council President, Mrs. Agostini could add this to next week's agenda, but could not propose the resolution at this meeting. Mr. dePierro stated that when we have a new Township Attorney, he would like to hear his input on the open and fair process before he makes a decision. Council President Agostini explained that this action was not intended to violate any procedures, it was intended to comply with new legislation. Mr. dePierro stated that he is not opposed to the open and fair process, but just to Council President Agostini's process this evening.

Council President Agostini directed the Township Clerk to add this resolution to the agenda (of the January 17, 2006 meeting).

Mr. dePierro indicated that there is an addition to this agenda that needs to be considered. Council President Agostini asked if everyone has had an opportunity to review the resolution appointing a Township Attorney.

Mr. Vigilante advised that he made several phone calls to some of the references. He noted that the people he talked with, including the Mayor of Morristown and five of the seven Freeholders, had nothing but good things to say about this Firm. He expressed his view that the resolution should be adopted.

Ms. Grossi advised that she has done some research on the DeCotiis Firm and, while she recognizes that this is a huge firm and highly qualified to handle this position, she does have questions with regard to billing. Last year the bills for our (total) legal fees was \$625,000. She finds this figure astronomical and she is very concerned that with the DeCotiis Firm, the Township will have even higher legal fees. She indicated that she would like to see some kind of conditions placed on billing, pointing out that she does not want the Township to be billed for multiple attorneys' attendance at meetings, voice-mail messages and the use of paralegals as couriers. There must be a restraint placed on copying costs as well. She further expressed her view that the Township should have a list of guidelines specifying exactly what we will pay for and what we will not pay for. Ms. Grossi also questioned if the Township will be charged for the Firm's traveling time, noting that they will be coming from Teaneck. Ms. Grossi commented that it would be good policy to have some kind of guidelines for any firm. She reiterated that her concerns are not that DeCotiis isn't a qualified firm, but that we need some kind of fiscal restraints.

Mr. dePierro explained that the appointment of a municipal attorney is a function of the Mayor with concurrence by the Council. This is the firm that the Mayor has recommended. We have a copy of the contract with the fees and these are in line with what we have been paying in previous years.

Ms. Grossi stated that what is needed is an addendum to the contract that lists what we will accept and what we will not accept in terms of fees.

Mr. dePierro stated that the entire fee schedule is appropriate to discuss during the budget process. Right now we are discussing the position of Township Attorney and the Mayor's recommendation.

Ms. Grossi reiterated that she has no problem with DeCotiis as a qualified firm. She is sure that the Firm can handle all of the issues, but she is concerned about some of their billing practices. It would be prudent for us to add an addendum to the contract setting out guidelines as to what we feel are acceptable.

Mr. Cesaro stated that what we have on the table is an offer so it becomes an issue of acceptance. He commented that he is aware of DeCotiis' qualifications. He advised that he has done independent research and that he too has concerns about billing issues. Mr. Cesaro stated that he would like additional input regarding DeCotiis' Firm. He agreed with Ms. Grossi regarding the need for billing guidelines. He also indicated that he, personally, wouldn't mind seeing more resumes.

Mr. Vigilante stated that he understands Ms. Grossi's concern about the total cost of billing fees last year, but noted that we have had nothing but reputable firms representing the Township. He pointed out, however, as large as the cost may seem, it is not that large a number in the big picture, noting this Township has many employees, adopts many ordinances and has had many lawsuits.

Ms. Grossi expressed her view that the Township needs to proceed with caution with a firm the size of DeCotiis. She provided about 40 pages on the Firm to be given to the other Council Members. These documents, per Ms. Grossi, deal specifically with billing situations. Her concerns spring directly from what she has read. She is not saying that the DeCotiis Firm should not be the Township Attorney, but she is saying that we should proceed in a more business-like fashion. She confirmed that she is not trying to block the Mayor's choice, but she is trying to control the costs associated with that choice.

Mr. Cesaro commented that he is not disputing the integrity of the type of work that other firms have done for Parsippany in the past. It is a cost issue that ultimately comes out of the taxpayers' pockets.

Mr. Vigilante pointed out that if we go out for cheaper representation, this could also hurt the Township.

Ms. Grossi indicated that her issue is not the hourly rate or the retainer, but the hidden costs. Again, she reiterated the need for a set of guidelines that are developed for the Township and would go with any law firm that we would hire.

Council President Agostini commented that she too believes the Firm is well qualified, but shares concerns regarding billing practices. She felt the need to interview other equally qualified firms. She asked for a straw poll as to whether this Council is prepared to engage Mr. DeCotiis or whether it would like to table this recommendation and explore the possibility of other firms. Mr. dePierro pointed out that this is a mayoral appointment with Council concurrence and that Mrs. Agostini cannot be looking to interview other law firms. That is Mayor Luther's prerogative. If the Mayor chooses not to do so, than Henry Luther's Firm remains on until the Council concurs with the Mayor's recommendation.

It was clarified that a "yes" vote means that this appointment will be tabled and other firms considered.

**Roll Call:**    **Cesaro**    -    **Yes**  
                   **dePierro** -    **No**  
                   **Grossi**    -    **Yes**  
                   **Vigilante** -    **No**  
                   **Agostini** -    **Yes**

**Motion Carried.**

Council President Agostini stated that it appears that the consensus of the Council is to review other recommendations. She further indicated that she would like the opportunity to interview Mr. DeCotiis and she asked if the Council Members would be agreeable to doing so. Mr. dePierro stated that he does not find this necessary as Mr. DeCotiis came very highly recommended, noting that a number of qualified, knowledgeable people called him to relate their feelings about the Firm. Based on these

individuals prior experience with Mr. DeCotiis, he has no problem with approving him now. Mr. Vigilante commented that if the Council wants to interview DeCotiis that's fine, but he feels it would be unethical for this Council to interview other firms for a Council consent Mayoral appointment. It is the Mayor who appoints; the Council can either consent or not. Tonight we did not consent and Mr. Luther's firm will remain as Township Attorney until such time as the Mayor appoints another firm or the Council confirms DeCotiis' Firm. It is not the Council's right or obligation, per Mr. Vigilante, to interview other firms.

