

## Exhibit A

### Chapter 210 - Towing

#### 210-1 Rotating List.

- A. A list of towing vendors is hereby established to provide towing services for the City of Salem on a rotating basis. The Police Department shall maintain the rotating list and determine the time period for each rotation. The list of vendors shall be determined by and under the direct supervision of the Chief of Police.
- B. A vendor shall be placed on the rotating list in the order in which its application was approved. Each new vendor shall initially be placed last on the list.
- C. If a vendor is called and for any reason does not or cannot perform the requested service, the next vendor on the list will be called to perform the towing service.

#### 210-2 Application and approval process.

- A. A vendor seeking placement on the rotating list shall be required to submit an application and receive the approval of the Chief of Police.
- B. All applicants are required to complete an application furnished by the City Clerk providing any and all information prescribed by the Chief of Police.
- C. Each vendor must be able to demonstrate to the City that it is thoroughly qualified and experienced in the towing and removal of vehicles of all types and that it has adequate facilities, equipment, expertise, licensing and personnel certified by the Towing and Recovery Association of America to perform the services in a manner satisfactory to the City of Salem Police Department.
- D. The City of Salem Police Department will conduct a background investigation of the vendor for approval of placement on the towing list. The applicant will be required to pay the associated fees.

**E.** Approval may be denied, suspended or revoked upon any of the following, but not limited to, circumstances:

(1) Submitting a fraudulent or misleading application.

(2) A criminal conviction of a named principal of the vendor.

(3) Failure to respond reliably and promptly to calls for assistance or any other unsatisfactory performance action which interferes with the proper operation of the rotating system maintained by the Police Department.

(4) Failure to utilize safe and adequate equipment as defined herein.

(5) Violation of motor vehicle laws and/or municipal ordinances.

(6) Failure or refusal to tow or remove a motor vehicle when requested to do so by an appropriate municipal official.

(7) Violations of the zoning ordinance or any other applicable ordinances or codes of the City of Salem in conducting the towing business.

**F.** Once an applicant has been approved by the Chief of Police, the applicant shall be placed on the rotating list of towing vendors for a period of one year. The application shall be renewed annually upon the payment of the fee as set forth in Subsection **G** of this section.

**G.** A vendor seeking placement on the rotating list shall submit an application on an annual basis. The application shall be filed with the Chief of Police not later than December 15 in the year prior to which approval is sought. All applications shall be accompanied by a non-refundable fee of \$100, which fee shall be payable to the City of Salem.

## **210-~~R~~Regulations.**

- A.** The Police Department in general and the Chief of Police in particular shall enforce the within provisions.
- B.** The Chief of Police is hereby authorized and empowered to establish, from time to time, written policies and procedures as may be reasonable and necessary to obtain compliance with the terms of this chapter and the laws of the State of New Jersey.
- C.** All regulations, policies and procedures shall be made available for inspection by the public at the City Clerk's office during normal business hours.
- D.** Complaints by motor vehicle owners of any tow contractor shall be referred to the Chief of Police, who shall promptly investigate and resolve any dispute.

## **210-4 General requirements.**

- A.** The applicant shall verify a minimum of three years of towing-for-hire experience either as an owner or principal at an established business. Verification will be done by the Chief of Police or designee.
- B.** The applicant or agent shall not have received a criminal conviction within the last seven years involving stolen or embezzled vehicles, fraud relating to the towing business, stolen property, or any other offense of a similar nature. All applicants and tow vehicle drivers must submit to a criminal history check conducted by the City of Salem Police Department.
- C.** The principal location of the applicant must be staffed during business hours and shall maintain a clean, comfortable waiting room and toilet facilities.
- D.** ~~The method of towing, transporting or recovering a vehicle pursuant to this chapter shall be performed consistent with the applicable manufacturer's ratings including, but not limited to, the following:~~
  - (1)** Chassis gross vehicle weight rating.
  - (2)** Chassis combined gross vehicle weight rating.
  - (3)** Boom capacity rating.
  - (4)** Winching capacity rating.

