



Ordinance of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

EXPLANATION: This ordinance updates and amends the specific and general licensing regulations of the Township of Bernards.

ORDINANCE #2414

An Ordinance Updating and Amending the Specific and General Licensing Regulations of Chapter 4 entitled "General Licensing" of the General Ordinances of the Township of Bernards

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Bernards in the County of Somerset as follows:

Section 1. Chapter 4 entitled "General Licensing" of the *General and Land Use Ordinances* of the Township of Bernards is hereby supplemented and amended to read as follows: [New language **bold and underlined**, deleted language ~~strikethrough~~.]

SECTION 4-1. General Regulations

Unless otherwise provided, the following regulations shall apply to all licenses, except dog licenses, issued under this revision whether included within this chapter or not.

§ 4-1.1. Applications.

All applications for licenses shall be made to the Municipal Clerk, **unless otherwise specified, using the prescribed form**, ~~and shall contain the following information:~~

- ~~a. Name and permanent and local address of the applicant.~~
- ~~b. If the applicant is a natural person, a complete physical description.~~
- ~~c. If the licensed activity is to be carried on at a fixed location, the address and a full description of the premises.~~
- ~~d. If a vehicle is to be used, its description, including copies of the vehicle registration, insurance, and driver's license of the applicant.~~
- ~~e. If the applicant is employed by another, the name and address of the employer together with credentials therefrom establishing the exact relationship.~~
- ~~f. The length of time for which the right to do business is desired and the days of the week and the hours of the day within which the business will be conducted.~~
- ~~g. A description of the nature of the business and the goods, property or services to be sold, together with the name and address of the source of supply of such goods, property or services, and the method of delivery.~~
- ~~h. A statement as to whether the applicant has been convicted of any crime, offense or violation of any municipal ordinance other than traffic violations, the nature of the offense and the punishment or penalty imposed therefor.~~
- ~~i. Appropriate evidence as to the good character and business responsibility of the applicant such as will enable an investigator to properly evaluate such character and business responsibility.~~
- ~~j. All applicants shall be fingerprinted for proper identification, criminal history searching~~

~~and application investigation. The applicant will be responsible for the additional administrative costs for such fingerprinting. If the applicant has previously been approved by the Chief of Police within the past two calendar years, in the discretion of the Chief of Police the applicant need not be fingerprinted again. A statement, to be signed by the applicant, consenting to the Township's obtaining copies of the applicant's driving record, criminal record, disorderly persons offense record, ordinance violation records, law enforcement contact and investigative reports from the official public agency which maintains such records to aid in the investigation.~~

~~k. Applications of partners and members of limited liability companies shall be signed by all partners and all members of limited liability companies with the foregoing provisions of this subsection answered in detail as to each partner and limited liability company member. Applications of corporations shall have attached thereto individual statements, in accordance with all of the provisions of this subsection, relating to each and every employee, agent or servant who shall engage in any of the functions authorized by this section and signed by each agent, servant or employee, and full compliance herewith by each individual.~~

~~l. Such other information as may be required by statute, but whenever any of the foregoing provisions are in conflict with any statutory provisions, the same shall be omitted.~~

~~§ 4-1.2. Investigation of Applicants.~~

~~a. Each application shall be referred to the Chief of Police or officer in charge of the Police Department, who shall immediately institute such investigation of the applicant's business and moral character and ability to properly conduct the licensed activity as he deems necessary for the protection of the public good. Police shall communicate his findings in writing to the Township Committee within a reasonable time after the complete application has been filed. If, based upon such findings, or upon such other information as the Township Committee may request, or that may come to the attention of the Township Committee of a disqualifying event, the Township Committee decides that the applicant's character, ability or business responsibility is unsatisfactory or the products or services are not free from fraud, it shall disapprove the application and refuse to issue the license and shall so notify the applicant. Otherwise, the Municipal Clerk shall issue the license pursuant to a resolution adopted by the Township Committee.~~

~~§ 4-1.3. Notification of disqualifying event; Appeal of Determination.~~

~~If a determination has been made by the Chief of Police that an event in the application investigation constitutes a disqualifying event, then the Chief of Police shall notify the applicant, in writing, of the determination within five days.~~

~~a. Once the applicant has been formally notified, in writing, that the Chief of Police has made a determination that any event contained in the application investigation is a disqualifying event, the applicant shall have the right, within 10 days of the date of written notification, to appeal in writing to the Township Committee for review of the determination of the Chief of Police.~~

~~b. The applicant shall be entitled to a hearing before the Township Committee and shall be entitled to provide information stating why the event in the application investigation should not be considered a disqualifying event.~~

~~e. Once an appeal is made, the Township Committee shall review the file, the circumstances surrounding the application investigation and any statement or information provided by the applicant and shall make a final determination within 21 days of the public hearing as to whether an event on the application investigation constitutes a disqualifying event. The~~

~~Township Committee may affirm, modify or reverse the decision of the Chief of Police and shall set forth its final determination in a resolution granting, modifying or denying the license.~~

~~Confidentiality. The criminal history record background check and fingerprinting procedure set forth in this chapter will be conducted, to the extent possible, in a manner intended to preserve the privacy of all parties.~~

§ 4-1.2. Criminal Background Checks; Fingerprinting.

Unless otherwise specified for the specific license, whenever an applicant is required to be fingerprinted as part of a criminal background check, all initial applicants shall be fingerprinted for proper identification, criminal history searching and application investigation. The applicant will be responsible for the additional administrative costs for such fingerprinting. All subsequent applications shall require a criminal history name check provided through the New Jersey State Police by the applicant and the applicant need not be fingerprinted again. The Chief of Police may accept the results of a criminal history record background check of State records conducted within the previous six (6) months indicating no disqualifying information which was required for that person to be licensed in another municipality. The applicant shall sign a statement consenting to the Township's obtaining copies of the applicant's driving record, criminal record, disorderly persons offense record, ordinance violation records, law enforcement contact and investigative reports from the official public agency which maintains such records to aid in the investigation. Every applicant who is required to submit to fingerprinting shall pay the administrative cost of taking and processing the applicant's fingerprints, which shall be in addition to the license fees specified for such license.

§ 4-1.34. Issuance.

All licenses shall be issued by the Municipal Clerk, **unless otherwise specified** ~~and shall bear the common seal of the Township attested to by the Clerk.~~

§ 4-1.45. Transferability.

Every license issued under this chapter shall apply only to the applicant to whom it was issued and the place or premises for which issued and shall not be transferable.

§ 4-1.56. Expiration Date; Renewal.

Except as otherwise stated with respect to licenses for particular activities, all licenses shall expire on December 31 of the year of issue. All licenses shall expire at 12:00 midnight, prevailing time. Applications for renewal of licenses which expire on December 31 shall be made not later than December 1 of the year of issue.

§ 4-1.6. Denial of License; Appeal.

Unless otherwise specified for the specific license, the denial of any license issued under the provisions of this Chapter, may be appealed to the Township Committee pursuant to the following procedures:

- a. **Within ten (10) days of the applicant having been formally notified, in writing, that**

the license has been denied, the applicant shall have the right to appeal in writing to the Township Committee for review of the denial.

- b. The applicant shall be entitled to a hearing before the Township Committee at a public meeting, and shall be entitled to provide information stating why the license should not have been denied.
- c. Once an appeal is made, the Township Committee shall review the file, the circumstances surrounding the application investigation and any statement or information provided by the applicant and shall make a final determination within twenty one (21) days of the public hearing. The Township Committee may affirm, modify or reverse the denial, and shall set forth its final determination in a resolution granting, modifying or denying the license.

§ 4-1.7. **Revocation of Licenses; Causes.**

Any license ~~or permit~~ issued under the provisions of this Chapter ~~or any other Chapter of this revision or any ordinance of the Township of Bernards,~~ **where there is no specific provision governing the revocation thereof,** may be revoked by the Township Committee after notice and hearing before the Township Committee for any of the following causes:

- a. Fraud, misrepresentation or false statement contained in any application for permit or license.
- b. Fraud, misrepresentation or false statement in the conduct of any business or activity authorized by such license.
- c. Violation of any provision of this revision.
- d. Conviction of the licensee for any felony or a misdemeanor involving moral turpitude.
- e. Conducting any business or activity licensed under this chapter, through the licensee himself or any of his agents, servants or employees, in any unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

Upon reasonable belief that the cause for revocation exists, the Chief of Police temporarily shall suspend a license pending hearing and determination by the Township Committee.

§ 4-1.8. **Notice of Hearing.**

Notice of a hearing for revocation of a license ~~or permit~~ issued under the provisions of this Chapter shall be given in writing by the Municipal Clerk ~~in accordance with Subsection 4-1.3,~~ setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the licensee, by regular and certified mail, to his/her last known address at least five days prior to the date set for the hearing.

§ 4-1.9. **Hearing Determination.**

At the hearing to be held at a public meeting of the Township Committee the licensee shall have the right to appear and be heard, to be represented by counsel, to present witnesses in his own behalf, to cross-examine opposing witnesses and to have a permanent record made of the proceedings. The Township Committee shall revoke or suspend the license only if it is satisfied by a preponderance of the evidence that the licensee is guilty of the acts charged.

§ 4-1.10. **Reinstatement of Revoked Licenses.**

No applicant whose license has been revoked or denied as provided by this section, nor any

person acting for the applicant directly or indirectly, shall be entitled to another license to carry on the same activity unless he shall establish to the Township Committee by clear and convincing evidence that the acts which led to the revocation or denial will not be committed or occur again.

§ 4-1.11. **Violations of General Licensing Chapter.**

Any person found guilty of violating this Chapter IV, General Licensing, shall be subject to a fine in accordance with Section 3-1 of the Revised General Ordinances of Bernards Township. Such penalty shall be in addition to any denial, suspension or revocation of license as may be provided under specific sections of this chapter.

SECTION 4-2. Sales of Goods and Services

§ 4-2.1. **Scope of Regulations.**

It is the intent of this section to require the licensing of any person who shall sell or solicit for the sale of goods or services within the Township from one or more temporary locations in zone districts which permit retail sales as a permitted use, or where otherwise permitted by law or variance, or by going from door to door or place to place. Sales or solicitations from temporary locations are prohibited in zone districts which do not permit retail sales as a permitted use, unless such sales are expressly permitted by some other law or variance. As used in this section, "temporary locations" shall not include on-street parking of a vehicle, with or without the engine running, except for ice cream vendors.