Ms. Grossi stated that it is her position that the Mayor's appointment is done with the advice and consent of the Council. This indicates to her that this is strictly the Mayor's choice. However, her advice is to have some kind of guidelines on the fees. She reiterated that she is not opposed to the DeCotiis Firm being appointed, but she is just concerned with spiraling costs. She is not trying to block this appointment or to stop the Mayor from having the firm he chooses. She asked that these guidelines be considered before moving forward with the appointment.

Council President Agostini suggested a closed session to further discuss this particular issue. Ms. Fabian asked Mrs. Agostini what would be the basis for going into closed session. Mrs. Agostini indicated that the purpose would be to discuss the financial concerns that this Council has raised. She also indicated she would like to have further information, noting that Mr. Vigilante and Mr. dePierro advised that they spoke with people who have recommended this law firm. Council President Agostini stated that, personally, she has absolutely no knowledge of this Firm. She does not question the qualifications of the Firm, but she does believe that this should be further discussed. It was decided that further discussion would be done in the public forum. She commented that the concerns expressed by several members of the Council are valid concerns. She asked if everyone agrees to table this recommendation. Mr. dePierro replied that the Council is not in agreement with three votes to table and two votes to proceed with the appointment. Mr. dePierro indicated that Mayor Luther wanted to get this appointment on tonight's meeting before he goes forward with his other appointments. By delaying the Township Attorney's appointment, we are delaying all of the other appointments that Mayor Luther wants to make and we already got a one week delay because of a lawsuit about trying to overturn an election. Council President Agostini stated that the lawsuit has nothing to do with conducting the business of this governing body. Mr. dePierro disagreed. The Council President commented that she has heard legitimate concerns regarding this appointment and no answers. She asked for a motion to table the appointment. Mr. Vigilante pointed out that there was already a motion to table and a vote taken. Council President Agostini reminded him that the previous vote was only a straw poll, not a formal motion. A motion was then made by Council President Agostini to table this appointment for further discussion at the next agenda meeting, seconded by Ms. Grossi.

**Roll Call:**    **Cesaro**    -    **Yes**  
                   **dePierro** -    **No**  
                   **Grossi**    -    **Yes**  
                   **Vigilante** -    **No**  
                   **Agostini** -    **Yes**

**Motion carried.**

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Council President Agostini opened the regular portion of the meeting with a flag salute.

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**NOTES:**

January 17, 2006 @ 7:30 p.m.	Agenda Meeting Public Invited - Public Participation
January 24, 2006 @ 7:30 p.m.	Regular Meeting - Commencing with the Conference Portion Public Invited - Public Participation

**BIDS TO BE TAKEN:**

January 12, 2006 @ 11:00 a.m.	Knoll West Pumping Station Repairs and Upgrades Project
January 12, 2006 @ 11:00 a.m.	Jannarone Park Phase 2 New Baseball Field
January 19, 2006 @ 11:00 a.m.	Bunker Restoration Project at the Knoll West Golf Course-Rebid

**ORDINANCE(S):**

**Second Readings**

**None**

**Public Hearing**

Council President Agostini opened the meeting to the public to speak on any topic, noting a five-minute time limit per speaker.

**William Clark, 131 Summerhill Drive**, asked Ms. Fabian if Mrs. Agostini, who has not conceded the mayoral election and may be appealing the court decision, could be in conflict voting on mayoral appointments. Ms. Fabian stated that she is not aware of a conflict, noting that Mrs. Agostini is a Council Member at this point until a court order changes this. Mr. Clark questioned if Mrs. Agostini can honestly and without prejudice vote on mayoral appointments. Ms. Fabian pointed out that this is not a legal question, commenting that this is something Mr. Clark can certainly raise, but confirming that Mrs. Agostini is a Council Member at this time. Mr. Clark stated that he has been watching this well orchestrated charade. He just hopes that the two new Council Members and Mrs. Agostini are listening to the Sunshine Law rules. Mr. Clark pointed out that today a name was submitted for a new Attorney General for the State of New Jersey; a name, not a list, for the Senate and Assembly to approve. The same thing that has occurred in Parsippany for all the years since its incorporation. We have never, ever, had a list for Township Attorney. For the 10 years Mrs. Agostini has been on this Council, she has not once voiced that we should change attorneys or change the contract. Mr. Clark pointed out that at the very first meeting of this year, Mrs. Agostini and the two newly elected Council Members removed Councilman dePierro, an experienced person, from the Planning Board. The wheels of government have been stopped because these three members of the Council won't move forward. They have lost the spirit

of cooperation.

Mrs. Agostini told Mr. Clark that he can voice his opinion, but with no personal attacks.

**Mario Fornini, 11 Alpine Road**, stated, that as a resident of Parsippany, he is ashamed.

**Pat Petaccia, 182 Hawkins Avenue**, expressed displeasure at the comments made by Mr. Clark, noting that there was no mention of other attorneys, only the mention of a guideline, which she feels is a good thing for anyone hired by the Town. Ms. Petaccia expressed her view that Mrs. Agostini has the right to contest the election with the voting being so close and she would not begrudge Mr. Luther to do the same thing if the results were different. This Town Council has to work with the Mayor and Ms. Petaccia indicated that she is confident that they will do so.

**Glenn Caron, 165 Marcella Road**, stated that it doesn't seem to him that much is getting accomplished. Apparently, everyone thinks this is a good law firm, but the only problem is a concern about the billing. Maybe the Council should have approved the Firm with a stipulation that the billing be worked out. Ms. Grossi agreed that she does not have a problem with the Law Firm, but commented that it is up to the Mayor to decide on a guideline. Mr. Caron indicated that the Council could have agreed to the Law Firm, but with the approval of a guideline. Ms. Grossi explained that the Council Members who voted "no" did not vote "no" to the Firm, but voted to table the matter to next week until they can see what happens with their suggestion.

