



MONROE TOWNSHIP POLICE DEPARTMENT
125 VIRGINIA AVENUE
WILLIAMSTOWN, NEW JERSEY 08094
(856) 728-9800



APPLICATION FOR TOWING LICENSE

APPLICANT SHALL PROVIDE THE FOLLOWING INFORMATION:

- ____ 1. Name, address and proof of ownership of an approved motor vehicle towing and/ or a repair facility with the Township of Monroe. (Attach copy of the deed and certificate of occupancy for the business facility)
- ____ 2. If the business property is leased by the applicant, applicant must provide a copy of the current lease.
- ____ 3. Business owner full name, address and contact information. (Business phone, cell phone, email address)
- ____ 4. Current registrations, proof of insurance and photocopies for each vehicle in the applicant's fleet.
- ____ 5. Detailed signed statement evidencing that the applicant meets or exceeds the equipment standards set forth in § **262-1** and **262-4**.
- ____ 6. For each driver, copies of satisfactorily completed training courses in the past five years, consistent with standards set forth in **262-4C(3)**.
- ____ 7. For each driver, photocopies of current driver's license and copies of individual New Jersey Motor Vehicle Commission drivers' abstracts.
- ____ 8. A certificate or certificates of insurance evidencing adequate insurance coverage as required pursuant to § **262-4D**.
 - ____ a. Motor vehicle liability insurance: Minimum limit of \$1,000,000 per accident combined single limit for bodily injury and property damage. Coverage shall include all owned, non-owned and hired vehicles.
 - ____ b. Garage liability insurance: Minimum limit of \$1,000,000 per accident combined single limit for bodily injury and property damage.
 - ____ c. Garage keepers insurance: Minimum limit of \$500,000 per location. Coverage may be written on legal liability basis.
 - ____ d. On hook towing coverage: Minimum limit of \$100,000 per vehicle. In the alternative, the tower may obtain a single limits policy in the amount of \$1,000,000 that provides on hook coverage or may provide a garage keeper's policy in the amount of \$1,000,000 that includes on hook coverage and will conform with the requirements of this section and § **262-4D(6)**.
 - ____ e. Workers' compensation insurance: New Jersey statutory limit under Part A and coverage shall also include employer's liability (Part B) with a minimum limit of \$1,000,000 per accident.

_____ f. The following shall be included as additional insureds on the policies for the above stated coverages: Township of Monroe, including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and their board members, employees and volunteers.

_____ g. The vendor is responsible for advising the Township, at least 30 days, prior to any cancellation, non-renewal or material change in any of the above stated coverages.

_____ 9. Hold harmless and indemnification agreement as to the Township of Monroe, and its officers, agents and employees.

_____ 10. Written verification from the Zoning Officer or other appropriate official in the municipality where any facilities and sites used for towing operations and storage are located that those facilities and sites are in compliance with all applicable zoning regulation, land use approvals, and property maintenance codes.

_____ 11. All licensed towers hereby acknowledge and agree they will be obligated to tow, flatbed and provide any basic towing service, including but not limited to, tire change, battery charge and the like, for Township owned vehicles under a GVWR of 10,000 pounds or less at no charge. Towing services for Township vehicles in excess of 10,000 pounds GVWR shall be subject to the fees established for Class I vehicles. Township vehicles located outside of the Township of Monroe shall be subject to the fees established for Class I vehicles plus mileage (\$4.50 per mile portal to portal).

APPLICATION DEADLINE: Applications shall be submitted no later than July 15 of the licensing period.



MONROE TOWNSHIP POLICE DEPARTMENT
125 VIRGINIA AVENUE
WILLIAMSTOWN, NEW JERSEY 08094
(856) 728-9800



AGREEMENT TO INDEMNIFY & HOLD HARMLESS

THIS AGREEMENT made this _____ day of _____, 2021,
by and between **MONROE TOWNSHIP**, a municipal corporation of the State of New Jersey,
located at 125 Virginia Avenue, Williamstown, New Jersey 08094 (hereafter "Monroe
Township") and _____ located
at _____ (hereafter "Licensee").