4-2.2 Application

- a. **Name and permanent and local address of the applicant.**
- b. **If the applicant is a natural person, a passport style photograph.**
- c. **If the licensed activity is to be carried on at a fixed location, the address and a full description of the premises.**
- d. **If a vehicle is to be used, its description, including copies of the vehicle registration, insurance, and driver's license of the applicant.**
- e. **If the applicant is employed by another, the name and address of the employer together with credentials therefrom establishing the exact relationship.**
- f. **The length of time for which the right to do business is desired and the days of the week and the hours of the day within which the business will be conducted.**
- g. **A description of the nature of the business and the goods, property or services to be sold, together with the name and address of the source of supply of such goods, property or services, and the method of delivery.**
- h. **A statement as to whether the applicant has been convicted of any crime, offense or violation of any municipal ordinance enumerated in § 4-2.3.**
- i. **All applicants shall be subject to a criminal history name check provided through the New Jersey State Police in connection with the criminal background check for the application. The police may require the applicant to be fingerprinted if the identity of the applicant is unable to be confirmed or matched to a name check. If fingerprinting is required, the applicant will be responsible for the additional administrative costs for such fingerprinting. The Chief of Police shall accept, for the purposes of licensing a person as a canvasser, peddler, or solicitor, the results of a criminal history record background check of State records conducted within the previous six (6) months indicating no disqualifying information which was required for that person to be licensed in another municipality as a canvasser, peddler, or**

solicitor; which is authorized by Somerset County Prosecutor's Office, County General Order, Volume 9, Chapter 4, dated February 7, 2019, and N.J.S.A. 53:1-20.38. A statement, to be signed by the applicant, consenting to the Township's obtaining copies of the applicant's driving record, criminal record, disorderly persons offense record, ordinance violation records, law enforcement contact and investigative reports from the official public agency which maintains such records to aid in the investigation.

- j. Applications of partners and members of limited-liability companies shall be signed by all partners and all members of limited-liability companies with the foregoing provisions of this subsection answered in detail as to each partner and limited-liability company member. Applications of corporations shall have attached thereto individual statements, in accordance with all of the provisions of this subsection, relating to each and every employee, agent or servant who shall engage in any of the functions authorized by this section and signed by each agent, servant or employee, and full compliance herewith by each individual.
- k. Such other information as may be required by statute, but whenever any of the foregoing provisions are in conflict with any statutory provisions, the same shall be omitted.

§ 4-2.3. Investigation of Applicants.

- a. Each application shall be referred to the Chief of Police who shall immediately institute such investigation of the applicant's business and moral character and ability to properly conduct the licensed activity as he deems necessary for the protection of the public good. The following criteria shall be applied when determining eligibility for license issuance:
 - 1. An applicant may be denied if they have been convicted within the last 7 years of any indictable crime in New Jersey or in any other state or jurisdiction, for conduct which, if committed in New Jersey, would constitute an indictable crime.
 - 2. An applicant may be denied if they have been convicted within the last 7 years of any disorderly persons offense, petty disorderly persons offense, or ordinance violation involving dishonesty, burglary, theft, receiving stolen property, or any other offense of similar nature in New Jersey or in any other state or jurisdiction, for conduct which, if committed in New Jersey, would constitute a similar offense.
 - 3. An applicant may be denied for a conviction of any indictable crime in New Jersey involving danger to the person pursuant to N.J.S.A. 2C:11-1 et seq., N.J.S.A. 2C:24-1 et seq., N.J.S.A. 2C:14-1 et seq. or N.J.S.A. 2C:15-1 et seq., or against the family, children or incompetents, pursuant to N.J.S.A. 2C:24-1 et seq.; or in any other state or jurisdiction, for conduct which, if committed in New Jersey, would constitute any of the crimes or offenses listed in this paragraph.
 - 4. An applicant may be denied for any conviction of an indictable crime pursuant to N.J.S.A. 2C:12-1 et seq. or N.J.S.A. 2C:13-1 et seq.; or in any other state or jurisdiction, for conduct which, if committed in New Jersey, would constitute any indictable crime listed in this paragraph.
 - 5. An applicant may be denied for any arrest where charges have not been adjudicated involving a violation of a crime or offense involving those listed in paragraph b, c or d, where after a review of the official record and reports of the incident(s), it is reasonably believed that the applicant most likely committed the offense and would be found guilty in a judicial proceeding.

6. An applicant may be denied when there is an apparent pattern of arrests for charges listed in paragraphs b, c, and d without convictions, where after a review of the official records and reports of the incident(s), it is reasonably believed that the applicant most likely continually commits these offenses.
- b. The Chief of Police shall communicate his findings in writing to the Township Committee within a reasonable time after the complete application has been filed. If, based upon such findings, or upon such other information as the Township Committee may request, or that may come to the attention of the Township Committee of a disqualifying event, the Township Committee decides that the applicant's character, ability or business responsibility is unsatisfactory or the products or services are not free from fraud, it shall disapprove the application and refuse to issue the license and shall so notify the applicant.

§ 4-2.4. Notification of disqualifying event; Appeal of Determination.

If a determination has been made by the Chief of Police that an event in the application investigation constitutes a disqualifying event, then the Chief of Police shall notify the applicant, in writing, of the determination within five days.

- a. Within ten (10) days of the applicant having been formally notified, in writing, that the Chief of Police has made a determination that any event contained in the application investigation is a disqualifying event, the applicant shall have the right to appeal in writing to the Township Committee for review of the determination of the Chief of Police.
- b. The applicant shall be entitled to a hearing before the Township Committee and shall be entitled to provide information stating why the event in the application investigation should not be considered a disqualifying event.
- c. Once an appeal is made, the Township Committee shall review the file, the circumstances surrounding the application investigation and any statement or information provided by the applicant and shall make a final determination within 21 days of the public hearing as to whether an event on the application investigation constitutes a disqualifying event. The Township Committee may affirm, modify or reverse the decision of the Chief of Police and shall set forth its final determination in a resolution granting, modifying or denying the license.

Confidentiality. The criminal history record background check and fingerprinting procedure set forth in this chapter will be conducted, to the extent possible, in a manner intended to preserve the privacy of all parties.

§ 4-2.5~~2~~. Exceptions.

The terms of this section shall not apply to any of the following:

- a. Any person duly licensed by the Commissioner of Banking and Insurance or the Real Estate Commission of the State of New Jersey.
- b. The acts of persons selling personal property at wholesale to dealers in such articles.
- c. Any sale required by statute or by order of any court.
- d. Any person engaged in delivering merchandise or other things in the regular course of business to the premises of the person ordering or entitled to receive the same.
- e. Any veteran who holds a special state license issued under the laws of the State of New Jersey shall be exempt from securing a license as provided herein for peddling but shall

be required to comply with all other applicable subsections of this section and shall be required to obtain a special veteran's permit which shall be issued by the Township Clerk, upon proper identification.

- f. Any person soliciting for a charitable cause or to discuss with such occupant issues of public or religious interest.
- g. Garage sales conducted by homeowners at their place of residence, subject to the following conditions and limitations:
 - 1. Garage sales may be conducted only during daylight hours.
 - 2. No more than two garage sales per year may be conducted on the same residential property.
 - 3. A garage sale may not exceed 72 hours in duration.
 - 4. The use of motor vehicles for the storage or display of merchandise being sold at the garage sale is prohibited.
 - 5. Garage sales shall not include the sale by a homeowner of goods acquired by the homeowner solely with a view toward resale or goods not normally associated with the ownership and use of residential property.
 - 6. Garage sales which do not meet the requirements of Subparagraph g1 through g5 are prohibited.
- h. Any person who, before arriving at a residence in order to sell or solicit for the sale of goods or services, had been invited by one or more of the residents to come to the residence for that purpose; provided, however, that an invitation which is first extended only after the solicitor has knocked on the door, rung the doorbell or otherwise announced his or her presence at the residence does not satisfy the requirement for an invitation under this exception.
- i. Any person who is a bona fide, full-time student in grade 12 or lower, who is selling goods or services in conjunction with a school-related or other organized recreational, cultural or educational activity program.
- j. Any person who has been authorized to solicit as part of a solicitation or event which is sponsored by any governmental body, department or agency, the jurisdiction of which is entirely within the borders of the Township.
- k. Any person who is soliciting in connection with a special event sponsored by a bona fide civic organization.

§ 4-2.~~63~~. **License Required.**

No person shall sell or dispose of, offer to sell or dispose of, or solicit for any wares, goods, merchandise or services within the Township from a temporary location or by going from door to door or place to place without first having obtained a license and paid the license fee. In addition to the requirements set forth in Subsection ~~4-2.2 4-1.1~~, all applicants must provide ~~one three~~ passport-size photos; and vendors of tangible personal property, other than property exempted from sales and use taxation pursuant to N.J.S.A. 54:32B-8.2 or any amendments thereto, having no fixed place of business in the Township, must submit a copy of a valid certificate of authority issued to the vendor pursuant to N.J.S.A. 54:32B-15 or any amendment thereto, empowering the vendor to collect sales tax.

§ 4-2.~~63~~.1. **Expiration Date; Renewal.**

Licenses issued pursuant to Section 4-2, Sales of Goods and Services, **except as otherwise stated with respect to licenses for activities, all licenses shall expire at 12:00 midnight, prevailing time, on December 31 of the year of issue. Applications for renewal of**

~~**licenses which expire on December 31 shall be made not later than December 1 of the year of issue.** shall be valid for no longer than six months. Such licenses issued for any period commencing between January 1 and June 30 shall expire on June 30 of the year in which they are valid. Such licenses issued for any period commencing between July 1 and December 31 shall expire on December 31 of the year in which they are valid. Applications for renewal of licenses shall be made not later than June 1 if the expiration date is June 30 or December 1 if the expiration date is December 31.~~

~~§ 4-2.73.2.~~ **Zoning Approval.**

No license granted under this chapter, nor any exemption from the requirements of this chapter, shall relieve any person of the standards and requirements of Chapter XXI, Land Development, to the extent that they may apply. No approval or variance granted pursuant to said Chapter XXI shall relieve any person of the provisions of this chapter.

~~§ 4-2.83.3.~~ **Health Approval.**

No license granted under this chapter, nor any exemption from the requirements of this chapter, shall relieve any person of the standards and requirements of Chapter BH-2. Before a licensee shall use a vehicle or mode of transportation in furtherance of his permitted business to sell food, produce or ice cream, he shall submit the vehicle to the Township Health Officer for inspection and approval relative to compliance with this section and shall, whenever requested during the term of the license, submit the vehicle for reasonable reinspections for that purpose. No vehicle or mode of transportation shall be used by any licensee unless it has been approved for use by the Health Officer, and written approval shall remain in and upon the vehicle at all times and shall be shown by the operator thereof to any member of the Police Department, any Township official or any member of the public who may request to be shown the same.