**Seeing no one else come forward to speak, Council President Agostini closed the public portion of the meeting.**

**CONSENT AGENDA:**

Mr. Vigilante noted that all items listed with an asterisk (\*) are considered to be routine and noncontroversial by the Township Council and will be approved by one motion. There will be no separate discussion of these items unless a council member so requests, in which case the item will be removed from the consent agenda and considered in its normal sequence on the agenda. Mr. Vigilante moved the approval of the consent agenda, seconded by Mr. dePierro.

ROLL CALL: YES – Council Members Cesaro, dePierro, Grossi, Vigilante and Agostini

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**BID AWARD(S):**

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None

**RESOLUTIONS:**

None

**APPLICATIONS:**

\* **License(s)**

- **Liquor License Transfer From Shree Ganesh and Ruchi Corp. t/a Lake Parsippany General Store, 171 Kingston Road, to Shreeji & Ruchi, Inc. t/a Bottle King Discount Wines & Spirits, 799 Route 46 East**

**WHEREAS**, an application has been filed for a person to person and place to place transfer of Plenary Retail Distribution License #1429-44-012-004, heretofore issued to Shree Ganesh and Ruchi Corporation t/a Lake Parsippany General Store, with premises located at 171 Kingston Road, Parsippany, NJ 07054; and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Parsippany-Troy Hills does hereby approve, effective February 15, 2006, the person to person and place to place transfer of the aforesaid Plenary Retail Consumption License to Shreeji & Ruchi, Inc. t/a Bottle King Discount Wines & Spirits for premises located at 799 Route 46 East, Parsippany, New Jersey 07054 and does hereby direct the Township Clerk to endorse the license certificate to the new ownership at its new location as follows: **“This license, subject to all its terms and conditions, is hereby transferred to Shreeji & Ruchi, Inc., t/a Bottle King Discount Wines & Spirits for premises located at 799 Route 46 East, Parsippany, New Jersey 07054 effective February 15, 2006.”**

\* **Bingos & Raffles**

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|----------------------------|------------------------------------|
| Raffle – On Premise        | St. Nicholas Greek Orthodox Church |
| Raffle – On Premise 50/50  | St. Nicholas Greek Orthodox Church |
| Raffle – Off Premise 50/50 | HSA Morris Plains                  |

Raffle – Casino Night

HSA Morris Plains

**MINUTES FOR APPROVAL**

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- Mr. dePierro moved the approval of the minutes of the Agenda Meeting of December 13, 2005 (Present Agostini, dePierro and Vigilante), seconded by Mr. Vigilante

ROLL CALL: YES – Council Members dePierro, Vigilante and Agostini  
ABSTAIN – Council Members Cesaro and Grossi

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**ORDINANCE(S):**

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**Introduction:**

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**2006:01**

**Amending Chapter 385, Towing, of the  
Township Code**  
(Attachment #1)

The following resolution was offered by Mr. Cesaro, seconded by Mr. Vigilante:

**BE IT RESOLVED** that the above ordinance be introduced, read by title, and passed on first reading at a Meeting of the Township Council of the Township of Parsippany-Troy Hills held on January 10, 2006 and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on February 14, 2006 at 7:30 p.m. prevailing time, or as soon thereafter as the matter may be reached, at the Municipal Building in said Township, at which time all persons interested shall be given an opportunity to be heard concerning said ordinance.

**BE IT FURTHER RESOLVED** that the Clerk be authorized and directed to advertise said Ordinance with the Notice of Introduction thereof being published in the official newspaper according to law.

ROLL CALL: YES – Council Members Cesaro, dePierro, Grossi, Vigilante and Agostini

Mr. Vigilante made a motion to adjourn the meeting, seconded by Mr. dePierro:

ROLL CALL: YES – Council Members Cesaro, dePierro, Grossi, Vigilante and Agostini

The meeting adjourned at 8:27 p.m.

Respectfully submitted,

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Judith I. Silver,  
Township Clerk

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Rosemarie C. Agostini, Council President

Minutes approved February 28, 2006

**ORDINANCE #2006:01****AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS,  
MORRIS COUNTY, NEW JERSEY, TO AMEND THE TOWNSHIP CODE, CHAPTER 385  
ENTITLED "TOWING"**

**Section One:** Chapter 385 entitled Towing of the Township Code is hereby deleted in its entirety and replaced with the following:

**§ 385-1. Purpose and intent.**

The purpose and intent of this chapter is to provide criteria and standard operating procedures that are reasonable, nonexclusionary and nondiscriminatory in the selection and use of towing operators for police-initiated towing. However, the total number of towing operators will be limited to six operators, with an approved waiting list for applications over eight. The list will be maintained in the order the applications are received and accepted. Tow operators currently in the rotation will have the right of first refusal. Towing operators will, on a rotational basis, provide towing, repair and storage services for vehicles that are abandoned, disabled, illegally parked or stolen, involved in accidents and/or suspected or identified by the Township as being involved in criminal activities or motor vehicle offenses.

**§ 385-2. Definitions.**

The terms listed below shall be defined as follows for the purposes of this chapter:

**ABANDONED VEHICLE** - A vehicle that the owner or operator leaves on a public roadway and fails to notify the police and does not attempt to repair and remove the same within a reasonable amount of time.

**ADMINISTRATIVE FEE**-A one time fee per vehicle for the purpose of compensating the licensee for inspecting the vehicle, allowing owners to retrieve personal property from the vehicle, and for the preparation of additional paperwork beyond the initial towing bill.

**BASIC TOWING SERVICE** --The removal and transportation of a vehicle from a highway, street or other public or private road, parking area or from a storage facility, but does not include recovery of a vehicle from a position beyond the right-of-way or berm or recovery of a vehicle that is impaled upon any other object within the right-of-way or berm.

**DISABLED VEHICLE** --A vehicle which has been abandoned, disabled, impounded or otherwise rendered inoperable as a result of a mechanical failure, involvement in an accident or which is required to be removed by the police for any other reason. A vehicle, the location of which constitutes a hazard to the motoring public, shall be deemed disabled for the purposes of this chapter.