RECITALS

WHEREAS, Monroe Township requires all licensees be required to execute a hold
harmless and indemnification agreement pursuant to Ordinance Chapter 262 entitled "Towing",
specifically §262-4(d)(9) which requires the licensee to hold the Township harmless relating to
any and all towing services and conduct relating to compliance with *N.J.S.A. 39:10A-1*; and

WHEREAS, the Licensee desires to serve as a tower pursuant to Chapter 262 of the
Monroe Township Code;

WHEREAS, the Licensee further agrees to comply with *N.J.S.A. 39:10A-1* and any and
all applicable laws.

NOW THEREFORE, Monroe Township and Licensee agree as follows:

The Licensee agrees to indemnify and hold harmless Monroe Township, its respective
officers, officials, members, representatives, agents, and employees from and against any
and all losses of or damages to property of third persons, or injuries to, or death of, any
person or persons, and from any and all claims, damages, suits, costs, expenses, liability,
actions or proceedings of any kind whatsoever, in any way resulting from, or arising out
of the acts and/or omissions of officers and/or employees of the Licensee arising out of
this Agreement or the Towing and services provided pursuant to Monroe Township
Ordinance Chapter 262 entitled "Towing". At its own cost and expense, Licensee will
defend and protect Monroe Township, its respective agents, officers, officials, members,
representatives and employees from any and all such claims or demands and will defend
all suits arising therefrom.

The Licensee agrees to indemnify and hold harmless, Monroe Township, its respective
officers, officials, agents and employees against, and will hold and save them and each of
them harmless from, any and all actions, suits, claims, damages to persons or property,
losses, costs, penalties, obligations, errors, omissions or liabilities, (herein "claims or
liabilities") that may be asserted or claimed by any person, firm or entity arising out of or
in connection with the negligent performance of the work, operations or activities of the

Licensee, its agents, employees, subcontractors, patrons, customers or invitees, provided for herein, or arising from the negligent acts or omissions of the Licensee hereunder, or arising from the Licensee's negligent performance of or failure to perform any term, provision, covenant or condition of this Agreement, whether or not there is concurrent passive or active negligence on the part of Monroe Township, its respective officers, officials, agents or employees, and in connection therewith:

- (a) The Licensee will defend any action or actions filed in connection with any of said claims or liabilities and will pay all costs and expenses, including legal costs and attorneys' fees incurred in connection therewith;
- (b) The Licensee will promptly pay any judgment rendered against Monroe Township, its respective officers, officials, agents or employees for any such claims or liabilities arising out of or in connection with the negligent performance of or failure to perform such work, operations or activities of the Licensee hereunder; and the Licensee agrees to save and hold Monroe Township, its respective officers, officials, agents, and employees harmless therefrom;
- (c) In the event Monroe Township, its respective officers, officials, agents or employees are made a party to any action or proceeding filed or prosecuted against the Licensee for such damages or other claims arising out of or in connection with the negligent performance of or failure to perform the work, operation or activities of the Licensee hereunder, the Licensee agrees to pay to Monroe Township, its respective officers, officials, agents or employees, any and all costs and expenses incurred by Monroe Township, its respective officers, officials, agents or employees in such action or proceeding, including but not limited to, legal costs and attorneys' fees.

IN WITNESS WHEREOF, the parties hereto for themselves, and its successors, have executed this Agreement the date last above written.

MONROE TOWNSHIP

By:_____

LICENSEE

By:_____

ORDINANCE O:07-2021

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MONROE TO AMEND CHAPTER 262 OF THE CODE OF THE TOWNSHIP OF MONROE, ENTITLED "TOWING"

WHEREAS, the Township Council of the Township of Monroe has recommended certain amendments to Chapter 262 of the Code of the Township of Monroe and has determined that it is in the best interest of the Township to amend this specific section and to promote public safety.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Monroe that the Code of the Township of Monroe is hereby amended to include the amendments herein.