~~§ 4-2.94.~~ **License Fee.**

The fee for a license to sell or solicit goods or services shall be \$100 ~~for the first six month period per application. The fee for a renewal license in immediately following, sequential six-month periods shall be \$50.~~

~~§ 4-2.105.~~ **Display of License.**

Licensees under this section shall display their license during any solicitation. Licensees shall likewise exhibit their license upon the request of a member of the Police Department or any citizen.

~~§ 4-2.116.~~ **Hours of Sale.**

- a. No person subject to the provisions of this section shall sell or attempt to sell in accordance with the terms of this section, before 10:00 a.m. and not after 8:00 p.m., Monday through Saturday, except where expressly invited in the homes of the occupants thereof, ~~and except as further provided in Subsection 4-2.9b.~~
- b. Persons who sell or attempt to sell ready-to-eat food products shall be permitted to operate Monday through Sunday between the hours of 8:00 a.m. and 9:00 p.m., subject to all other restrictions. This subsection shall be strictly construed.

§ 4-2.~~127~~. **Sale of Food and Produce.**

- a. All licensees who shall offer to sell, display for sale, or sell or deliver fruits, vegetables and farm products from any vehicles which are wholly or in part open on any of the sides thereof shall, at all times, keep all fruits, vegetables and produce of any kind and nature completely screened and covered with satisfactory materials in order to avoid and eliminate the accumulation of flies or any other insects from alighting around or upon any and all merchandise.
- b. All licensees offering for sale, displaying for sale, selling or delivering seafood, meats, poultry or dairy products shall transport the same solely in refrigerated vehicles, and all such products shall remain in the refrigerated portion of the vehicle at all times up to the time of sale or delivery. The refrigerated portion, during the use thereof, shall be maintained at a properly low temperature to completely safeguard all products from a health and sanitary standpoint to the fullest reasonable extent possible for the safety and welfare of the public.
- c. No licensee shall at any time permit any waste materials or parts of produce or any other merchandise to remain in or upon any street, roadway, curbs or walks and shall at all times remove any such debris that may have fallen from his vehicle so that the same is immediately placed in metal containers as provided for in Subsection **4-2.14a** ~~4-2.9a~~.
- d. All sales of merchandise by any licensee shall, at the time of sale, be placed in bags or other like, suitable containers when the same shall be handed to customers of the licensee.

§ 4-2.~~127~~.1. **Sale of Ice Cream.**

An "ice cream vendor" is defined as a person who goes from place to place or from house to house, travels on the public streets by vehicle and carries with him ice cream, ice cream products, water ices or frozen confectionery products of any kind or character (collectively "ice cream") for the purpose of selling or offering to sell them to customers from the vehicle.

- a. A licensee engaged as an ice cream vendor may sell ice cream from one or more temporary locations from vehicles in residential zone districts and districts which permit retail sales as a permitted use and at Township parks and athletic fields, as referenced in Table A.

Table A

Name of Park/Field	Vendor Location
Southard Park	Baseball and Soccer Field
Pleasant Valley Park	Soccer Field 1, 2, 3, 4; Softball Field 1, 2, 3; Baseball Field 1
Dunham Park	Soccer Field; Roller Hockey Court; Baseball Field
Rebel Hill Park	Baseball Field; Soccer Field
War Memorial Fields	Soccer; Baseball, Softball
Astor Fields	Soccer/Lacrosse Fields
Farmstead Park	Soccer/Lacrosse Field

- b. No ice cream vendor shall park any vehicle within the lines of any public street, road or other public place for the purpose of selling ice cream for a period longer than 15 minutes, and then only while making actual sales. No licensee shall sell or attempt to sell any article to pedestrian or vehicular traffic other than when his vehicle shall be properly parked immediately adjacent to the curb of a public street in a permitted locality. No

licensee shall at any time double park when dealing with any of his trade, and in no event shall transact any of his business operations other than on the curb side of his vehicle. Sales of ice cream at Township parks and athletic fields will be allowed only during the established park hours of operation. Vehicles shall be parked adjacent to the right-hand curblane to ensure the safety of customers. Vehicles may park only within parking lots of the parks and athletic fields and shall not park on any park road for the sale of items to the public. No vehicle used for selling ice cream shall be parked within 500 feet of any school or school property 1/2 hour before the opening of school or 1/2 hour after the close of school, nor shall any such vehicle be parked within 500 feet of any public place of amusement or assemblage during the hours such place is open for attendance, or any public park.

- c. No ice cream vendor shall deposit or leave any paper wrappings, refuse or other materials upon any street, sidewalk or public place. Each vehicle used for the sale of ice cream shall be equipped with a metal waste container having a self-closing lid, into which paper wrappings, refuse or other materials shall be deposited.
- d. Ice cream shall be sold or offered for sale only in sealed containers, and the filling of individual containers with ice cream in or from any vehicle from the street, highway or any other public place is prohibited.

§ 4-2.138. Conduct of Licensees.

Every person to whom a license is issued under the terms of this section shall be governed by the following rules and regulations:

- a. No person shall enter or attempt to enter the house of any resident in the Township without an express invitation from the occupant of the house.
- b. No person shall conduct himself in such a manner as to become objectionable to or annoy an occupant of any house.
- c. All licensees and their respective vehicles or modes of transportation used in carrying on their permitted business shall at all times fully comply with all the terms, covenants and conditions of this section and all other applicable municipal ordinances and state laws, regulations or provisions pertaining thereto, particularly, but not in limitation thereof, that may deal with provisions of health, safety and general welfare.
- d. Except for an ice cream vendor as defined in Subsection **4-2.12.1** ~~4-2.7.1~~, any person who sells or offers for sale any goods or services from any temporary location in the Township which is not zoned to permit retail sales as a permitted use shall be guilty of a violation of this section, unless such sales are expressly permitted by some other section of the Revised General Ordinances.

§ 4-2.149. Use of Vehicles.

- a. No licensee shall at any time permit any debris, waste material, rotting produce or merchandise of any kind or any unfit produce to remain in or upon his vehicle, unless the same is contained in a leakproof metal container having a properly fitted metal cover.
- b. (Reserved)
- c. (Reserved)
- d. Notwithstanding the foregoing, with the exception of the sale of food intended for immediate consumption in zone districts which permit retail sales as a permitted use and the sale of ice cream in residential zones and zone districts which permit retail sales as permitted uses, the sale of goods from temporary locations, by use of trucks parked on site for storage, display or vending of the goods intended for sale, is prohibited. The sale of food from catering trucks for immediate consumption in zone districts which permit

retail sales as a permitted use and at construction sites in residential zones only during the construction process is permitted.

§ 4-2.~~15~~~~10~~. **Outdoor Storage.**

- a. In nonresidential zones, no person shall store or display outside the confines of a building any article or material being offered for sale unless the same is in conformance with the standards governing outdoor storage in Chapter XXI, Land Development, of the Revised General Ordinances.
- b. Except as permitted by Section **4-2.5g** ~~4-2.2g~~ hereof concerning garage sales conducted by homeowners at their place of residence, or as otherwise expressly permitted by the Revised General Ordinances, no person shall, in any residential zone, store or display outside the confines of a building any articles, materials or merchandise which is being offered for sale.
- c. As used in this Section **4-2.15** ~~4-2.10~~, "store" is not limited to long-term storage of the items in question but shall include any retention of such items if such retention is for the purpose of having the items available for sale.

§ 4-2.~~16~~~~11~~. **Solicitations on Municipal Property.**

Except as otherwise permitted by law, no person shall sell or offer for sale any goods or services in any municipal park, building or other municipally owned property. This section shall not apply to:

- a. Ice Cream vendors permitted in municipal parks and athletic fields pursuant to Subsection **4-2.12.1** ~~4-2.7.1~~, Table A.
- b. Such concessions as may be established and operated by or on behalf of the Township, the Township Pool Commission or any other Township-related entity and operated by either the Township, such commission or entity or a contractor retained pursuant to applicable contracting laws.
- c. Private parties being conducted pursuant to permits for the use of Township facilities in any park.
- d. Licensed vendors at a fair, carnival or similar event being conducted pursuant to permits for the use of any portion of or facilities in any municipally owned property.

§ 4-2.17. Revocation of Licenses; Causes.

Any license or permit issued under the provisions of this chapter or any other chapter of this revision or any ordinance of the Township of Bernards may be revoked by the Township Committee after notice and hearing before the Township Committee for any of the following causes:

- a. **Fraud, misrepresentation or false statement contained in any application for permit or license.**
- b. **Fraud, misrepresentation or false statement in the conduct of any business or activity authorized by such license.**
- c. **Violation of any provision of this revision.**
- d. **Conviction of the licensee for any felony or a misdemeanor involving moral turpitude.**
- e. **Conducting any business or activity licensed under this chapter, through the licensee himself or any of his agents, servants or employees, in any unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health,**

safety or general welfare of the public.

Upon reasonable belief that the cause for revocation exists, the Chief of Police temporarily shall suspend a license pending hearing and determination by the Township Committee.

§ 4-2.18. Notice of Hearing.

Notice of a hearing for revocation of a license or permit issued under the provisions of this chapter shall be given in writing by the Municipal Clerk in accordance with Subsection 4-1.3, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the licensee, by regular and certified mail, to his last known address at least five days prior to the date set for the hearing.

§ 4-2.19. Hearing Determination.

At the hearing the licensee shall have the right to appear and be heard, to be represented by counsel, to present witnesses in his own behalf, to cross-examine opposing witnesses and to have a permanent record made of the proceedings. The Township Committee shall revoke or suspend the license only if it is satisfied by a preponderance of the evidence that the licensee is guilty of the acts charged.

§ 4-2.20. Reinstatement of Revoked Licenses.

No applicant whose license has been revoked or denied as provided by this section, nor any person acting for the applicant directly or indirectly, shall be entitled to another license to carry on the same activity unless he shall establish to the Township Committee by clear and convincing evidence that the acts which led to the revocation or denial will not be committed or occur again.

~~§ 4-2.12 (Reserved)~~

§ 4-2.21~~13~~ Severability.

If any provision of this section is found to be invalid or unenforceable, it shall not affect the validity or enforceability of the remainder of this section, and provided that, if any exception under Subsection 4.2.5 ~~4-2.2~~ is found to be invalid or unenforceable, the exception in question shall be eliminated and not broadened.

SECTION 4-3. (Reserved)

~~§ 4-3.1 through § 4-3.5. (Reserved)~~

SECTION 4-4. Shows, Public Exhibitions, Special Events, Amusement Devices and Fireworks

§ 4-4.1. Definitions.

