

**BERNARDSVILLE BOROUGH
ORDINANCE #2024-1991**

**AN ORDINANCE CONCERNING TOWING CONTRACTORS AND AMENDING
ARTICLE 3 OF THE BOROUGH CODE ENTITLED “POLICE REGULATIONS”**

WHEREAS, the Bernardsville Police Department has recommended revisions to that section of the towing ordinance that specifies those criminal offenses that disqualify towing contractors from being placed on the Borough’s rotating towing list;

NOW THEREFORE, BE IT ORDAINED by the Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey that Article 3 of the Borough Code entitled “Policy Regulations” be amended as follows:

Section 1. Paragraph “d” of § 3-5.3 entitled “Towing Contractors” is hereby amended to read as follows:

§ 3-5.3 Towing Contractors.

d. Each owner of a towing company that applies to be a towing operator on either rotational towing list shall obtain from the New Jersey State Police, in accordance with N.J.A.C. 13:59-1.2, the criminal history record information including a fingerprint check for all employees who will be operating or manning tow trucks as well as all principals and officers of the towing company with an interest of 10% or more. A towing company shall be disqualified from being placed on a rotational list if the criminal history record of any owner, shareholder or principal of the company with an interest of 10% or more reveals a record of conviction of any crime of the fourth degree or higher, as defined in N.J.S.A. 2C:1-4, or conviction of any crime involving possession or use of a controlled dangerous substance or any act of violence against another person has been convicted of an indictable offense under Chapter 11 (Homicide); Chapter 12 (Assaults; Threats; Stalking); Chapter 13 (Kidnapping; Coercion); Chapter 14 (Sexual Offenses); or Chapter 15 (Robbery; Carjacking) under Title 2C of the New Jersey Statutes; or convicted of motor vehicle theft or any crime involving a motor vehicle under Chapter 20 ((Theft) under Title 2C of the New Jersey Statutes. Furthermore, no employee of an otherwise qualified towing company shall perform towing services in Bernardsville if the individual's criminal history record ~~reveals a record of conviction of any crime of the~~

~~fourth degree or higher, as defined in N.J.S.A. 2C:1-4, or conviction of any crime involving possession or use of a controlled dangerous substance or any act of violence against another person.~~ that the employee has been convicted of an indictable offense under Chapter 11 (Homicide); Chapter 12 (Assaults; Threats; Stalking); Chapter 13 (Kidnapping; Coercion); Chapter 14 (Sexual Offenses); or Chapter 15 (Robbery; Carjacking) under Title 2C of the New Jersey Statutes; or convicted of motor vehicle theft or any crime involving a motor vehicle under Chapter 20 ((Theft) under Title 2C of the New Jersey Statutes. Each contractor must also submit an affidavit certifying that the contractor has fully complied with the requirements of this preceding subsection, which includes the name, address and the last four digits of the social security number of every owner, principal and employee subject to this subsection.

e. Each contractor on the towing list, shall notify the Bernardsville Police Department of any change in employee status, or the hiring of any new employee, and shall provide the Bernardsville Police Department with the documents described above prior to the employee's performing towing services under this section.

f. The towing company shall have 30 days from the date of the written notice of disqualification to petition the Chief of Police for a hearing on the accuracy of the criminal history record information for any of its principals or employees.

g. The Borough Clerk shall present the completed application, along with the recommendation of the Chief of Police as to whether the towing company shall remain or be placed on the rotational towing list, at the next regularly scheduled public meeting. If the Borough Council so directs, the Borough Clerk shall approve the application to be placed on the rotational list.

Section 2. Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall become effective immediately upon final passage and publication as required by law.

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

ATTEST:

Anthony Suriano
Anthony Suriano, Borough Clerk

By: Mary Jane Canose
Mary Jane Canose, Mayor

Introduction: 1/22/24

1st Publication: 1/25/24

Public Hearing and Adoption: 2/26/24

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