SECTION I. This section, which is a part of Chapter 262, is hereby amended as follows:

Chapter 262. TOWING

§ 262-1. Definitions.

As used in this chapter, these terms shall be defined as follows:

ABANDONED VEHICLE

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

ADMINISTRATIVE FEE/LOT FEE

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

BASIC TOWING SERVICE

The removal and transportation of a vehicle from a highway, street or other public or private road, parking area or from a storage facility using one (1) appropriate tow vehicle, but does not include recovery of a vehicle from a position beyond the right-of-way or berm or recovery of a vehicle that is impaled upon any other object within the right-of-way or berm.

DISABLED VEHICLE

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

IMPOUNDMENT

The act of storing and confining a vehicle upon an order of the Police Department at either the towing operator's storage facility or at the Police Department impound location as a result of abandonment, involvement in an accident or suspected criminal activity.^[1]

LABOR

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

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LEASED VEHICLE

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

LIGHT-DUTY FLATBED

- A. A car carrier of the roll-back or tilt type, with dual wheels, capable of removing the transporting passenger cars damage free shall meet the following minimum requirements as set forth in the New Jersey State Police Guidelines and Minimal Requirements for Vehicular Towing.
- B. Light-duty flatbeds shall meet the same requirement as a light-duty wrecker, plus the following requirements:
 - (1) Commercially manufactured flatbed and chassis of 24,500 pounds GVWR minimum.
 - (2) Twenty one feet or longer hydraulically operated slide back or tilt bed with wheel lift of 3,000 pounds.
 - (3) Three-eighths-inch by 50 foot cable or OEM specifications.
 - (4) Four safety chains, 5/16 inch by eight-foot-high test minimum (Grade 70).
 - (5) One bridle chain high test with "J" and T" hooks and grab hooks (Grade 70).
 - (6) One four-ton snatch block.
- C. Light-duty flatbeds shall have the following equipment as specified by the Township.
 - (1) Environmentally safe drying compound, minimum of 80 pounds.

LIGHT-DUTY WRECKER

- A. A tow truck with dual rear wheels, capable of removing and transporting passenger vehicles damage-free and shall meet the following minimum requirements as set forth in the New Jersey State Police Application and Minimal Requirements for Vehicular Towing:
 - (1) Minimum gross vehicle weight (GVW) commercially manufactured wrecker and chassis of 14,500 pounds.
 - (2) Dual rear wheels.
 - (3) Minimum chassis/lift under reach of 3,000 pounds.

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- (4) Minimum winch capacity of 8,000 pounds.
 - (5) Hydraulic-operated boom of 8,000 pounds, minimum.
 - (6) Cable size and length, 3/8 inch and 100 feet or OEM specifications minimum.
 - (7) Two safety chains, 5/16 inch by eight-foot-high test (Grade 70).
 - (8) Two tow chains, 5/16 inch by eight-foot-high test with "J" and "T" hooks and grab hooks (Grade 70).
 - (9) Wheel lift safety straps or equivalent retention device.
 - (10) One four-ton snatch block.
 - (11) Trailer ball hitch attachment.
 - (12) Motorcycle towing equipment. (The licensed tower shall have one within the tower's fleet).
 - (13) Amber emergency lights with proper permit.
 - (14) Two flood lights or work lights to the rear of the wrecker.
 - (15) Flashlight, first aid kit, fire extinguisher.
 - (16) Broom, shovel and bucket.
 - (17) Road flares, triangles or road cones.
- B. Light-duty wreckers shall also have the following equipment as specified by the Township:
- (1) Environmentally safe drying compound, minimum of 80 pounds.

LIGHT-DUTY WRECKER SERVICE

The towing and/or removal of a vehicle with registered gross weight of 14,000 pounds or less.

OWNER

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

PERSONAL PROPERTY

As set forth in § 262-14 of this chapter, the personal property of the vehicle owner or operator that, if removed from the vehicle, does not detract from the salvageable value of the vehicle.