As used in this section, the following words shall have the meanings given:

AMUSEMENT DEVICE

Shall mean any mechanical device used for entertainment, including but not limited to merry-go-rounds, Ferris wheels and the like, as well as inflatable devices, including but not limited to the moonwalk and the like.

SHOW, SPECIAL EVENT OR PUBLIC EXHIBITION

Shall mean:

- a. Any kind of affair which is:
 1. Open to the general public, and
 2. Generates a parking or traffic flow situation that could unreasonably interfere with the movement of normal traffic or emergency vehicles or other organized groups having a similar common purpose or goal proceeding in or upon any street, park or other public place in Bernards Township, and
 3. Requires the expenditure of municipal resources or inspections from the Fire Prevention Office, Construction Office, Department of Public Works, Police Department, Health Department, or Recreation Department, including but not limited to a television or movie filming, bicycle race, bikeathon, car show, carnival or circus, ceremony, concert, fair, farmer's market, festival, fireworks display, flea market, foot race, marathon or run, parade, or walkathon.
- b. Those events proposed to take place at a municipal park or facility, whether the event is open to the general public or not, shall be considered a show, special event or public exhibition only if the anticipated capacity of the event exceeds the number of persons permitted at the facility as prescribed by annual resolution of the Township Committee.
- c. Shows, special events and public exhibitions shall be prohibited at municipal facilities which are not included in this resolution adopted by the Township Committee.

§ 4-4.2. License Required.

No person shall conduct a show, special event or public exhibition or operate any amusement device without having first obtained a special event license, approved by resolution of the Township Committee, and paid the required license fee.

§ 4-4.3. Exceptions.

The terms of this section shall not apply to any of the following:

- a. Funeral and wedding processions.
- b. Events where students are participating in educational, or athletic/sport competition on Board of Education or private educational facility property under the authorization of the proper school authorities.

§ 4-4.4. Application.

- a. An application and fee must be submitted to the Municipal Clerk at least 60 days prior to the event. Failure to submit the application at least 60 days prior to the event may constitute cause for denial of the event. Applications shall be made in writing on the prescribed form and include all checklist items.
- b. In addition to the application described herein, the applicant is also responsible for obtaining all other applicable permits, including, but not limited to:
 1. Construction Code permits: tents, generators, mechanical equipment and platforms.
 2. Health Department permits: food concessions, and animals.
 3. Municipal Clerk permits: alcoholic beverage, solicitor and games of chance.

4. Fire prevention permits: air-filled amusements, fireworks/pyrotechnics, any open-flame activity and rides.
 5. Zoning permits: temporary signs.
- c. Incomplete applications for shows, public exhibitions, special events and amusement devices, and fireworks, including failure to provide all required documentation, will result in the application being deemed incomplete and returned to the applicant.

§ 4-4.5. **Inspection.**

In investigating each application for a license under this section, the Chief of Police, Health Officer, Township Risk Manager, Director of Recreation, Fire Prevention Officer and the Construction Official, as applicable, shall review the license application. They shall inspect the premises upon which the licensed activity is to be conducted and all equipment to be used in connection with that activity to determine if the same is in a safe condition. They shall make a written recommendation to the Municipal Clerk as to whether the application can be approved consistent with public health, safety and welfare, and if so, whether any special conditions should be imposed.

§ 4-4.6. **Insurance and Indemnification Requirements.**

- a. A certificate of insurance is required and must specifically name the Township of Bernards as an additional insured on General Liability coverage, on a Primary & Non-Contributory basis, and shall confirm that the coverage afforded includes a Waiver of Subrogation in favor of the Township. Insurance is to be placed with an insurance company admitted to conduct business in the State of New Jersey and rated A III or better by A.M. Best. General liability coverage for property damage or bodily injury must be evidenced on said certificate with minimum limits of liability of not less than:
 1. One million dollars general liability each occurrence; or
 2. Three million dollars liquor liability each occurrence, if the applicant is in the business of manufacturing, distributing, selling, serving or furnishing alcoholic beverages; or
 3. Three million dollars host liquor liability each occurrence if liquor will be present and the applicant is not in the business of manufacturing, distributing, selling, serving or furnishing alcoholic beverages. ~~Insurance is to be placed with an insurance company admitted to conduct business in the State of New Jersey and rated A-III or better by A.M. Best.~~
- b. The applicant shall agree to indemnify, defend and hold harmless the Township, its agents, servants, representatives and employees from and against all losses, damages, claims, liabilities and causes of action of every kind, or character and nature, as well as costs and fees, including reasonable attorneys' fees connected therewith, and the expense of investigation thereof, based upon or arising out of damages or injuries to third persons or their property caused by the acts, omissions or negligence of the applicant, anyone for whose acts the applicant may be liable, or any claims arising out of or in any manner relating to the activities permitted pursuant to this chapter to the extent permitted by law. The applicant shall give the Township prompt and reasonable notice of any such claims or actions.
- c. Any applicant that is included for General Liability coverage in the same Joint Insurance Fund as the Township insured by the Suburban Municipal Joint Insurance Fund shall be exempt from the requirements listed in Subsection 4-4.6a1, 2 and 3 above. ~~If any organization other than the applicant will be using Township property in connection with participation in a particular event and no separate application is submitted by that organization, the organization must comply with the requirements listed~~

~~in Subsection 4-4.6a1 and 2 above. If the additional organization(s) is also insured by the Suburban Municipal Joint Insurance Fund, then that organization shall also be exempt from the requirements listed in Subsection 4-4.6a1 and 2 above.~~

- d. If the show, special event, public exhibition, amusement device or fireworks will take place in or on municipal property, premises, and/or facilities, then an executed hold-harmless agreement in favor of the municipality must be signed by the prospective licensee, ~~as well as by all vendors and organizations participating in the event. Such vendors will also be required to meet the insurance obligations under Subsection 4-4.6a1, 2 and 3.~~
- e. With respect to amusement rides and/or fireworks on municipal property, premises and/or facilities, the amusement ride contractor and/or the fireworks contractor must also sign a hold-harmless agreement in favor of the municipality and provide evidence of any and all insurances as recommended by the Risk Manager.

§ 4-4.7. Notification.

If a public street is to be closed pursuant to a license issued under this section, the applicant shall be personally responsible to deliver a written notice of the closing to each resident located along the portion of the street to be closed. Such notice shall state the date and hours when the street is to be closed, identify the portion of the street which is to be closed, and include the following language: "During the hours of the street closing, no motor vehicles may be operated on the street, except for an emergency. You may wish to park your vehicle outside the closed area before the closing takes effect." Such notices shall either be mailed at least 10 days before the closing or delivered by and at least seven days before the closing. Notices may be left at the premises in a place reasonably calculated to enable the occupant to find them but shall not be hung on an exterior doorknob or otherwise left in a place readily visible to passersby.

§ 4-4.8. License Fees.

The fees for licenses issued under this section shall be as follows:

- a. For-profit organizations or private individuals.
 - 1. All shows, special events and exhibitions and amusement rides: \$500 per day.
- b. Not-for-profit organizations.
 - 1. All shows, special events, and amusement rides and exhibitions: \$50 per day.

§ 4-4.9. License Fees Exceptions.

Events sponsored by the Township of Bernards, the Bernards Township Board of Education; and the Fire and Rescue Services of the Township of Bernards shall be exempt from license fees under this section.

§ 4-4.10. Late Fee.

All applications submitted less than 60 days prior to an event will be assessed a late fee of \$100.

§ 4-4.11. Acceptance of Terms, Conditions and Estimated Costs and Deposit of Escrow by Applicant Prior to Issuance of License.

- a. In addition to the license fee, the applicant shall be responsible to reimburse the Township for the cost of support staff used in conjunction with the event. These costs

may include but not be limited to Police, Public Works, Recreation and Grounds Maintenance.

- b. Prior to issuance of the license, the applicant shall be provided with a cost estimate of these expenses prepared by the Township Administrator, and a list of conditions recommended by the Chief of Police, Health Officer, Township Risk Manager, Director of Recreation, Fire Prevention Officer and Construction Official. The applicant shall confirm in writing his or her acceptance of these estimated costs and conditions.
- c. The applicant shall be responsible to deposit into an escrow account, payment of these costs, or a reasonable estimate thereof, at the time the completed application is approved by the Township Committee.

§ 4-4.11.1. Standards Issuance of Permit.

The standards for the issuance of a permit pursuant to this chapter shall include the following findings:

- a. That the proposed event or amusement device will not unreasonably interfere with or detract from the general public enjoyment and use of the public property to be utilized.
- b. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and scheduled recreation activity.
- c. That the proposed activity or uses that are reasonably anticipated will not be likely to include violence, crime, or disorderly conduct.

§ 4-4.12. Date of Event Not Confirmed Until Township Committee Resolution Adopted.

The date of the event shall be confirmed only upon passage of a resolution by the Township Committee.

SECTION 4-5. (Reserved)

~~§ 4-5.1 through § 4-5.6. (Reserved)~~

SECTION 4-6. (Reserved)

~~§ 4-6.1 through § 4-6.7. (Reserved)~~

SECTION 4-7 Municipal Police Rotation Towing Services; Nonconsensual Towing Regulations

§ 4-7.1. Definitions.

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

BASIC TOWING SERVICE

"Basic tow" means private property towing and other nonconsensual towing as defined in this section and other ancillary services that include the following: arriving at the site from which a motor vehicle will be towed; 15 minutes' waiting time; hooking a motor vehicle to or loading a motor vehicle onto a tow truck; transporting a motor vehicle to a storage facility; unhooking or unloading a motor vehicle from the tow truck; and situating the motor vehicle in the space in which it will be stored. "Basic tow" also includes issuing documents for the

release of a motor vehicle to its owner or other person authorized to take the motor vehicle; issuing an itemized bill; three trips to the motor vehicle in storage, which, if applicable, include making a vehicle available to an insurance appraiser or adjuster; issuing documents for the release of a motor vehicle to its owner or other person authorized to take the motor vehicle; and retrieving a motor vehicle from storage during the hours in which the storage facility is open.

BUSINESS OFFICE

The business office of the towing operator where the towing operator shall conduct business associated with the towing and storage of vehicles.

CHIEF OF POLICE

The Chief of the Bernards Township Police Department or his/her designee.

DECOUPLING

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

MOTOR VEHICLE

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

NONCONSENSUAL TOWING

The towing of a motor vehicle without the consent of the owner or operator of the vehicle. "Nonconsensual towing" includes towing a motor vehicle when law enforcement orders the vehicle to be towed whether or not the owner or operator consents.