- E.** The applicant shall represent that its trucks and equipment are safe, properly equipped, sound mechanically, and suitable for intended use (N.J.S.A. 39:3-1 et seq. and 49 CFR 393). The vendor may be subject to inspection by trained/certified New Jersey State Police Commercial Vehicle Inspection personnel.
  
- F.** The vendor shall file a list of rates and charges for each type of service provided by each towing and recovery unit. The filed rates may be adjusted at any time upon request by the vendor and notification to the City of Salem Police Department.
  
- G.** It is the responsibility of the vendor to recover all charges for vehicle towing and recovery operations from the vehicle owner or the owner's insurance carrier. Neither the City of Salem Police Department or the City of Salem shall be responsible for collecting any fees that are owed to the vendor.
  
- H.** It is the responsibility of the vendor to remove all debris and/or cargo from the incident scene directly and/or use a subcontractor and in compliance with the cargo handling procedures as set forth in this chapter.

#### **210-5 Responsetimes/location.**

- A.** Upon receiving notification from the communication center, the vendor shall be allowed 30 minutes maximum response time from the vendor's principal location. In the event that the vendor is unable to respond in the allotted time, the next vendor on the rotating list will be notified.
  
- B.** In the event of an emergency situation that requires police to expedite the removal of any vehicle(s), the officer on the scene may deviate from this ordinance in order to restore the flow of vehicular traffic. This may include contacting a tow vendor that is closer to the scene, permitting a faster response time, or for any other reason that the police feel is in the best interest of those involved.

#### **210-6 Generaloperation.**

- A.** The vendor shall be available 24 hours a day, seven days a week, including holidays. This includes vehicles from accidents, impounds or that have become disabled. The request can be made from either the owner of said vehicle or from the police. If and when a vehicle which has been impounded by the City of Salem Police Department is permitted to be released, the vendor must make every effort to provide this service. All vehicles impounded by the police must have proper authorization from the City of Salem Police Department prior to that vehicle being released from the vendor. The City of Salem Police Department will provide the owner or designee of the vehicle with a signed copy of the vehicle impound report verifying the proper release. In the event a vehicle is impounded by the police for a DWI arrest, per John's Law, the vehicle shall be impounded for a period of 12 hours from the time of arrest. The vehicle cannot be released prior to this time once it has been secured at the vendor's location. After 12 hours have lapsed, vendors should make every attempt to properly release the vehicle once a request has been made.

- B.** The Salem County Dispatch Center will contact vendors by land line, cell phone, answering machine or pagers; In the event personal contact is not made, the dispatcher will leave a message verifying that contact was attempted. The dispatcher will then proceed to the next tow vendor on the rotating list.
- C.** The vendor shall accept at least two major credit cards and shall be able to charge the patron for any credit card service fees.
- D.** The vendor shall not remove any vehicle from any roadway without proper authorization.
- E.** The vendor shall answer calls for towing.
- F.** The vendor shall be reasonably responsible for clearing the roadway of debris, except hazardous materials. Hazardous materials may be defined as any dangerous or unknown substance which the vendor has not been properly trained or licensed to dispose.
- G.** The vendor shall notify the communications dispatcher when unable to respond to a call or when unable to meet the response time requirement. The vendor shall also immediately notify the communications dispatcher when unable to respond or when unable to meet the response time requirements of a previously accepted call.
- H.** The vendor shall not assign calls to other tow companies.
- I.** When patrons do not have funds available for payment, the vendor shall tow the patron's vehicle to the vendor's storage facility until payment arrangements have been made.
- J.** The vendor and company representatives shall cooperate and communicate with the police officer in charge and other emergency service personnel at incident scenes.
- K.** The vendor must post, in a conspicuous manner, a copy of its approved service rates.
- L.** The vendor or its agent must be available to surrender **property** from towed vehicles during normal business hours and on Saturday, 9:00 a.m. to 12:00 noon. If the impound yard is not open on Saturdays, a sign indicating a phone number to call for the owner to arrange release of the **property** must be posted.
- M.** All drivers/operators must possess a valid New Jersey driver's license.
- N.** The vendor must maintain individual written records for impounded vehicles. These records will indicate full vehicle information, date and time towed and released. An odometer reading must be recorded if accessible. Impound vehicles will not be released without authorization from the City of Salem Police Department.
- O.** The Chief of Police shall have the discretion to determine the maximum number of

vendors needed for the City of Salem.