**HEAVY DUTY OUTSIDE SECURED STORAGE FACILITY** --A storage facility that is not completely indoors and that is secured by a fence, wall or other man-made barrier that is at least six feet in height and is protected with on-site security. The facility is to be lighted at night with continual or motion detection actuated lighting. The facility must be capable of storing a minimum two complete Tractor and Trailers.

**HEAVY-DUTY ROAD SERVICE** --Minor maintenance, such as changing a tire, supplying fuel or water or jump starting of a vehicle with a registered gross weight of 15,001 pounds or more.

**HEAVY DUTY WRECKER** -A tow truck with dual wheels, capable of towing large trucks and shall meet the following minimum requirements as set forth in the New Jersey State Police Application and Minimal Requirements for Vehicular Towing:

- 26,001 lbs. minimum Gross Vehicle Weight (GVW) commercially manufactured wrecker and chassis
- Meeting State and Federal DOT Requirements governing commercial motor vehicles
- Air Brakes
- Air Transfer System -means of controlling the brakes of the towed vehicle
- Axle lift with 25,000 lbs. minimal lift capacity & 80,000 lbs. tow capacity
- (2) Safety Chains 1/2" X 10' alloy
- (2) Tow Chains 5/8" X 10' alloy
- Axle Lift safety straps or equivalent retention device
- Amber Emergency Lights with proper Amber Light Permit
- Two Flood lights or work lights to the rear of the wrecker
- Tow light bar or magnetic tow lights
- Two way radio or cellular phone
- Assortment of wood blocks and boards
- Assortment of tools
- Flashlight
- T -Bolts/maxi release pins
- Angle Iron
- First Aid Kit
- Fire Extinguisher

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- Broom & Shovel
- Road flares, triangles or road cones

Heavy Duty Wreckers shall also meet the following local requirements:

- Environmentally safe drying compound 50 lbs. minimum
- 80,000 lbs minimum Gross Combination Weight Rating (GCWR)
- 50,000 lbs minimum Hydraulic Operated Boom or equivalent of a Holmes 750 Mechanical

**HEAVY -DUTY WRECKER SERVICE** --The towing and/or removal of a vehicle with a registered gross weight of 15,001 pounds or more.

**IMPOUNDMENT** --The act of storing and confining a vehicle upon an order of the Police Department at either the towing operator's storage facility or at the Police Department impound location as a result

of abandonment, involvement in an accident or suspected criminal activity.

**INSIDE BUILDING VEHICLE STORAGE FACILITY** -- A storage facility that is completely indoors, having one or more openings or storage bins for the storage of vehicles and that is secured by a locking device on each bin or opening.

**LABOR**- The additional work done at the scene by the tow truck operator that is beyond which is required to perform a basic tow or any additional man power needed to complete a recovery, winching or towing of a vehicle. Labor charges for additional manpower shall be based on a per man, per hour basis.

**LEASED VEHICLE**-A Vehicle leased by the towing operator, through a leasing company, and showing the licensee on the registration as the owner or lessee. If the registration is such that the lessee is not listed, the towing operator will be required to show lease agreement.

**LIGHT DUTY WRECKER**-A Tow truck with dual rear wheels, capable of removing and transporting passenger cars damage free and shall meet the following minimum requirements as set forth in the New Jersey State Police Application and Minimal Requirements for Vehicular Towing:

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- 10,000 lbs. minimum Gross Vehicle Weight (GVW) commercially manufactured wrecker and chassis
- Dual Rear Wheels
- 3,000 lbs. minimum chassis lift/ under-reach
- 8,000 lbs. minimum winch capacity
- 8,000 lbs minimum Hydraulic Operated Boom
- Cable size and length -3/8" and 100' or OEM specifications minimum
- (2) Safety Chains 3/8" X 10' High Test
- (2) Tow Chains 3/8" X 10' High Test with "J" & "T" hooks and grab hooks
- Wheel Lift safety straps or equivalent retention device
- (1) 3 Ton snatch block
- Trailer ball hitch attachment
- Motorcycle towing equipment
- Amber Emergency Lights with proper permit
- Two Flood lights or work lights to the rear of the wrecker
- Assortment of tools
- Jumper cables
- Flashlight, First Aid Kit, Fire Extinguisher
- Gas can
- Lug wrench and jack
- Broom & Shovel
- Road flares, triangles or road cones

Light Duty Wreckers shall as have the following equipment as specified by the Township

- Environmentally safe drying compound 50 lbs. minimum.

LIGHT DUTY FLATBED-A car carrier of the roll back or tilt type, with dual wheels, capable of removing and transporting passenger cars damage free and shall meet the following minimum requirements as set forth in the New Jersey State Police Application and Minimal Requirements for Vehicular Towing:

- Light Duty Flatbed shall meet the same requirement as a light duty wrecker plus the following requirements:
- 14,500 lbs. GVWR minimum commercially manufactured flatbed and chassis
- Seventeen feet or longer hydraulically operated slide back or tilt bed.
- 3/8 x 50' cable or OEM specifications
- (4) Safety Chains 3/8" X 10' High Test minimum
- Bridle Chain High Test with "J" & "T" hooks and grab hooks

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- (1) 4 Ton snatch block
- Assortment of wood blocks and boards.

Light Duty Flatbeds shall have the following equipment as specified by the Township

- Environmentally safe drying compound 50 lbs. minimum.

LIGHT -DUTY ROAD SERVICE --Minor maintenance, such as changing a tire, supplying fuel or water or jump starting of a vehicle with a registered gross weight of 15,000 pounds or less.

LIGHT -DUTY WRECKER SERVICE --The towing and/or removal of a vehicle with a registered gross weight of 15,000 pounds or less.

OUTSIDE SECURED STORAGE FACILITY -- A storage facility that is not completely indoors and that is secured by a permanent fence, wall or other man-made barrier that is at least six feet in height and is protected with on-site security. The facility is to be lighted at night with continual or motion detection actuated lighting. The facility must be capable of storing a minimum of four passenger-sized vehicles.