PERSON

An individual, a sole proprietorship, partnership, corporation, limited liability company or any other business entity.

PRIVATE PROPERTY OWNER

The owner or lessee of private property, or an agent of such owner or lessee, but shall not include a private property towing company acting as an agent of such owner or lessee.

PRIVATE PROPERTY TOWING

The nonconsensual towing by a motor vehicle from private property or from a storage facility of a consumer's motor vehicle that is parked illegally, parked during a time at which such parking is not permitted, or otherwise parked without authorization, or the immobilization of or preparation for moving or removing of such motor vehicle, for which a service charge is made, either directly or indirectly. This term shall not include the towing of a motor vehicle that has been abandoned on private property in violation of N.J.S.A. 39:4-56.5, provided that the abandoned vehicle is reported to the appropriate law enforcement agency prior to removal and the vehicle is removed in accordance with N.J.S.A. 39:4-56.6.

RECOVERY; EXTRAORDINARY TOWING SERVICE

The removal and transportation of a motor vehicle with a registered weight rating over 10,000 pounds from a highway, street or other public or private property. Extraordinary towing service shall also include the recovery of vehicles with a registered weight rating of 10,000 pounds or less that require exceptional methods to retrieve and/or tow the vehicle.

"Exceptional methods" are tasks outside the routine scope of vehicle recovery, including but not limited to up-righting an overturned vehicle, and winching a vehicle from a location off the roadway.

SECURE STORAGE FACILITY

A storage facility that is either completely indoors or is surrounded by a fence, wall or other physical barrier that is at least six feet high and is lighted from dusk to dawn.

STORAGE FACILITY

A space at which motor vehicles that have been towed are stored by the towing operator.

TOWING

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

TOWING LIST

The list maintained by the Bernards Township Police Department containing the names of those active towing operators who are licensed with the Township to provide municipal towing services for the Township.

TOWING OPERATOR

Any person in the business of or offering the services of a towing service whereby motor vehicles are or may be towed or otherwise removed from one place to another by the use of a motor vehicle adapted to and designated for that purpose.

TOWNSHIP

The Township of Bernards, Somerset County, New Jersey.

VEHICLE

Any device in, upon or by which a person or property is or may be transported upon a highway.

YARD FEE

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

§ 4-7.2. Purpose.

It is the purpose of this section to regulate towing operations within the Township.

§ 4-7.3. Licenses.

- a. A towing operator desiring to provide towing services within the Township must obtain a license from the Township for such services.
- b. A license shall be issued for a period of three years.

- c. The Township Committee shall have the sole discretion to deny a license to any towing operator failing to file the requisite application or to meet the requirements of this section based upon the recommendation of the Chief of Police.
- d. Licenses may be awarded by the Township at any time. The license shall not be exclusive, with the Township being able to award licenses to multiple towing operators at any time.

§ 4-7.4. **Fees.**

The following fees for a towing application shall apply:

- a. Rotational: \$500.
- b. Nonconsensual: \$500.
- c. Rotation/nonconsensual combination: \$750.

§ 4-7.5. **Application for License.**

- a. Towing operators must file an application with the Municipal Clerk to obtain or renew a towing license within the Township.
- b. The applicant shall state the complete street address of the location or locations from which the business of towing shall be conducted, indicating which is its principal location and which is its storage facility(s), which shall meet the requirements of Subsection 4-7.13 of this section. The applicant shall provide a copy of a valid certificate of occupancy for the storage facility for automobile-related uses.
- c. The applicant shall identify and provide a description of its towing vehicles, including vehicle registration number, gross vehicle weight, number of wheels and purpose, with which the applicant intends to provide towing services; and which shall meet the requirements of Subsection 4-7.6 of this section. The applicant shall provide copies of the equipment manufacturer's specification for each piece of equipment.
- d. The applicant shall disclose whether he, or if the applicant is an entity, any person with an interest of 10% or more in the entity, or any towing company in which such person has an interest of 10% or more, is subject to any of the disqualification specified in § 4-7.7.
- e. The applicant shall provide the name, address and driver's license number of the applicant and all employees of the applicant that are expected to be involved in the operation of the applicant's vehicular equipment for the towing of motor vehicles. All drivers for the applicant shall be at least 18 years of age and possess a valid driver's license for the operation of the towing equipment.
- f. The applicant shall obtain a criminal background check of the applicant and all of its employees and agents, including the obtainment of a driver's abstract. The costs associated with obtaining the criminal background checks shall be the responsibility of the applicant. **Criminal background checks and fingerprinting required under this Section shall comply with the provisions of Section 4-1.2.**
- g. The application shall include a valid original certificate of insurance from an insurer authorized to do business in the state, at the minimum amounts set forth in Subsection 4-7.11 of this section.
- h. The applicant shall provide written proof of a minimum of five years' towing experience. The applicant shall provide a minimum of three references of the applicant's towing experience.
- i. The applicant shall provide copies of all certifications for its employees as follows:
- j. Each light-duty driver, each heavy-duty driver and each recovery supervisor from a nationally recognized organization. The nationally recognized organizations that are acceptable to the Township are: Towing and Recovery Association of America (800-728-

0136), Wreck Master (800-267-2266), Garden State Towman's Association (732-530-4782).

- k. The applicant shall furnish any additional information concerning the company, personnel, vehicles, equipment and storage facilities of the applicant as may be required by the Municipal Clerk or Chief of Police during the review of the application.
- l. If any of the information required in the application changes, or if additional information should be added after the filing of the application, the applicant shall provide that information to the Municipal Clerk, in writing, within 30 calendar days of the change or addition. Any application to add an additional driver during the contract term shall be accompanied by a fee of \$25.
- m. The applicant shall provide a certified statement of the willingness of the towing operator to be available on a twenty-four-hour, seven-day-per-week basis, and to abide by the instructions and directions of the Chief of Police, his subordinates, and the provisions of this section. Such towing operators shall further provide the telephone number or numbers available on a twenty-four-hour, seven-day-per-week basis.
- n. The applicant shall provide a certified statement of compliance with the minimum requirements of Subsection 4-7.6 of this section.

§ 4-7.6. Minimum Requirements Rotational Towing; Equipment.

- a. Any towing operator providing municipal rotational towing services shall have a minimum of four vehicles which meet the minimum standards set forth below:
 1. At least one light-duty wrecker with a minimum chassis rating of 15,000 pounds gross vehicle weight, equipped with a hydraulic boom rated for 8,000 pounds, equipped with a hydraulic wheel-lift with 3,000 pounds' lift capacity, and equipped with dual hydraulic winches with each having a capacity of 8,000 pounds, with each winch equipped with 100 feet of three-eighths-inch wire rope.
 2. At least two flatbed-type wreckers with a minimum chassis rating of 25,500 pounds gross vehicle weight, equipped with a minimum twenty-one-foot bed, and equipped with a hydraulic wheel-lift with 3,000 pounds' lift capacity.
 3. At least one of the above vehicles must have four-wheel drive.
 4. In addition to foregoing requirements, the towing operator must own a heavy-duty wrecker with a minimum chassis rating of 33,000 pounds gross vehicle weight, as well as have a gross vehicle weight registered of 80,000 pounds, equipped with a hydraulic boom rated for a minimum of 35 tons, equipped with a hydraulic under-reach with a minimum 45,000 pounds' lift capacity, dual hydraulic winches, and have tandem rear axles.
 5. All vehicles must be equipped with two-way radios, cab-mounted amber emergency warning lights (conforming to New Jersey Motor Vehicle Law standards and all light permits being obtained), tow sling-type bars with rubber straps and/or wheel-lift capability with safety straps to prevent damage to towed vehicles, and with steering locks for towing vehicles from the rear.

§ 4-7.7. Denials, Suspension or Revocation of License.

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

3. Has engaged in gross negligence or gross incompetence;
 4. Has engaged in repeated acts of negligence or incompetence;
 5. Has had a towing operation registration or license revoked or suspended by any other state, agency or authority for reasons consistent with this section;
 6. Has violated or failed to comply on more than three occasions with the schedule of tariff or fee regulations herein; or
 7. Upon proof that the applicant or holder of the registration or, if the applicant is an entity, a person with an interest of 10% or more in the applicant or holder of a registration or any towing company in which such person was a person with an interest of 10% or more and was serving in such capacity at the time the conduct or conviction required to be disclosed occurred; or
 8. Has been convicted of:
 - (a) A crime under Chapter 11, 12, 13, 14 or 15 of Title 2C of the New Jersey Statutes;
 - (b) Motor vehicle theft or any crime involving a motor vehicle under Chapter 20 of Title 2C of the New Jersey Statutes; or
 - (c) Any other crime under Title 2C of the New Jersey Statutes relating adversely to the performance of towing services or the storage of motor vehicles as determined by the Chief of Police.
- b. A final refusal to license or the suspension or revocation of a license by the Township shall not be made except upon reasonable notice to the applicant and an opportunity for the applicant to be heard by the Township Committee.

§ 4-7.8. Rotating List for Rotational Towing.

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

§ 4-7.9. Nonconsensual Towing.

- a. No person shall tow any motor vehicle parked for an unauthorized purpose from any privately owned parking lot, from other private property or from any common driveway without the consent of the motor vehicle owner or operator, unless the person is registered with the Township, is authorized to act by the owner of the private property as set forth in Paragraph b, and there is posted in a conspicuous place at all vehicular entrances to the property which can easily be seen by the public, a sign no smaller than 36 inches high and 36 inches wide stating:

1. The purpose or purposes for which parking is authorized and the times during which such parking is permitted;
 2. That unauthorized parking is prohibited and unauthorized motor vehicles will be towed at the owner's expense;
 3. The charges, which shall not exceed the fee specified in ordinances on file with the Municipal Clerk for the towing and storage of towed motor vehicles; and
 4. The street address of the storage facility where the towed vehicles can be redeemed after payment of the posted charges and the times during which the vehicle may be redeemed.
- b. A towing company shall not remove a motor vehicle from private property without the consent of the owner or operator of the vehicle, without first obtaining the written authorization from the property owner or lessee, or its employee or agent, who shall verify the alleged violation with the Police Department by way of notification pursuant to § 4-7.19 herein below, if it occurs during normal business hours of any premises at the location operated by the property owner or lessee authorizing the removal of the vehicle, except that general authorization in writing shall be sufficient for the removal of a motor vehicle parked on private property within 15 feet of a fire hydrant, standpipe or other water source for fighting fires; in a fire lane; in an identified handicap restricted parking area; in a manner that interferes with the entrance to or exit from the property; or if the violation occurs at a time other than during normal business hours of the premises of the property owner or lessee authorizing the removal of the vehicle.
 - c. Except as provided in Paragraph d of this subsection, the owner or person in lawful possession of private property may cause the removal of the motor vehicle parked on the property by a towing company registered and in compliance with this Section 4-7 if signs are posted on the property as required under Paragraph a of this subsection, or if the vehicle is parked on the property for longer than 48 hours.
 - d. The provisions of this subsection shall not apply to a motor vehicle parked on a lot or parcel on which is situated a single-family unit, or an owner-occupied multi-unit structure of not more than six units, or in front of any driveway where the motor vehicle is blocking access to that driveway.
 - e. A towing company must release the vehicle to its owner who returns to the vehicle before it is removed from the property. In such instances, the towing company shall only charge the decoupling fee, and not require payment of the full basic tow fee.