### **2107 Driver requirements.**

- A.** The vendor shall submit a list of drivers with copies of their New Jersey driver's licenses. This information will be submitted to the City of Salem Police Department for background checks.
- B.** The vendor shall notify the Chief of Police or designee concerning any changes in employee status, including additions and deletions.
- C.** Drivers shall behave in a professional manner.

### **2108 Insurance requirements.**

- A.** Each vendor shall be required to purchase, maintain and provide during the time of service on the rotating list of proof of insurance, including the certificate(s) furnished by a reputable insurance company licensed to do business in the State of New Jersey, containing the following coverage with liability limits as set forth below:
  - (1)** Garage liability/comprehensive general liability insurance policy in an amount not less than \$300,000 combined single limit covering bodily injury and property damage liability including, but not limited to, personal injury, products liability (where applicable), independent contractor and completed operation coverage.
  - (2)** Garage keeper's legal liability insurance policy in an amount not less than \$100,000. Said policy must include both comprehensive and collision, and an endorsement to include "on hook."
  - (3)** Automobile liability insurance policy in an amount not less than \$300,000 combined single limit covering bodily injury and property damage liability including, but not limited to, owned, non-owned and hired vehicles.
  - (4)** Worker's compensation insurance as required by law, including but not limited to statutory New Jersey workers' compensation benefits and employers' liability of at least \$100,000.
  - (5)** Excess umbrella liability. In the event that garage liability and/or automobile liability cannot be purchased up to the required three-million-dollar limit, an excess liability or umbrella liability policy must be purchased to effect a total liability limit of \$300,000. Excess or umbrella liability policies will not be required for garage keeper's policies that meet or exceed the one-hundred-thousand-dollar minimum limit.
- B.** A copy of proof of coverage shall be provided to the City Clerk and Chief of Police.
- C.** It is the responsibility of the tow service vendor to forward any changes in coverage to the City Clerk and Chief of Police as set forth above. Failure to do so shall be grounds for removal from the list. The policy shall contain coverage with liability limits as set forth herein.

## **2109 Storage requirements.**

- A.** Vendor should be equipped with proper, safe and secure storage for all vehicles that are towed and stored. The Chief of Police or his designee may conduct an annual inspection of the storage facility.
  
- B.** Impounded vehicles shall only be released upon proper authorization of the City of Salem Police Department. Vendor shall assume responsibility for all impounded vehicles released without authorization.
  
- C.** Personal property is considered to be anything that is not directly affixed to the vehicle. Such items shall be released to the owner upon request during normal business hours at no charge.
  
- D.** All vehicles impounded by the City of Salem Police Department will be stored at the vendor's location in a secure manner. This may include within a secured structure, inside the vendor's garage, within a secure barrier, or by any other measures taken to reduce theft or vandalism.
  
- E. Each storage facility must be:**
  - (1)** Located in close proximity to the vendor.
  - (2)** Secured by a minimum six-foot barrier sufficient to deter trespassing and/or vandalism.
  - (3)** Staffed or available for access between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday, and Saturday, 9:00 a.m. to 12:00 noon, excluding legal holidays. If the impound yard is not open on Saturdays, a sign indicating a phone number to call for the owner to arrange release of the vehicle must be posted. If the vendor is unable to release the vehicle on Saturday, the storage fee cannot be charged for Saturday or Sunday.
  - (4)** Sufficient in size to accommodate all vehicles towed at the request of the City of Salem Police Department.
  - (5)** Secure for all vehicles in custody, proportionate to the history and level of crime and/or vandalism in the area.