OWNER -- A person, firm, corporation, company, or partnership that owns and/or operates a vehicle on the roads and highways within the Township of Parsippany-Troy Hills, which vehicle, by reason of being abandoned, disabled or unlawfully on said roads, requires towing services.

PERSONAL PROPERTY --As used in § 385-8 of this chapter shall mean personal property of the vehicle owner or operator that, if removed from the vehicle, does not detract from the salvageable value of the vehicle.

RECOVERY DUTY-Service for all accidents, recovery, and winching incidents for any vehicle weighing over 15,000 lbs. GVW. Removal of vehicle from an off road location to a towable position while preserving the condition of the vehicle.

RECOVERY UNIT --A tow truck with dual wheels, capable of recovering large trucks and shall meet the following minimum requires:

- 26,001 lbs. minimum Gross Vehicle Weight (GVW) commercially manufactured wrecker and chassis
- Meeting State and Federal DOT Requirements governing commercial motor vehicles

- 80,000 lbs minimum Gross Combination Weight Rating (GCWR)
- 50,000 lbs minimum Hydraulic Operated Boom or equivalent of a Holmes 750 Mechanical
- 50,000 lbs minimum winch capacity

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- 35,000 lbs minimum chassis lift/ under-reach rated
- Cable size and length -5/8" and 200' or OEM specifications minimum
- Air Brakes
- Air Transfer System
- (2) Safety Chains 1/2" X 10' Grade 10 alloy
- (2) Tow Chains 1/2" X 10' Grade 10 alloy and (4) Chain binders
- (4) Winching Chains 1/2" X 8' Grade 10 alloy
- (4) Tie Down Chains 5/16" X 10' and (4) Chain binders
- (2) Recovery Straps 6" X 20' minimum
- Axle Lift safety straps or equivalent retention device
- (2) Scotch blocks or recovery stiff legs mounted into body of the truck
- (2) 12 Ton snatch blocks
- Amber Lights with proper permit
- Two Flood lights or work lights to the rear of the wrecker
- Tow light bar or magnetic tow lights
- Assortment of wood blocks and boards
- Assortment of tools
- Flashlight
- T -Bolts/maxi release pins
- Hydraulic bottle jack
- Angle Iron
- First Aid Kit
- Fire Extinguisher
- Broom & Shovel
- Road flares, triangles or road cones
- Environmentally safe drying compound 50 lbs. minimum
- Additional Equipment - either owned or subcontracted
  - Air cushion recovery system including starter cushions, with motor driven air pump, with a lifting capacity of 100,000 lbs.
  - Semi-tractor with fifth wheel
  - Lowboy or Landoll type trailer with minimum hauling capacity of 40,000 lbs.
  - Relief trailer or truck capable of transferring loads off damaged trucks

SUBCONTRACTOR -An approved Township Wrecker Service used to supplement needs of wrecker service under extraordinary circumstance.

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TOTAL TOW CHARGE --As used in the Fee Schedule, shall mean the total of the basic towing service, excluding any mileage charge imposed by the towing operator, for towing within the Township borders. Mileage charges, if any, are only allowed for vehicles towed out of the Township at the request of the

vehicle owner.

**TOWING OPERATOR** --A person, firm, corporation, company or partnership engaged in the business of providing towing, road and storage services for vehicles towed pursuant to this chapter.

**TOWING/WRECKER VEHICLE** --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, by reason of being disabled, abandoned or unlawfully on the roads, require towing and/or storage.

**VEHICLE**-A device in, upon or by which a person or property is or may be transported upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks or motorized bicycles.

**WAIT TIME**-Additional time a tow operator spends at the scene other than the time required for the actual tow and/or recovery. Examples of wait time may include but are not limited to EMS services which must be performed and/or police investigations. .

**WINCHING**- The process of moving a vehicle by the use of the tow cable from a position that is not accessible for direct hook up by conventional means for loading onto a tow vehicle. Winching shall not mean pulling a vehicle onto a flatbed or carrier or lifting a vehicle with a conventional tow truck.

**§ 385-3. Administration, application and enforcement procedures**

- A. The Chief of Police or any member of the Police Department designated by him is authorized to administer and enforce all provisions of this chapter.
- B. Application procedures for police-initiated towing.
  - (1) No towing operator shall participate in the police towing rotational list within the Township without first submitting an application for inclusion on the rotational duty list and receiving written approval from the Chief of Police.

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- (2) Application to participate in the rotational duty list shall be made on the official application form available from the Police Department and submitted, together with an application fee in the amount of \$50 payable to the Police Department.
- (3) The applicant shall complete a request for criminal history form for each individual associated with the applicant who will provide services pursuant to this chapter and shall submit the form(s), along with a certified check or money order in the amount of the current State Rate for each form, made payable to NJSBI. The request for criminal history forms shall be obtained from the Chief of Police.
- (4) Applicants are required to comply with the requirements of N.J.S.A. 10:5- 1 et seq. and N.J.A.C. 17:27-1.1 et seq. with regard to affirmative action employment-
- (5) All rotational list approvals will be issued by the Chief of Police under this chapter and shall remain valid for the calendar year and shall expire on the 31st day of December next

succeeding the date of issuance unless sooner suspended or revoked by the Chief as hereinafter provided.

- (6) A maximum of 6 approved towing operators can be included in the towing rotational list.