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SECURED INSIDE STORAGE FACILITY

Inside storage space to accommodate two full-size vehicles with video surveillance (twenty-four-hour) with backup system that is capable to record for two weeks.

SECURED OUTSIDE STORAGE FACILITY

A storage facility that is secured by a permanent fence, or wall that is at least six feet in height on all four sides. The fence must be an approved structure and in accordance with all building codes and must be screened via a solid fence, slats, masonry wall or a wrap with a 70% rating.

§ 262-2. License requirement, prohibition on transfer.

No towing operator shall operate within the Township of Monroe without being officially licensed in accordance with this chapter. Specifically exempted from this licensing requirement are:

- A. The towing, transporting, conveying, or removing of vehicles from private property within the Township; and
- B. Towing operators directly and privately engaged or designated by the owner of a vehicle to be towed, transported, conveyed, or removed.

§ 262-3. Maximum number of licenses; term.

- A. At the time of the initial licensing period a maximum of seven licenses shall be issued. The license holders who are currently on the list shall remain on said list at the time of the implementation of this recently adopted ordinance until the licensing period set forth in § 262-3(B) so long as they adhere to all of the requirements of Chapter 262 in its entirety, as amended. If in the event there are more qualified towers than the seven licenses to be issued, a lottery selection shall be conducted to fill the remaining openings on the list for the licensing period.
- B. Each license shall run for a term of two years, commencing on October 1 and terminating on the 30th day of September of the second year.
- C. Upon expiration or revocation therefore, the license shall be null and void.
- D. Any license issued by the two-year period is nontransferrable.
- E. All licenses issued pursuant to this chapter shall be retained by the tower on the list and so long as they remain in continuous compliance with this chapter.
- F. If in the event a licensed tower is removed from the list for noncompliance, the rotation shall be adjusted by the Chief of Police or his designee. The license shall remain vacant during the term of suspension or removal from the list.
- G. If in the event this chapter is either modified or repealed by the Township of Monroe during the term of the license which shortens the length of the term, the towers on the list shall be refunded on a pro rata basis.

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§ 262-4. Licensing standards.

To be eligible for a license, towers must meet or exceed the following standards:

- A. **Equipment.** No license shall be issued to a towing operator that does not possess and use the following equipment, which shall be periodically inspected by the Chief of Police or the Chief's designee prior to issuance.
- (1) **Fleet requirements.** Towers must have operational and in service a minimum of two service vehicles, including one light-duty wrecker, and one light-duty flatbed as defined in this chapter. If in the event a tower does not have one light duty wrecker as defined in § 262-1, they may substitute for this vehicle a light-duty flatbed with the same requirements as set forth in § 262-1; however, it need not be a minimum of 21 feet in length and is only required to have a minimum of 14,500 GVW.
 - (a) Compliance with state and federal DOT requirements governing commercial motor vehicles.
 - (b) Vehicle manufacturer serial plate rating legible and visible for inspection on undercarriage and chassis boom or certified by manufacturer's rating paperwork.
 - (c) Amber emergency lights with proper amber light permit from the State of New Jersey.
 - (2) **Light-duty fleet requirements.** In addition to the required capacity as set forth herein, towers must have operational and in service a minimum of two trucks, consisting of one flatbed and a light-duty wrecker, which must meet or exceed the following requirements:
 - (a) **Light-duty wrecker; as defined in § 262-1.**
 - [1] GVWR minimum, commercially manufactured wrecker and chassis: 14,500 pounds.
 - [2] Dual rear wheels.
 - [3] Minimum wheel lift capacity: 3,000 pounds.
 - [4] Minimum winch capacity: 8,000 pounds.
 - [5] Minimum hydraulic boom capacity: 8,000 pounds.
 - [6] Vehicle manufacturer serial plate legible and visible for inspection on undercarriage and chassis boom or certified by manufacturer's rating paperwork.
 - [7] Amber emergency lights, with proper amber light permit from the State of New Jersey.
 - [8] Two flood or work lights at rear of wrecker.