## **21010 Equipment requirements.**

**A.** A vendor must present for service a minimum of two trucks, consisting of a flatbed and a wrecker, which meet the following minimum requirements:

- (1)** Ten thousand pounds GVWR minimum commercially manufactured wrecker and chassis.
- (2)** Minimum wheel lift capacity of 3,000 pounds.
- (3)** Minimum winch capacity of 8,000 pounds.
- (4)** Three-eighths-inch-by-one-hundred-foot cable or OEM specifications. Fil
- (5)** Two safety chains, 3/8 inch by 10 feet high test.
- (6)** Two tow chains, 3/8 inch by 10 feet high test with J&T hooks, and grab hooks.
- (7)** Three-ton snatch block.
- (8)** Trailer ball hitch attachment.
- (9)** Motorcycle towing equipment.
- (10)** Amber emergency lights with proper amber light permit from State of New Jersey.
- (11)** Two flood or work lights to the rear of the wrecker.
- (12)** Two-way radio or cellular phone.
- (13)** Assortment of tools.
- (14)** Jumper cables.
- (15)** Flashlight, fire extinguisher, first aid kit.
- (16)** Gas can.
- (17)** Lug wrench and jack.
- (18)** Broom and shovel, road flares, triangles or road cones.
- (19)** Fourteen thousand five hundred pounds GVWR minimum commercially manufactured flatbed and chassis 17 feet or longer hydraulically operated slide back or tilt bed.
- (20)** Three-eighths-inch-by-fifty-foot cable or OEM specifications.
- (21)** Four safety chains, 3/8 inch by 10 feet high test.

- (22) One bridle chain, high test with J hooks and grab hooks.
- (23) One four-ton snatch block.
- (24) Assortment of wood blocks and boards.

**B.** In addition to the requirements of Subsection A of this section, vendor must present for service a minimum of one additional truck, which meets the following minimum requirements:

- (1) One 35,000 pounds GVWR minimum commercially manufactured wrecker and chassis.
- (2) Meeting state and federal DOT requirements governing commercial motor vehicles.
- (3) Air brakes.
- (4) Air transfer system for the controlling of the brakes of the towed vehicle.
- (5) Axle lift with a minimum lift capacity of 25,000 pounds and a tow capacity of 80,000 pounds.
- (6) Two safety chains, 1/2 inch by 10 feet alloy.
- (7) Two tow chains, 5/8 inch by 10 feet alloy.
- (8) Axle lift safety straps or equivalent retention device.
- (9) Amber emergency lights with proper amber light permit from the State of New Jersey.
- (10) Two flood or work lights to the rear of the wrecker.
- (11) Tow light bar or magnetic tow lights.
- (12) Two-way radio or cellular telephone.
- (13) Assortment of wood blocks or boards.
- (14) Assortment of tools.
- (15) Flashlight.
- (16) T-Bolts/maxi release pins.
- (17) Angle iron.
- (18) First aid kit.
- (19) Fire extinguisher.
- (20) Broom and shovel.
- (21) Road flares, triangles and road cones.

**C.** The vendor must have the capability to tow a minimum of three vehicles at the same time.

**D.** The vendor will be permitted to tow a vehicle over 10,000 pounds gross vehicle weight (GVWR) for disabled vehicles only.

§ 210-11 **Recovery duty.**

**A.** Includes service for all accidents, recovery, and winching incidents for any vehicle over 10,000 pounds GVWR or any vehicle that has dual wheels.

**B.** The vendor must meet the following **minimum** requirements:

- (1)** ~~Two~~ ~~thirty-five-thousand-pound~~ ~~GVWR~~ ~~minimum~~ ~~commercially~~ ~~manufactured~~ ~~wrecker~~ ~~and~~ ~~chassis~~ ~~with~~ ~~wheel~~ ~~lift~~. All wreckers must be fully hydraulic. Mechanically or electronically operated wreckers and/or fifth wheel hookups will not be permitted.
- (2)** ~~Oshkosh~~ ~~or~~ ~~Sterling~~-type crane can be substituted for one mechanical boom wrecker.
- (3)** Meeting state and federal DOT requirements governing commercial motor vehicles.
- (4)** Air brakes.
- (5)** Air transfer system - the controlling of the brakes of the towed vehicle.
- (6)** At least one truck shall have an axle lift with 25,000 pounds minimum lift capacity and 80,000 pounds tow capacity.
- (7)** ~~Fifty-thousand-pounds~~ ~~minimum~~ ~~winch~~ ~~capacity~~.
- (8)** Fifty-thousand-pounds minimum boom capacity.
- (9)** Five-eighths-inch-by-two-hundred-foot cable or OEM specifications.
- (10)** ~~Two~~ safety chains one-half-inch-by-eight-foot alloy.
- (11)** Two tow chains 1/2 inch by 10 feet and four chain binders.
- (12)** ~~Four~~ winching chains one-half-inch-by-eight-foot alloy.
- (13)** Four tie down chains 5/16 inch by 10 feet and four chain binders.
- (14)** Two recovery straps six inches by 20 feet or longer.
- (15)** Axle-lift safety straps or equivalent retention device.
- (16)** Two scotch blocks or recovery stiff legs mounted into body of truck.
- (17)** Two twelve-ton snatch blocks.
- (18)** Amber emergency lights with proper amber light permit from the State of New Jersey.
- (19)** Two flood or work lights to the rear of the wrecker.
- (20)** ~~Two~~-way radio or cellular telephone.
- (21)** ~~Assortment~~ of wood blocks and boards.
- (22)** ~~Assortment~~ of tools.
- (23)** Flashlight.
- (24)** Angle iron.
- (25)** Tow light bar or magnetic tow lights.
- (26)** T-bolts/maxi release pins.