#### **§ 385-4. Qualification criteria**

The Chief of Police, or his designee, shall be responsible for approving all applications by towing operators for inclusion on the rotational list when the Chief determines that the following requirements have been met by the applicant:

- A. All applicants shall have a storage facility, the address of which shall be the same as the business address on the application, which shall be within the Township boundaries. The storage facility shall accommodate a minimum of four sized vehicles. The facility shall be lighted, and have a fenced, secure area as defined in § 385-2 of this chapter.
- B. All applicants doing Heavy Duty Towing and Recovery shall have a storage facility, the address of which shall be the same as the business address on the application, which shall be within the Township boundaries. The storage facility shall accommodate a minimum of two complete Tractor Trailers. The facility shall be lighted, and have a fenced, secure area as defined in § 385-2 of this chapter.
- C. All towing operators must own or lease and have available at least one conventional tow truck and one flatbed truck, as defined in § 385-2, in addition to other equipment which is necessary for the safe performance of towing, emergency road and storage services. Only one company can utilize the same tow vehicles. There can be no common ownership or sharing of towing vehicles.
1. Each light duty driver must obtain a Level 1, National Driver Certification from a tow truck operators course or equivalent. New hires must obtain certificate within nine months from the start of employment. Certificates must be available for inspection.
  2. The towing operator must provide a detailed listing of the equipment to be utilized. The listing shall include the following information:
    - Manufacturer, type, and specifications for each truck
    - Ownership and/or lease information
    - Manufacturer's certifications of the lifting capabilities of the devices for each vehicle or a certified testing laboratory test result for the rating lift capacity.
  3. All wreckers must be properly licensed and inspected by the State of New Jersey having the necessary stickers affixed.

D. All Heavy Duty towing operators must own or lease and have available at least one conventional heavy duty wrecker, as defined in § 385-2, in addition to other equipment which is necessary for the safe performance of towing, emergency road and storage services. Only one company can utilize the same tow vehicles. There can be no common ownership or sharing of towing vehicles.

1. Heavy duty drivers must obtain a Level 2, National Driver Certification from a tow truck operators course or equivalent. New hires must obtain a certificate within nine months from the start of employment. Certificates must be available for inspection.
2. Heavy duty tow operators must have available one employee who has obtained a Level 3, National Driver Certification from a tow truck operators course or equivalent and have training from an industry recognized recovery course. Certificates must be available for inspection.

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3. Heavy duty drivers must have a CDL endorsement on their license. When applicable they shall also have the following endorsements for (H) Hazardous Material, (N) Tanker Vehicle and (T) Double/Triple Trailers. They must have proof of medical clearance and medical card in possession.
4. The towing operator must provide a detailed listing of the equipment to be utilized. The listing shall include the following information:
  - Manufacturer, type, and specifications for each truck
  - Ownership and/or lease information
  - Manufacturer's certifications of the lifting capabilities of the devices for each vehicle or a certified testing laboratory test result for the rating lift capacity.
5. All wreckers are to be properly licensed and inspected by the State of New Jersey having the necessary stickers affixed.

E. All towing operators' trucks must be equipped with either two-way radios and/or mobile telephone communications equipment with the ability to communicate with the towing operator's principal place of business, including their garages and/or facilities, to ensure the proper availability of services and equipment on behalf of the Township and motorists.

F. All towing operators' trucks shall be equipped with brooms, shovels and other street sweeping equipment for the purpose of clearing and removing debris off the roadways. Such trucks shall also be equipped with but not limited to large plastic bags and a minimum of 50 pounds of environmentally safe drying compound for the purpose of absorbing and removing fluids that have

discharged from a damaged vehicle.

- G. All towing operators' wreckers and all other vehicles shall be owned or leased, as defined in § 385-2., in the towing operators name and shall be properly licensed and registered with the New Jersey Division of Motor Vehicles. All towing operator vehicles shall display commercial license plates.
- H. The towing operator's company name, address and telephone number(s) shall be prominently displayed on both sides of all wreckers and other tow vehicles.

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- I. All drivers of towing/wrecker vehicles shall have the proper New Jersey driver's license or commercial driver's license as may be appropriate.
- J. All drivers of towing/wrecker vehicles shall furnish their social security number and necessary information needed to conduct criminal background checks.
- K. At the time of the application or at any time a new tow truck driver is added or assigned, the towing operator shall submit to the Police Department, the name, drivers license number, social security number and date of birth of the tow truck driver prior to the driver's operation of any tow truck pursuant to a Township Police Department request. Fifty percent of all principals and employees of the towing operators will be subject to random drug testing by a controlled substance testing facility annually. The cost will be borne by the towing operators.
- L. All drivers of towing/wrecker vehicles shall be required to wear clothing, upon which shall be contained the name of the business, and the name of the driver.
- M. Certificate of insurance. All towing operators shall submit a certificate of insurance to the Chief of Police, quarterly, which certificate shall name the Township of Parsippany-Troy Hills Police Department as additional insured. The certificate shall provide evidence that the towing operator carries the following Insurance coverage:
- (1) Comprehensive general liability. A minimum amount of \$1,000,000 combined single limits.
  - (2) Automobile liability. Coverage in a minimum amount of \$50,000 combined single limits. Coverage shall include nonowned and hired automobiles.
  - (3) Insurance must also include adequate coverage to protect the owners of private vehicles that are in the care, custody and control of the towing operator. Said coverages must provide at least \$10,000 in minimum coverage per vehicle for damages or losses arising out of theft of the vehicle's contents, the vehicle itself or losses due to fire or explosion.

- (4) Workers' compensation. Coverage in accordance with the statutory limits for each company, if more than one is owned.

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N. Indemnification. The towing operator agrees that, to the fullest extent permitted by law, it shall indemnify, defend, and hold harmless the Township from and against any and all:

- (1) Claims, suits, judgments and demands whatsoever, including, without limitation, costs, litigation expenses, counsel fees and liabilities with respect to injury to or death of any person or persons whatsoever; and
- (2) Damage to property of any kind arising out of or caused in whole or in part by the acts or omissions of the towing operator or any other person directly or indirectly employed by the towing operator while in the performance or rendering of any services pursuant to this chapter.

O. Information from the Better Business Bureau, Consumer Affairs and similar sources can also be utilized for qualification purposes.

P. All towing/wrecker vehicles shall be equipped with flashing amber lights. The lights shall be utilized in accordance with the standards established in the amber light permit that is issued separately for each towing/wrecker vehicle that is listed on the application to participate in the rotational duty list as required in this section.