§ 4-7.10. **Schedule of Services Eligible for Charging Fee; Reasonable Fees.**

a. Rotational towing:

1. A rotational towing operator may only charge a fee for those towing and storage services set forth as follows, plus the cost of any materials, parts or fuel, unless otherwise provided for in N.J.A.C. 13:45A-31.4:

	Fees (not to exceed) Day	Fees (not to exceed) Night/Weekend/Holi day
Basic Tow Fee		
Light-duty rate (less than 10,000 G.V.W.)		
Tow	\$125	\$150
Recovery	\$150	\$200
(Basic tow is a flat rate)		
(Recovery is billed per hour, per truck, with 1 hour minimum and 30-minute increments thereafter)		
Medium-duty rate (10,000 to 32,000 G.V.W.)		
Tow	\$150	\$200

	Fees (not to exceed)	Fees (not to exceed)
	Day	Night/Weekend/Holiday
Basic Tow Fee		
Recovery (Basic tow is a flat rate) (Recovery is billed per hour, per truck, with 1 hour minimum and 30-minute increments thereafter)	\$250	\$350
Heavy-duty rate (greater than 32,000 G.V.W.)		
Tow	\$400	\$450
Recovery (Basic tow is a flat rate) (Recovery is billed per hour, per truck, with 1 hour minimum and 30-minute increments thereafter)	\$450	\$500

	Fees (not to exceed)	Fees (not to exceed)
	Outside	Inside
Storage		
Light-duty (per day)	\$35	\$50
Medium-duty (per day)	\$75	\$100
Heavy-duty (per day)	\$100	\$200
Mileage	\$4 per mile from scene or site of tow	
Road service	\$75 per call	
Decoupling fee	\$25 per call	
Clean-up labor charge	\$50 per hour	

2. A towing operator may not charge a service fee for towing and storage services which are ancillary to and shall be included as part of basic towing services and is not included in the schedule approved by the Township.
 3. A towing operator must accept all forms of payment, such as a debit card, charge card or credit card, for payment in lieu of cash for towing or storage services if the operator ordinarily accepts such payment at his place of business.
 4. A towing operator that engages in private property towing or other nonconsensual towing shall calculate storage fees based upon full twenty-four-hour periods a motor vehicle is in the storage facility. For example, if a motor vehicle is towed to a storage facility at 7:00 p.m. on one day and the owner of the motor vehicle picks up the motor vehicle on or before 7:00 p.m. the next day, the towing operator shall only charge the owner of the motor vehicle for one day of storage. If a motor vehicle is stored for more than 24 hours, but less than 48 hours, the towing operator may only charge for two days of storage.
 5. A bill for private property tow or other nonconsensual tow shall include the time at which a towed motor vehicle was delivered to a towing company's storage facility.
 6. Municipal storage rates. Storage fees to be charged to or on account of the Township for the storage of Township-owned or -operated vehicles shall not exceed those fees permitted by N.J.S.A. 40:48-2.50.
 7. The Township Committee may annually change the fees set forth herein by duly adopted resolution.
- b. Nonconsensual:
1. A towing company may only charge a service fee for the following schedule of towing and storage services, unless otherwise provided for by state law:

Service Provided	Fees (not to exceed)
-------------------------	---------------------------------

Service Provided	Fees (not to exceed)
Full basic tow fee	\$100
Administration fee	\$30
Storage fee	
Inside storage, per day	\$35
Outside storage, per day	\$25
Decoupling fee	\$25

2. A towing company may not charge a service fee for towing and storage services which are ancillary to and shall be included as part of basic towing services and is not included in the schedule approved by the Township.
3. A towing company must accept all forms of payment, such as a debit card, charge card or credit card, for payment in lieu of cash for towing or storage services if the operator ordinarily accepts such payment at his place of business.
4. A towing company that engages in private property towing or other nonconsensual towing shall calculate storage fees based upon full twenty-four-hour periods a motor vehicle is in the storage facility. For example, if a motor vehicle is towed to a storage facility at 7:00 p.m. on one day and the owner of the motor vehicle picks up the motor vehicle on or before 7:00 p.m. the next day, the towing company shall only charge the owner of the motor vehicle for one day of storage. If a motor vehicle is stored for more than 24 hours, but less than 48 hours, the towing company may only charge for two days of storage.

§ 4-7.11. Insurance Requirements.

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

- a. Motor vehicle liability for a tow truck capable of towing a motor vehicle that is up to 26,000 pounds, for the death of or injury to persons and damage to property for each accident or occurrence in the amount of \$750,000, single limit; and
- b. Motor vehicle liability for a tow truck capable of towing a motor vehicle that is more than 26,000 pounds, for the death of or injury to persons and damage to property for each accident or occurrence in the amount of \$1,000,000, single limit.
- c. Garagekeeper's policy: a garagekeeper's liability policy in the minimum amount of \$100,000, and on-hook coverage, for each vehicle damaged on a separate claim.
- d. Garage liability policy: a garage liability policy covering the applicant's business, equipment and vehicles in the minimum amount of \$500,000 for any one person injured or killed, and a minimum of \$1,000,000 for more than one person killed or injured in any accident and an additional \$100,000 for any damage arising from injury to or destruction of property, and/or a combined single limit of \$1,000,000. In addition to each policy containing an endorsement showing the Township as an additional insured, such policy shall also provide an endorsement entitling the Township to 30 days' prior written notice to the Chief of Police in the event of any change in coverage under the policy, or in the event of the cancellation of the policy.
- e. Worker's compensation policy: a worker's compensation policy covering all of the applicant's employees and operators, containing statutory coverage, including liability coverage of at least \$100,000 for each accident per person, \$500,000 policy aggregate limit per disease, and \$100,000 for each disease per person.
- f. Umbrella liability insurance policy in the amount of \$5,000,000.

§ 4-7.12. **Indemnification.**

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

§ 4-7.13. **Storage Facilities.**

- a. The towing operator providing towing services must tow all vehicles to a storage facility meeting the following requirements:
 1. Has a business office opened to the public between 8:00 a.m. and 6:00 p.m. at least five days a week, excluding holidays;
 2. Have the ability to provide inside vehicular storage;
 3. Have the ability to store a minimum of six vehicles;
 4. Is safe and secured, such as being completely fenced in;
 5. If it is an outdoor storage facility, lighted from dusk to dawn; and
 6. Is located within 10 driving miles of any Township border.
- b. The towing operator shall provide reasonable accommodations for after-hours release of stored motor vehicles and shall not charge a release fee or other charge for releasing motor vehicles to their owners after normal business hours or on weekends.

§ 4-7.14. **Rotational Towing Standards of Towing Operator Performance.**

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

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

of same between the hours of 8:00 a.m. and 5:00 p.m. (hereinafter "daytime"), and within 25 minutes of receipt of notice between the hours of 5:01 p.m. and 7:59 a.m. (hereinafter "nighttime"). In the event a towing operator does not arrive at the tow location within the above time periods, the police officer on the scene shall have the right to have a substitute towing operator called to the location who will have the right to perform the municipal towing services; and the originally called towing operator shall have no right to payment from any party.

- f. Not charge any fee for replacement of equipment or materials provided at the scene of the tow.
- g. Tow any and all disabled Township-owned or -operated vehicles upon request by the Chief of Police to a location within the Township. The towing operator will not charge the Township for the towing of Township-owned passenger vehicles or pick-up trucks within two miles of the Township border to a location within the Township. All other towing of Township-owned or -operated vehicles shall be charged pursuant to Subsection 4-7.10 at a discount of 20%. Nothing herein shall limit the Township from utilizing the towing services provided for in any public bid contract.
- h. Clean up all broken glass and debris at the scene of accidents. (All towing operators must be equipped with a broom and a shovel.)
- i. Ensure that all drivers and operators of the towing operator must wear ANSI Class 3 reflective safety vests at all times when responding to a request by the Township.
- j. Furnish additional towing equipment and services during storm periods, periods of snow emergencies, traffic emergencies, natural or other disasters, any acts of God, and for any other reason when so designated by the Chief of Police. Such standby service shall begin and end when the Chief of Police notifies the towing operator. The Township reserves the right, during any such emergency, to designate temporary areas owned or leased by the Township and/or the towing operator for the storage of disabled vehicles, and to direct the towing operator to remove such disabled vehicles to said areas.
- k. Document record of all vehicles towed and/or stored as prescribed by the Chief of Police and retain such records for a period consistent with records retention schedules subject to the Open Public Records Act. In all of the towing operator's dealings with the public, the towing operator shall act in a professional manner, courteous at all times, and respectful to members of the public, as well as representatives of the Township. Reports of discourteous behavior by the towing operator or his/her drivers which may be substantiated and documented shall be considered by the Township as sufficient cause for revocation and termination of the towing operator's license and be considered as material default under any license entered into with a towing operator pursuant to this section.

§ 4-7.15. **Solicitation.**

All persons, towing operators, and owners of towing equipment are hereby prohibited from soliciting business at the scenes of accidents and emergencies within the Township.