**(27)** Hydraulic bottle jack.

**(28)** First aid kit.

**(29)** Fire extinguisher.

**(30)** Broom and shovel.

**(31)** Road flares, triangles or  
road cones.

**(32)** Additional equipment  
either owned or  
subcontracted.

**(33)** One air cushion recovery  
system including starter  
cushions, with motor-driven  
air pump, with lifting  
capacity of 100,000 pounds.

**(34)** One semitractor with fifth  
wheel.

**(35)** One Lowboy or Landall  
type equipment-hauling  
trailer with minimum  
hauling capacity of 40,000  
pounds.

**(36)** One relief trailer or truck capable of transferring loads off damaged trucks.

## **210-12 Suspensions; termination; appeals.**

- A.** The Chief of Police is empowered to suspend or remove vendors from the towing list for three failures to respond on a timely basis, failure to demonstrate the skills necessary to perform tows or recoveries in a safe, prompt and efficient manner, or excessive, unresolved customer complaints.
- B.** Termination may occur if the application is fraudulent, an indictable conviction of the owner, the owner's insurance is cancelled, or if there is evidence indicating a pattern of consumer fraud or any serious violation as determined by the Chief of Police.

- C. The vendor may appeal any disciplinary action to the City of Salem Council. The sanctions of the Chief of Police will not be stayed pending appeal.

### **210-13 Cargo-handling procedures.**

- A.** Where the driver, owner, or his representative is capable of action on his own, the police officer will make it clear to him that responsibility for safeguarding or disposal of property rests with him and that it must be disposed of promptly. The police officer will instruct the driver to remain with the disabled or wrecked vehicle until the vehicle and cargo are off the roadway and in a place of safety designated by the driver or owner of the vehicle.
- B.** Where the driver, owner or his representative is not able to take over himself, but the vehicle and its contents can be handled expediently by a wrecker, the police officer will advise the authorized vendor called to tow the disabled or wrecked vehicle to take charge of the vehicle and its contents.
- C.** In all such cases involving the handling, safeguarding and disposal of such property, where police officers rather than the owners or drivers must take charge, the owner or some other responsible party will be promptly notified by the City of Salem Police Department.
- D.** If there is a load spillage on the roadway which the wrecker, in the opinion of the City of Salem Department, cannot handle, NJDOT maintenance crews or the Public Works Department (on non-state highways) shall be notified. Cargo shall not be disposed of by maintenance crews. The City of Salem Police Department shall have sole authority to dispose of cargo that is in the best interest of the public.
- E.** In the event of spillage of perishable goods (food, drugs, alcohol), the County Department of Health shall be notified by the City of Salem Police Department, requesting one of their inspector's reports to the scene to inspect the goods and take such action as appropriate.
- F.** If, in the opinion of the City of Salem Police Department, after consultation with the authorized vendor, the cargo must be unloaded before the vehicle can be removed, the following procedure shall be followed:
- (1)** It is imperative that any vehicle disabled or involved in an accident be removed as quickly as possible. This also applies to a vehicle that is on the shoulder or overturned in a ditch or berm. To accomplish this, the trucking company shall assume as much responsibility as possible. The off-loading of cargo must begin no less than one hour after the communication center dispatcher is notified.
  - (2)** The communication dispatcher will contact the company and make all arrangements for trucks and manpower at the scene. The Police Officer in charge of the scene will make arrangements to remove the vehicle and its cargo by the best possible means. The order of preference is as follows:
    - (a)** Company truck and company manpower.
    - (b)** Company truck, authorized vendor manpower.