#### **§ 385-5. Minimum standards governing operator performance**

- A. All towing operators on the rotational duty service list shall comply with all applicable zoning and land use ordinances and/or property maintenance codes in effect within the Township.
- B. All vehicles towed under this chapter shall be taken immediately to either the Tower's listed storage facility or location specified by the investigating officer at the scene or the vehicle's owner with police approval.
  - (1) Towing operators shall have available enclosed areas with a telephone and rest room for the use of vehicle owners/operators to arrange for transportation when necessary .
  - (2) Towing operators shall provide access to vehicle owners/operators for removal of a vehicle six days a week during normal business hours. Business Hours are set at 8 A.M. until 6 P .M. Monday through Friday and 9 A.M. until 12 P .M. Saturday. Storage fees shall not be charged on days when a stored vehicle is not accessible to the owner/operator.

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- (3) All towing operators appointed to the rotational duty list shall:

- (a) Provide the Police Department with the following information for automobiles unclaimed over 30 days:
  - [1] Year, make, color and vehicle identification number;
  - [2] Owner's name and address (if available);
  
- (b) Maintain a record showing all vehicles impounded at the request of the Police Department. Those vehicles may include abandoned vehicles, recovered stolen vehicles, or vehicles held for investigation by the Department. This record shall be made available to any police officer for inspection upon request and shall contain the following information:
  - [1] The date, time, location and name of the wrecker driver who towed the vehicle at the Department's request;
  - [2] The physical location of the vehicle after being towed;
  - [3] Identification of the impounded vehicle after being towed;
  - [4] All charges relating to the vehicle after being towed;
  - [5] Identification of the police officer authorizing release of an impounded vehicle, the employee that released the vehicle, and the person to whom the vehicle is released.

C. At the time of removing any motor vehicle, the towing operator shall remove debris or material that is in the area surrounding the motor vehicle as a result of the incident that necessitated the removal of the vehicle. The removal of debris shall be performed by the towing operator without charge to the Township or the vehicle owner or operator. The towing operator may also clean up all fluids contained on a paved roadway that were discharged from the vehicle to be removed. A one time \$20.00 fee may be charged plus the cost of material used. If more than one bag of environmentally safe drying compound is used, the towing operator may charge at the rate of \$18.00 per 50 lb. bag. A towing service shall not be required to remove any debris or material which may be hazardous such as oil, gasoline, kerosene or other petroleum or chemical products, or debris or police officer is not present and a hazardous material is involved, it shall be the tow operator's responsibility to notify the Police Department immediately of the condition and its location.

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D. All towing operators serving on the rotational duty service list must guarantee the availability of all services to the Police Department seven days a week, 24 hours a day. A towing operator, in this respect, shall immediately respond to any type of towing, emergency road service or storage call with the appropriate vehicle and/or equipment and shall arrive at the scene as soon as possible. Failure to respond to the scene within 20 minutes after receipt of telephone notification by the Police Department dispatcher/desk officer shall be considered a breach of this chapter unless heavy or unusual traffic conditions prevent a towing operator from responding within this time frame. In the event that a towing operator fails to respond within 20 minutes from the time of the call, the Police Department

reserves the right to contact the next available tow operator on the rotational list.

- E. If the towing operator is wholly or partially unable to respond due to failure of any equipment or personnel insufficiencies, the towing operator will immediately notify the Police Department who will contact the next towing company in the rotation to handle the request. If such an incident occurs, the towing operator will furnish, in writing, within five business days, the details of the circumstance which caused the failure to respond to the Township Police Department's Traffic Section which will make a determination if a follow-up investigation and/or inspection of the tow operators facility and/or equipment is required.
- F. The Township reserves the right to contact other towing operators, who may not be on the rotational list, in times of emergencies and/or natural disasters.
- G. The owner of a vehicle to be towed under this chapter shall have the right, if he/she so desires, and the investigating officer approves, to designate a towing operator of his/her choice, provided the response time of said towing operator is not greater than 20 minutes. If the towing operator is not on the Township rotational duty list, that operator is still responsible for clearing debris from the scene.
- H. Employees of the towing operator, in responding to a call, shall request and be afforded police assistance during the course of providing towing, emergency road service or removal of abandoned or accident vehicles.
- I. A towing operator shall not permit a vehicle to be removed from the site of an accident, the scene of a crime, or any other instance or situation without the prior approval of the investigating officer at the scene.

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- J. Any towing operator who tows an abandoned vehicle from private property must notify the Police Department of the vehicle information and where the vehicle was towed from. The Police Department will check the vehicle through N.C.I.C.

**§ 385-6. Fee schedules.**

- A. The fees set forth in the schedule below for towing and storage rates are the maximum permitted charges that shall apply to the towing and/or storage of passenger automobiles. Towing operators transporting multiple passenger vehicles at one time shall receive the applicable fees for each passenger vehicle transported.

(1) The following towing and storage fees shall apply for passenger vehicles and other vehicles as indicated.

**Base charge for towing**

- Light-duty wrecker service \$90.00

- Flatbed service \$90.00
- Winching \$125.00 Flat fee off road only
- Light-duty road service \$50.00
- Heavy-duty wrecker service \$350.00 per hour
- Heavy-duty road service \$90.00 per hour
- Wait time ½ hourly rate

**Storage charges (per day for vehicles not claimed within 12 hours)**

- Outside secured \$30.00
- Inside (only if directed by police) \$40.00
- Truck storage \$65.00