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- [9] Two-way radio or cellular phone.
- [10] Flashlight, fire extinguisher, and first aid kit.
- [11] Broom, shovel and bucket.
- [12] Road flares, triangles, or road cones.
- [13] One four-ton block.

(b) Flatbeds:

- [1] GVWR minimum commercially manufactured flatbed and chassis of 24,500 pounds.
- [2] Vehicle manufacturer serial plate must be legible and visible for inspection on under reach and chassis or certified by manufacture's rating paperwork.
- [3] Hydraulically operated slide back or tilt bed: 21 feet or longer.
- [4] Three-eighths-inch by fifty-foot cable or OEM specifications.
- [5] Four tie-down devices, either chains at 5/16 inch by eight feet, with a minimum Grade 70 alloy, or synthetic web straps or equivalent strength.
- [6] One bridle chain high test with J&T hooks and grab hooks (grade 70).
- [7] One four-ton snatch block.

- B. "Secured storage facilities" shall mean storage lot or storage area, and shall mean the location within an 8 mile radius of the Township of Monroe Police Department located at 125 Virginia Avenue, Williamstown, NJ as described and defined pursuant to the map as prepared by the Township Engineer and attached to this ordinance, and on a property where such use is in compliance with all Federal, State and Local.

It shall be the responsibility of the towing operator to store vehicles, that are towed at the direction of the Police Department, in an area dedicated exclusively for the storage of vehicles that were towed under the provisions of this chapter. Only Monroe Township Police towed vehicles are permitted within this dedicated storage area.

(1) Outdoor:

- (a) The size of the storage lot will be at a minimum of storage of 20 vehicles and have adequate capacity to store all towed vehicles as determined by the Chief of Police. Each storage facility shall not be utilized by not more than one tower on the approved towing list of the Township and must be available 24/7 during the week you are on rotation.

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- (b) All four sides of the impoundment area must be screened in accordance with the requirements set forth in § 262-1, Definitions, entitled secured outside storage facility, in their entirety; any storage lot that currently does not meet these requirements must be corrected prior to inspection for the new licensing period).
- (c) The impound area must be secure and must be enclosed by a sturdy six-foot slots/fence or wall with locks on all gates. The towing operator is responsible for safe storage. The storage area must be illuminated from dusk to dawn.
- (d) The impound area shall be available to the public for release of impounded vehicle or personal property during the rotation week and on Saturday between the hours of 9:00 a.m. and 1:00 p.m. and must be available on Sunday via telephone between said hours. The tower shall be required to have on file a mobile telephone number they can be reached this time.

(2) Indoor:

- (a) Inside storage space to accommodate two full-size vehicles with video surveillance (twenty-four-hour) with a backup system that is capable to record for two weeks.

C. Required vehicle operating licenses.

- (1) Drivers must have valid New Jersey drivers' licenses with the proper commercial endorsements to operate the vehicles and equipment required hereunder. Said driver must be qualified for the truck he/she is operating.
- (2) Each light-duty driver must obtain a certification from a state or nationally recognized organization. New hires must obtain certification within nine months of employment.
- (3) Each operator of a tow truck under this chapter must obtain a certification from a state or nationally recognized organization. New hires must obtain certification within nine months of employment. Additionally, each driver must possess a commercial driver's license (CDL) if said license is required for the vehicle being operated by the driver and must also comply with 49 CFR 391.51.
- (4) Any tower and/or his/her employee are required to obtain the necessary certifications for the tow vehicle they are operating.