- (c) Towing vendor truck and manpower.
- (d) Towing vendor truck and NJDOT or Public Works maintenance manpower.
- (e) NJDOT or Public Works maintenance trucks and NJDOT or Public Works maintenance manpower.

(3) Should the NJDOT or Public Works be involved with the off-loading of the cargo, a maintenance supervisor shall dispatch the necessary personnel and equipment and, under the direction of that supervisor, shall unload the cargo. It shall not be disposed of by the NJDOT or Public Works unless or until abandonment by the owner is established. The City of Salem Police Department shall have sole authority to dispose of the cargo in the best interest of the public.

**G.** In the event of a spillage of petroleum products, the protocol of the City of Salem Fire Department and Office of Emergency Management shall be followed.

**210-14. Fee schedule for nonconsensual law enforcement tow.**

**A.** The schedule of maximum permissible towing charges, pursuant to N.J.S.A. 40:48-2.49, shall be as follows:

**1.** The maximum permissible towing charge for light duty towing shall be One Hundred Seventy-Five Dollars (\$175.00). Light duty towing is defined to include the total weight of the towed vehicle and any load carried on such vehicle to be less than ten thousand (10,000) pounds. After the vehicle has been towed a distance often (10) miles, the maximum additional fee shall be Five Dollars (\$5.00) per mile to the location the vehicle is to be taken. If the service call is received by the approved towing operator after 5:00 p.m. and before 7:00 a.m. on a weekday, holiday, Saturday or Sunday, then the maximum charge for delivery of a towing vehicle to the scene shall be One Hundred Eight-Five Dollars (\$185.00) and Five Dollars (\$5.00) per mile may be charged for delivery of the vehicle to the agreed-upon location.

**2.** The maximum permissible towing charge for medium duty towing shall be One Hundred Eighty-Five Dollars (\$185.00) to provide a properly equipped towing vehicle at the scene where the vehicle to be towed is located. Medium duty towing is defined to include the total weight of the towed vehicle and any load carried on such vehicle to be thereon being ten thousand (10,000) pounds or more. After the vehicle has been towed a distance often (10) miles, the maximum additional fee shall be Five Dollars (\$5.00) per mile to the location the vehicle is to be taken. If the service call is received by the approved towing operator after 5:00 p.m. and before 7:00 a.m. on a weekday, holiday, Saturday or Sunday, then the maximum charge for delivery of a towing vehicle to the scene shall be One Hundred Ninety-Five Dollars (\$195.00) and Five Dollars (\$5.00) per mile may be charged for delivery of the vehicle to the agreed-upon location.

**3.** In addition to the charges set forth herein, the responding towing operator may charge an additional fee of One Hundred Dollars (\$100.00) for each hour or portion of an hour to provide extraordinary services necessary to recover the vehicle from an area off the

traveled portion of the roadway or to return the vehicle to an upright position following an accident. This charge may be applied for each hour the towing operator remains on the scene from which the tow is being made. This charge is not applicable to time traveled to and from the scene of the tow.

**B.** The schedule of maximum permissible storage charges, pursuant to N.J.S.4. 40:48-2.49(1)(a), shall be as follows:

- (1) For outside secured storage, \$50 per day.
- (2) For inside secured storage, \$60 per day.

**C.** The fees set forth on the above schedule for towing rates are the maximum charges that shall apply to basic towing services rendered as a result of an accident, theft recovery, police impoundment, abandoned vehicle removal, disabled vehicle, illegally parked vehicle and/or all other instances when the towing and/or storage service is requested by the Police Department. There shall be no additional charges, including but not limited to flat bedding, waiting time, winching, cleanup costs and additional labor.