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**Other charges**

- Mileage (for towing outside of Township limits) \$4.00 per mile
  - Extra personnel (applicable to heavy-duty only) \$65.00 *per man hour*
  - Recovery Heavy Duty \$350.00 per hour
  - Wait Time ½ hourly rate
  - Administration Charge (one time per vehicle) \$20.00
  - Recovery Supervisor (Heavy Duty Only) \$125.00 per hour
- (2) In the event that the towing operator has been summoned by the Township for the purpose of towing an abandoned vehicle, and if the owner or the operator appears on the scene before the vehicle is hooked to a tow truck, then the towing operator will make no charge in that instance.
- (3) Vehicles that are towed under this chapter and that subsequently become the target of a police investigation (criminal, fatal accident, etc.), and become the responsibility of the Township to pay the tow charge, shall be charged at the current rate for towing of Township-owned vehicles.
- (4) Storage fees shall start after the first 12 hours of storage and be for 24 hour periods. The fees set forth for storage are the maximum storage charges per twenty-four-hour period, and same shall apply to a vehicle that is stored as a result of accidents, abandonments, repairs, or suspected criminal activity.
- (5) Road repair services. The towing operator shall be permitted to charge an additional fee based on the towing operator's prevailing hourly labor rates and charges for parts or materials for any road repair services provided in addition

to those defined herein. It shall be the responsibility of the tow operator to first inform the owner/operator of the vehicle of the hourly labor rates and the estimated total cost for parts and/or materials, and receive written consent from the owner/operator, prior to the performance of such additional road repair services-

- (6) Heavy duty wreckers. The towing fee for vehicles which require the use of a heavy duty wrecker shall be based on rate set forth § 385-6. Fee schedules. Wherever applicable, it shall be the responsibility of the towing operator to first inform the owner or operator of the estimated total cost prior to the performance of any towing service.

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- B. The tow operator shall be responsible to provide all motorists utilizing the tow Operator’s services with a written schedule of fees, issued by and printed on Police Department stationery, which lists in full the maximum fees to be charged for towing, road service, and storage within the Township when the towing, road service, or storage is initiated under this chapter. All Towing vehicles must carry a copy of the rate schedule. Towing operators shall not exceed the maximum charges set forth on the fee schedule for towing and the storage of vehicles regulated under this chapter.
- C. The towing operator shall be required to accept as payment currency, and any credit or charge card that the operator generally accepts during the normal course of business. Impounds must be paid in cash.
- D. The towing operator shall, in no instance, request payment from the Township for any services rendered to the owners of private vehicles; except, however, in those cases where the Police Department authorizes the removal of a Township-owned vehicle or a vehicle that is related to criminal activity.

**§ 385- 7. Establishment of towing operator's rotational duty service list.**

- A. The Chief of Police, or his designee, shall be responsible to establish a towing operators’ rotational duty list following approval of applications. He shall also be responsible for establishing towing sections within the Township, the locations of which shall be determined to provide the most rapid response by tow operators.
- B. The Police Department shall call the towers on the rotational duty list in sequential order, as set forth by the Chief, so that each towing operator will be given the opportunity to respond to individual calls as received by the Police Department.
  - B. The Police Department shall have the right to call the next towing operator on the rotational duty list should a towing operator fail to respond to a call within 20 minutes.

**§ 385-8. Supervision of towing operator services.**

- A. The Chief of Police is hereby authorized to establish rules and regulations for the supervision,

operation, inspection, safe operation of tow vehicles, retrieval of personal property by vehicle owners, and subsequent applications for title to vehicles that have been towed at the direction of the Police Department. The rules and regulations shall be incorporated within the Police Department policy titled "wrecker service calls."

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- B. The Chief of Police, or his designee, shall have the right, at all times, to inspect all towing vehicles and related equipment used by tow operators performing services pursuant to this chapter.
- C. At any time, should the Chief, or his designee, determine that the vehicles and/or equipment being used are unsafe, he shall have the power and authority to direct the immediate correction or repair of any automotive defect, malfunction or violation of motor vehicle regulations within a specified period of time to be determined by the Chief.
- D. The Chief of Police is authorized and empowered to establish from time to time, and transmit to all towing operators on the rotational duty list, such additional rules and regulations not inconsistent herewith as may be reasonable and necessary to carry out the provisions of this chapter, including a procedure to receive complaints and resolve disputes arising from the towing and storage of motor vehicles required by the Township without the consent of the owner.

#### **§ 385-9. Suspension and removal for noncompliance.**

- A. The Chief of Police shall have the power to suspend a towing operator from the rotational duty service list for a period up to 30 days for failure to comply with any section of this chapter or rule or regulation established under authority of this chapter. A subsequent violation may result in the removal of a towing operator from the rotational duty service list for a twelve-month period. A towing operator may appeal the Chiefs ruling of either a suspension or a twelve-month removal.  
In such cases, an appeal shall be filed, in writing, with the Township Clerk within 10 business days of the Chiefs decision. A hearing shall be held by the Township Council within 30 business days of the filing. The Township Council shall render its determination within 20 business days following the conclusion of the hearing. The Township Council's determination as rendered shall be final and conclusive under this chapter.
- B. Failure to comply with applicable zoning, land use, property maintenance codes, or any other local ordinances may subject any towing operator to suspension from the rotational duty service list upon request to the Chief of Police from the appropriate Construction Code Official, Zoning Officer, Property Maintenance Officer, or other Township official. Any towing operator suspended from the rotational duty service list for violation of applicable zoning, land use, property maintenance codes or any other local ordinances shall be indefinitely suspended until corrections are made and approved by the applicable Township official, and communicated to the Chief of Police in writing.

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- C. The Chief of Police shall have the power to suspend or remove a towing operator from the rotational duty service list if that operator or any employee thereof has been convicted of a crime of the forth degree or higher in this or any other jurisdiction.

**§ 385-10. Violations and penalties; enforcement.**

- A. Any person, firm or corporation who violates any of the provisions of this chapter shall, upon conviction, be subject to the following:
- (1) For the first offense, a fine not to exceed \$250 and suspension from the rotational duty list for one month.
  - (2) For the second offense, a fine not to exceed \$500 and suspension from the rotational duty list for six months.
  - (3) For the third offense, a fine not to exceed \$1,000 and suspension from the rotational duty list for one year.
  - (4) For the fourth offense, permanent revocation from the rotational duty list.
- B. Each and every violation of this chapter and each and every day that any violation shall continue shall be construed as a separate and distinct violation.
- C. The Police Department is specifically designated as the enforcement agency, which shall serve and execute process for violations of this chapter in accordance with law.

**SECTION TWO:** This ordinance shall take effect following publication after final adoption is provided by law.