§ 4-7.16. **Complaints and Dispute Resolution.**

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

§ 4-7.17. **Violations; Enforcement and Penalties.**

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

§ 4-7.18. **Unlawful Practices for Non-Consensual Towing.**

It shall be an unlawful practice for any towing company:

- a. Provision of schedule of fees.
 - 1. Except as otherwise provided in Paragraph 2 of this subsection, to fail to provide the person whose motor vehicle is to be towed, prior to providing any towing services, a written schedule of fees.
 - 2. To fail to provide the schedule and information required under Paragraph 1 of this subsection immediately upon being contacted by the person whose motor vehicle was towed, if that person was not present at the time the towing services were provided.
- b. To make, give, or cause any undue or unreasonable preference or advantage or undue or unreasonable prejudice or disadvantage to any person in any particular locality, with respect to providing towing services.
- c. To give any benefit or advantage, including a pecuniary benefit, to any person for providing information about motor vehicles parked for unauthorized purposes on privately owned property or otherwise in connection with towing from privately owned property motor vehicles parked without authorization. Nothing in this section shall preclude a towing company, acting on behalf of a club or association, from charging members of the club or association a fee at a rate established by contract between the towing company and the club or association which is lower than the rate specified in the towing company's schedule on file with the Township, provided that membership in such club or association is generally available to the public.
- d. To fail, when so requested by the owner or operator of a vehicle subject to nonconsensual towing, to release a vehicle to the owner or operator that has been, or is about to be, hooked or lifted but has not actually been moved or removed from the property when the vehicle owner or operator returns to the vehicle, or to charge the owner or operator requesting release of the vehicle more than the decoupling fee.
- e. To charge any fee other than those charges established by municipal ordinance, or the rate specified in the towing company's schedule on file with the Township, or to charge a fee in an amount or for a service not listed on the schedule on file with the Township at the time. Nothing in this section shall preclude a towing company, acting on behalf of a club or association, from charging members of the club or association a fee at a rate established by contract between the towing company and the club or association which is lower than the rate specified in the towing company's schedule on file with the Township, provided that membership in such club or association is generally available to the public.
- f. To refuse to accept for payment in lieu of cash or an insurance company check for towing

or storage services, such as a debit card, charge card or credit card, if the operator ordinarily accepts such payment at his place of business.

§ 4-7.19. Notification to Police Department.

The towing of any vehicle without the consent of the owner must be reported to the Bernards Township Police Department prior to the removal of the vehicle from the property. The towing operator must advise the Police Department of the time and place from which the vehicle was towed, the license number, the vehicle identification number, the make, the model and color of the vehicle, and the location to which the vehicle was towed, in order to provide the Police Department the opportunity to verify that the license number matches the vehicle identification number.

SECTION 4-8. Taxicabs

§ 4-8.1. License Required.

- a. No person who is based in the Township, as that term is defined in Subsection 4-8.2 below, shall operate or drive a taxicab or cause any taxicab to be operated or driven in the Township without having first obtained a license, issued by the Township Clerk with the consent of the Township Committee, for every operator and every vehicle to be so operated.
- b. No person who is not based in the Township shall operate or drive a taxicab or cause any taxicab to be operated or driven in the Township without first having obtained the license or certificate, if any, that is issued to or required of persons wishing to engage in such activities by the municipality in which such person is based, as that term is defined in Subsection 4-8.2 below.
- c. This section shall not be construed to prohibit the operation of a taxicab within the Township solely for the purpose of bringing passengers from points outside the Township to destinations within the Township.
- d. The obtaining of a license under this section shall not relieve the licensee of the obligation to comply with any applicable provisions of Chapter XXI, Land Development, of these Revised General Ordinances, including but not limited to Section 21-19.1, regarding parking or storage of commercial vehicles in a residential zone, and Section 21-10.4a1(g), regarding home offices (exempt) in residential zones.

§ 4-8.2. Definitions.

As used in this section:

BASED IN A MUNICIPALITY

A person who operates or drives for a taxicab or limousine business or causes such business to be operated is based in a municipality if the business:

- A. Has its principal office or principal place of business in that municipality;
- B. With respect only to a person who works for but does not operate a taxicab or limousine business, the business has a license or certificate from that municipality to operate a taxicab business.

LIMOUSINE

Shall mean and include any automobile or motor car used in the business of carrying passengers for hire to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route and with a

seating capacity in no event of more than 14 passengers, not including the driver, provided that such a vehicle shall not have a seating capacity in excess of four passengers, not including the driver, beyond the maximum passenger seating capacity of the vehicle, not including the driver, at the time of manufacture. It shall not be construed to include taxis.

LIMOUSINE SERVICE

Shall mean and include the business of carrying passengers for hire by limousines.

TAXI

Shall mean any automobile or motor car engaged in the business of carrying passengers for hire which is held out, announced or advertised to operate or run, which is operated or run over any of the streets or public highways of this state, and particularly accepts and discharges such persons as may offer themselves for transportation from points or places to points or places within or without the state.

TAXICAB

Shall mean and include any motor vehicle used in the business of transporting persons for hire, from or to points within the Township, including taxicabs, limousines and other vehicles hired by call, charter or special contract, whether the fare or price is agreed upon in advance.

§ 4-8.3. Public Convenience and Necessity.

Before the Township Committee shall issue any license for a taxicab, other than the renewal of an existing license, it shall be satisfied that public convenience and necessity so require.

§ 4-8.4. Application.

Every application for a license shall be filed with the Township Clerk on a form to be furnished by the Township, and no application shall be considered unless the same is fully and completely filled out and is accompanied by the required fee. Every application shall include a statement, to be signed by the applicant, consenting to the Township's obtaining copies of the applicant's driving record and/or record of criminal and disorderly persons convictions and domestic violence proceedings from the official public agencies which maintain such records. ~~The applicant shall be fingerprinted~~ **if** the Chief of Police determines fingerprints are necessary for proper identification, **the applicant shall be fingerprinted pursuant to the provision of Section 4-1.2,** which fingerprint record shall be immediately processed for classification and identification. ~~Every applicant who is required to submit to fingerprinting under this subsection shall pay to the Township Clerk the administrative cost of taking and processing the applicant's fingerprints, which shall be in addition to the license fees specified by this section for taxi licenses. The provisions of this subsection shall supersede the provisions of Subsection 4-1.1 for the purposes of this section only. All other provisions of Section 4-1 shall apply with respect to applications and licenses under this section.~~

§ 4-8.5. Requirements for Licensing.

- a. An applicant for a taxicab license shall be the owner of the vehicle and shall be at least 18 years of age. In passing upon any application for a taxicab license, the Township Committee may consider any information which has relevance to the applicant's moral character, business reputation, **including but not limited to records relating to the applicant's driving history, convictions for any moving violation and convictions for any crime or disorderly persons offense involving any matter which reflects upon**

such matters, and whether the applicant has been subject to a restraining order in any domestic violence matter, or ability to properly conduct a taxicab business in an honest and responsible manner or which may reflect upon the safety of the proposed vehicle for use as a taxicab. Approval of any application for a taxicab license shall not be given unless at least one proposed driver named in the application holds a current Township taxicab driver's license or is approved for such license at the same time the application for the taxicab license is ordered. Before a license is issued or renewed, the applicant must file with the Township Clerk an insurance policy and power of attorney, as required by N.J.S.A. 48:16-3 through 48:16-5 (taxis) or N.J.S.A. 48:16-14 and 48:16-16 (limousines), as amended from time to time.

- b. ~~An applicant for a taxicab driver's license shall be at least 18 years of age. In passing upon any application for a taxicab driver's license, the Township Committee may consider any information which has relevance to the applicant's moral character, judgment, business reputation or ability of the applicant to transport passengers for hire in a safe, honest and businesslike manner, including but not limited to records relating to the applicant's driving history, convictions for any moving violation and convictions for any crime or disorderly persons offense involving any matter which reflects upon such matters, and whether the applicant has been subject to a restraining order in any domestic violence matter.~~

§ 4-8.6. License fees.

Every applicant for a license under this section shall pay to the Township ~~Clerk~~ for the use of the Township annual license fees as follows:

- a. For each licensed taxicab: \$50.
- b. For each taxicab driver other than the owner thereof: \$25.

§ 4-8.7. License Regulations.

- a. Every person when operating a taxicab shall have a valid taxicab driver's license or certificate and the name of the issuing municipality in his possession and shall exhibit the same upon request to any public officer, taxicab passenger or other duly authorized agent of the Township.
- b. Any police officer of the Township may inspect any taxicab at any time.
- c. Every licensed taxicab shall exhibit a card containing the name of the owner of the vehicle, the number of the owner's license and the rates of fare to be charged.
- d. Every licensed operator shall, on demand, give to any passenger a receipt indicating the name of the owner, the driver's license number and the fare charged.

§ 4-8.8. Rates of Fare.

If at any time, in the opinion of the Township Committee, it becomes advisable, the Committee may adopt a schedule of rates which may be charged by the owners or drivers of taxicabs as in its judgment may seem fair and reasonable.

§ 4-8.9. Additional Requirements for Limousines.

- a.** Where applicable, any person who owns a limousine service as defined in § ~~4-8.2~~ is required by the Township to comply with the provisions found within N.J.S.A. 48:16-22.1 (entitled "Limousine Licensing"), 48:16-22.2 (entitled "Examination of limousine by operator; check list"), 48:~~16~~-22.3a (entitled "Limousine service to require certain applicant information") and 48:~~16~~-22.3b (entitled "Limousine service to require drug

testing of applicants"). Failure to do so may result in a denial or revocation of a license.

b. The term of a license granted for limousines herein shall coincide with the vehicle registration term for said limousine.

c. Upon the filing of the required insurance policy, every applicant for a license for a limousine service shall pay to the Township a fee of \$50.00 for each limousine servicers plus \$10.00 for each limousine which is covered under the required insurance policy.

SECTION 4-9. Quarrying [NO CHANGES TO TEXT]

SECTION 4-10. Alarm Systems [NO CHANGES TO TEXT]

SECTION 4-11. Legalized Games of Chance

§ 4-11.1. License Required.

- a. An organization which has obtained an identification number from the New Jersey Legalized Games of Chance Control Commission ("Commission") may apply, to the Municipal Clerk, for a license to conduct bingo, raffles and other games of chance within the Township, including on Sundays. The Municipal Clerk is authorized and delegated the authority to issue such license as provided by law. All such applications, licenses, and games are subject to the fees, requirements, and conditions established under state law.
- b. No bingo or raffles may be conducted until 15 business days after the Commission has received, from the Municipal Clerk, a copy of the approved license application. This time period may not be waived or shortened.