**D.** The fees set forth on the above schedules shall not apply when the vehicle owner/operator requests the services of a specific tower/storage facility. In such cases, when the services are being requested privately by individuals and not by the Police Department, the fees shall be as agreed upon between the individual and the tower/storage facility.

**E.** The City of Salem, including the Police Department, and all officials and agents thereof, shall not be liable or responsible for the payment of any towing, storage or other charge, fee, expense or claim of any nature whatsoever, whether or not the same was incurred or arose from events prior to the adoption hereof, to approved operators performing services hereunder, and such operators shall proceed directly against the owner of the vehicle. The only exceptions to the foregoing shall be as follows:

(1) When the City is the owner of the vehicle, such as a disabled police car, and the City requests the tow, the City shall be responsible for the towing charge as set forth in the schedule above and/or any applicable storage charge at the rate of \$3 per day for the first 30 days of storage per vehicle and \$2 per day for the 31st day of storage and thereafter, subject to a limit of \$400 per vehicle stored, regardless of the duration of the storage.

(2) In the event that the Police Department requires a vehicle involved in an alleged crime or a fatal accident to be held for investigation, the Chief of Police may, after review of all of the circumstances, waive towing or storage fees, or both, pursuant to a written directive from the Chief upon request of the vehicle owner, in which case the City shall compensate the operator in the amounts applicable to a City-owned vehicle as set forth in the foregoing subsection.

(3) In no event will the City be responsible for storage charges in excess of the legal fee limits set forth in N.J.S.A. 40:48-2.50, as the same may be amended by the legislature, if the same be less than as provided for herein.

**F.** The relationship between approved operators and the City is one of independent contractor. Approved operators shall not be construed in any manner to be employees or agents of the City. Each approved operator on the list agrees to indemnify and save harmless the City and its officials, employees and agents from and against any suits, actions, damages, claims, fees, costs, expenses, including attorneys' fees, fines or penalties to which the City may be subjected of any kind or nature whatsoever resulting from, caused by, arising out of or as a consequence of the provision of service provided at the request of the City pursuant to this chapter.

**G.** A copy of this chapter and the schedule of fees contained herein shall be made available to the public during normal business hours at the City Municipal Building, the Police Department and at each approved operator's place of business. Each approved operator shall post, in a prominent place clearly visible to the public, a schedule of the fees that may be charged for all services provided pursuant to this chapter.

**H.** If no approved operator has suitable equipment to tow large or specialized vehicles, then the police or other City employee may contact a non-approved vendor to tow a large or specialized vehicle within the City. Specialized towing operators shall not be bound by the towing and storage fees set forth in this Ordinance.

#### **210-15 Sale of unclaimed vehicles.**

**A.** Abandoned and unclaimed motor vehicles shall be disposed of and sold as the case may be in accordance with the provisions of N.J.S.A. 39:10A-1 et seq.

**B.** When an operator tows an abandoned vehicle at the request of the City of Salem, the required reports pursuant to N.J.S.A. 39:10A-1(a) shall be prepared by such operator and immediately furnished to the Chief of Police, or his designee, who shall thereupon immediately report the same to:

- (1) The Director of the Division of Motor Vehicles; and
- (2) The National Automobile Theft Bureau.

**C.** When such motor vehicle which has been ascertained not to be stolen and to be one which can be certified for a junk title certificate pursuant to N.J.S.A. 39:10A-3 shall have remained unclaimed by the owner or other person having a legal right thereto for a period of 15 business days, even if at that time the owner has not been identified as a result of efforts to make identification by the Police Department or the Division of Motor Vehicles, the operator having possession of said vehicle shall, within three business days thereof (i.e., the 18th day), notify the Chief of Police in writing that the vehicle remains unclaimed and may request that the vehicle be sold pursuant to N.J.S.A. 39:10A-1(b).

**D.** When a motor vehicle which cannot be certified for a junk title certificate pursuant to N.J.S.A. 39:10A-3 remains unclaimed by the owner or other person having a legal right thereto for a period of 20 business days, the operator having possession of said vehicle shall, within

three business days thereof (i.e., the 23rd day), notify the Chief of Police in writing that the vehicle remains unclaimed and may request that the vehicle be sold in accordance with N.J.S.A. 39:10A-1(c).