§ 4-11.2. Investigation of Applicants.

a. Pursuant to N.J.S.A. 5:8-27 and -53, each application shall be referred to the Chief of Police who shall immediately institute such investigation of the applicant's business and moral character and ability to properly conduct the licensed activity as he deems necessary for the protection of the public good. Such investigation shall make specific findings, including whether the applicant is in fact a qualified organization and whether the designated member or members are bona fide members of the organization, or good moral character and have never been convicted of a crime. The following criteria shall be applied when determining eligibility for license issuance:

- 1. An applicant may be denied if they have been convicted within the last 7 years of any indictable crime in New Jersey or in any other state or jurisdiction, for conduct which, if committed in New Jersey, would constitute an indictable crime.**
- 2. An applicant may be denied if they have been convicted within the last 7 years of any disorderly persons offense, petty disorderly persons offense, or ordinance violation involving dishonesty, burglary, theft, receiving stolen property, or any other offense of similar nature in New Jersey or in any other state or jurisdiction, for conduct which, if committed in New Jersey, would constitute a similar offense.**
- 3. An applicant may be denied for a conviction of any indictable crime in New Jersey involving danger to the person pursuant to N.J.S.A. 2C:11-1 et seq., N.J.S.A. 2C:24-1 et seq., N.J.S.A. 2C:14-1 et seq. or N.J.S.A. 2C:15-1 et seq., or against the family, children or incompetents, pursuant to N.J.S.A. 2C:24-1 et**

- seq.; or in any other state or jurisdiction, for conduct which, if committed in New Jersey, would constitute any of the crimes or offenses listed in this paragraph.
4. An applicant may be denied for any conviction of an indictable crime pursuant to N.J.S.A. 2C:12-1 et seq. or N.J.S.A. 2C:13-1 et seq.; or in any other state or jurisdiction, for conduct which, if committed in New Jersey, would constitute any indictable crime listed in this paragraph.
 5. An applicant may be denied for any arrest where charges have not been adjudicated involving a violation of a crime or offense involving those listed in paragraph b, c or d, where after a review of the official record and reports of the incident(s), it is reasonably believed that the applicant most likely committed the offense and would be found guilty in a judicial proceeding.
 6. An applicant may be denied when there is an apparent pattern of arrests for charges listed in paragraphs b, c, and d without convictions, where after a review of the official records and reports of the incident(s), it is reasonably believed that the applicant most likely continually commits these offenses.

The Chief of Police shall communicate his findings in writing to the Township Committee within a reasonable time after the complete application has been filed. If, based upon such findings, or upon such other information as the Township Committee may request, or that may come to the attention of the Township Committee of a disqualifying event, the Township Committee decides that the applicant's character, ability or business responsibility is unsatisfactory, it shall disapprove the application and refuse to issue the license and shall so notify the applicant.

SECTION 4-12. Landlord Registration

§ 4-12.1. Registration Required.

- a. Pursuant to the requirements of the New Jersey Landlord Act, N.J.S.A. 46:8-27, et seq. e Every landlord renting residential property located within the Township shall, within 30 days of the first tenancy, file a certificate of registration in accordance with the provisions of N.J.S.A. 46:8-28, as may be amended from time to time, with the Development Control Officer/Housing Administrator and provide a copy of the certificate simultaneously to the tenant. The certificate of registration shall be filed with the Development Control Officer/Housing Administrator of the Bernards Township Engineering Department ~~filed shall follow the form below.~~

TO: ~~Development Control Officer/Housing Administrator
Bernards Township Engineering Department
277 South Maple Avenue
Basking Ridge, New Jersey 07920~~

~~CERTIFICATE OF REGISTRATION~~

~~Landlord's Statement~~

~~Pursuant to the requirements of the New Jersey Landlord Act, N.J.S.A. 46:8-27 et seq. and this Section 4-12, I hereby file the following registration statement with your office for the residential property located at:~~

~~_____~~
~~(street address)~~

~~_____~~
~~(block and lot)~~

~~in Bernards Township, Somerset County.~~

~~1. Name and address of the owner of the rental property:~~

~~or~~

~~If the property owner is a partnership, the names and addresses of all general partners:~~

~~or~~

~~If the property owner is a corporation or limited liability company:~~

~~a. Name and address of registered agent of the corporation or LLC:~~

~~b. Name and address of officers of the corporation, or members of the LLC:~~

~~=====~~

- ~~2. Name and address of the owner of the operating rental business, if different than the property owner:~~
- ~~3. If the address of any of the property owners is not in Somerset County, provide the name and address of a person who resides in Somerset County who is authorized by the property owner to accept and sign a receipt for notices from tenants, and is further authorized to accept service of process on behalf of the property owner:~~
- ~~4. Name and address of the managing agent for the property (if other than property owner):~~
- ~~5. Name, address (including unit, apartment, room number) and phone number of maintenance employee, i.e., superintendent, janitor, custodian or other individual employed by the property owner or managing agent to provide regular maintenance service:~~
- ~~6. Name, address and telephone number of emergency representative of the property owner or managing agent to be available 24 hours per day, who may be reached or contacted at any time in the event of an emergency affecting the property, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection with the property, and who shall further have at all times access to a current list of all tenants for the property which list shall be made available to emergency personnel as required in the event of an emergency:~~
- ~~7. Name and address of all holders of recorded mortgages for the property:~~
- ~~8. If fuel oil is used to heat any building on the property, and the landlord furnishes the heat for any building, the name, address and telephone number of the fuel oil dealer servicing the building and the grade of fuel oil used:~~
- ~~9. Landlord is to initial on each line below to certify compliance with each notice requirement:~~

~~a. CRIME INSURANCE~~

~~Landlord has provided notice, by copy of this Statement, to Tenant as a resident of the property, that, as required by New Jersey law (N.J.S.A. 46:8-39), under Title VI of the Housing and Urban Development Act of 1970, the Federal Government is subsidizing crime insurance in order to make the same available to Residents in the State of New Jersey. Landlord has notified Tenant as follows:~~

~~"Tenant may be eligible to purchase this insurance from the SAFETY MANAGEMENT INSTITUTE, located in Washington, D.C. Tenant may contact this company directly to obtain an application and further information. Tenant may call the following toll free number: (800) 638-8780. Crime insurance is available for tenants in all habitable property through the New Jersey Underwriters Association, Crime Insurance Indemnity Plan. To apply for crime insurance, contact the New Jersey Underwriters Association, Crime Insurance for Habitable Property, 744 Broad Street, Newark, New Jersey, 07102 directly for an application."~~

~~b. TRUTH IN RENTING~~

~~Landlord has provided the Truth in Renting information to Tenant, required to be provided by New Jersey law (N.J.S.A. 46:8-45). Landlord affirms compliance with New Jersey law (N.J.S.A. 46:8-46) that requires landlords to provide a copy of the New Jersey Truth in Renting pamphlet (a twenty-six page pamphlet) to all tenants with a rental term of at least one month who are renting a house, duplex, condominium, or apartment with at least three units (unless the landlord lives in one of the three apartments). Any landlord who fails to provide the tenant with this pamphlet shall be liable to a penalty of not more than \$100 for each offense.~~

~~c. SECURITY DEPOSITS~~

~~In accordance with New Jersey law (N.J.S.A. 46:8-19), Landlord has provided notice to Tenant, by copy of this Statement, as follows:~~

~~"Landlord will pay Tenant interest on Tenant's security deposit, less any service fee charged by the bank or investment company. Interest will be paid annually on the anniversary of Tenant's Lease in cash or as a credit towards rent due. Further, Landlord will annually notify Tenant of certain information concerning the security deposit: the name of the bank where the security deposit is held, the type of account in which the funds are deposited, and the account's interest rate. Landlord is prohibited from increasing the amount of the security deposit by more than 10% percent per year."~~

~~I certify that the foregoing statements made by me are true and accurate to the best of my knowledge. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to~~

~~punishment.~~

~~By: (sign)~~

~~Date:~~

~~Print Name:~~

- b. An amended certificate of registration shall be filed by the landlord within 20 days after any change in the information required in the certificate, in accordance with the provisions of N.J.S.A. 46:8-28.2, as may be amended, with the Development Control Officer/Housing Administrator and shall also provide a copy of the amended certificate of registration to the tenant.
- c. **In addition to the foregoing, every landlord is to certify compliance with each notice requirement:**
1. **Crime Insurance. Landlord has provided notice to Tenant as a resident of the property, that, as required by New Jersey law (N.J.S.A. 46:8-39), under Title VI of the Housing and Urban Development Act of 1970, the Federal Government is subsidizing crime insurance in order to make the same available to Residents in the State of New Jersey.**
 2. **Truth in Renting. Landlord has provided the Truth in Renting information to Tenant, required to be provided by New Jersey law (N.J.S.A. 46:8-45). Landlord affirms compliance with New Jersey law (N.J.S.A. 46:8-46) that requires landlords to provide a copy of the New Jersey Truth in Renting pamphlet (a twenty-six-page pamphlet) to all tenants with a rental term of at least one month who are renting a house, duplex, condominium, or apartment with at least three units (unless the landlord lives in one of the three apartments). Any landlord who fails to provide the tenant with this pamphlet shall be liable to a penalty of not more than \$100 for each offense.**
 3. **Security Deposits. In accordance with New Jersey law (N.J.S.A. 46:8-19), Landlord has provided notice to Tenant that Landlord will pay Tenant interest on Tenant's security deposit, less any service fee charged by the bank or investment company. Interest will be paid annually on the anniversary of Tenant's Lease in cash or as a credit towards rent due. Further, Landlord will annually notify Tenant of certain information concerning the security deposit: the name of the bank where the security deposit is held, the type of account in which the funds are deposited, and the account's interest rate. Landlord is prohibited from increasing the amount of the security deposit by more than 10% percent per year.**

SECTION 4-13. Charitable Clothing Bins [NO CHANGES TO TEXT]

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

Section 3. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Bernards, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the General and Land Use Ordinances of the Township of Bernards are hereby

ratified and confirmed, except where inconsistent with the terms hereof.

Section 4. This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal law.

Section 5. This Ordinance shall take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey.

**TOWNSHIP OF BERNARDS
PUBLIC NOTICE**

Ordinance #2414 was introduced and passed on first reading by the Township Committee of the Township of Bernards in the County of Somerset on 04/09/2019 and then ordered to be published according to law. It will be further considered for final passage and adoption at a public hearing on 04/23/2019 to be held at a meeting of the Township Committee at the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ, at 8 P.M., when and where, or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. A complete text of this ordinance is available in the Office of the Municipal Clerk, 1 Collyer Lane, Basking Ridge, NJ, from 8:30 A.M. to 4:30 P.M., Monday through Friday. Copies are also available on the township website bulletin board www.bernards.org.

By Order of the Township Committee
Rhonda Pisano, Deputy Municipal Clerk

**TOWNSHIP OF BERNARDS
PUBLIC NOTICE**

Notice is hereby given that Bernards Township Ordinance #2414 was introduced and passed on first reading at a meeting of the Township Committee on 04/09/2019, and was passed on final reading and adopted following a public hearing thereon at a regular meeting of the Governing Body of the Township of Bernards on 04/23/2019.

By Order of the Township Committee
Rhonda Pisano, Deputy Municipal Clerk