D. Insurance requirements. Towers must present a certificate of insurance from an insurer authorized to provide insurance in the State of New Jersey and with an A.M. Best rate of A-/VI or better evidencing the following coverages. All shall be maintained throughout the license term:

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- (1) Motor vehicle liability insurance: Minimum limit of \$1,000,000 per accident combined single limit for bodily injury and property damage. Coverage shall include all owned, nonowned and hired vehicles.
- (2) Garage liability insurance: Minimum limit of \$1,000,000 per accident combined single limit for bodily injury and property damage.
- (3) The following shall be included as additional insureds on the policies for the above stated coverages: Township of Monroe, including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and their board members, employees and volunteers.
- (4) Coverages stated above are to be primary to the additional insureds, and shall not be contributing with another insurance or similar policy available to the additional insureds whether other available insurance be primary, contributing or excess.
- (5) Workers' compensation insurance: New Jersey statutory limit under Part A and coverage shall also include employer's liability (Part B) with a minimum limit of \$1,000,000 per accident.
- (6) Garage keepers insurance: Minimum limit of \$500,000 per location. Coverage may be written on legal liability basis.
- (7) On hook towing coverage: Minimum limit of \$100,000 per vehicle. In the alternative, the tower may obtain a single limits policy in the amount of \$1,000,000 that provides on hook coverage or may provide a garage keeper's policy in the amount of \$1,000,000 that includes on hook coverage and will conform with the requirements of this section and § 262-4D(6).
- (8) The vendor is responsible for advising the Township, at least 30 days, prior to any cancellation, nonrenewal or material change in any of the above stated coverages.
- (9) All licensees shall be required to execute a hold harmless and indemnification agreement as to the Township of Monroe, and its officers, agents and employees. Said hold harmless and indemnification agreement shall require the licensee to hold the Township harmless relating to any and all towing services and conduct relating to compliance with *N.J.S.A. 39:10A-1*.

E. Personnel.

- (1) Towing operators shall have a minimum of two certified drivers.
- (2) Towing operators and employees shall be fully trained and knowledgeable in the operation of all required equipment, possess in good standing all of the licenses and certifications required pursuant to § 262-C, present a neat appearance at all times, obey all traffic safety laws, and shall not have been convicted of an indictable criminal offense or any offense involving stolen or embezzled vehicles, fraud relating to the towing business, stolen property, or any offense of a similar nature, within the past seven years.

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- F. Land use. All facilities and sites utilized for towing operations and storage, wherever located, must comply with all applicable municipal zoning regulations, land use approvals, construction permits, and property maintenance codes. The Zoning Officer is authorized to inspect any facility utilized herein, at any time.
- G. Location. Towing operators shall be located in a geographic area that enables a response time within 20 minutes.
- H. Availability. All towing operators during their specified tow rotation must be available for service on a twenty-four-hour, seven-day-per-week basis without exception.
- I. In the event that a tower, during their current rotation, is unable to provide any of the services enumerated herein, based upon the type of vehicle or the nature of the crash, the Police Officer in charge of the scene is permitted to contact the next tower on the list. He or she may continue the process of contacting all licensed towers on the list pursuant to the rotation. For example, if the accident requires a heavy duty wrecker to provide towing services, the officer in charge shall be required to contact all licensed towers on the list prior to contacting who is not on a list.
- J. Any real property or facility utilized by the tow operator is subject to access and inspections by a designated Township Official at any time prior to and during the license period.

§ 262-5. License fees.

- A. To apply for and obtain a towing license, the following fees apply:

- (1) Application fee: \$250.
- (2) License fee: \$2,000.
- (3) The application fee must be remitted at the time the application is submitted. The license fee must be remitted within 10 days of date of the resolution awarding the license. Failure to submit the fee in its entirety, will result in the license not being issued for the licensing period.

- B. The Application fee pursuant to this section is not refundable for any reason. This shall include denial of the application or removal from the tow list after approval. If application is denied, the License fee is refundable.

§262-6. Application procedures.

- A. Required information. Applications for towing licenses must provide the following information:

- (1) Name, address and proof of ownership of an approved motor vehicle towing and/or a repair facility with the Township of Monroe.
- (2) Current registrations and proof of insurance for each vehicle in the applicant's fleet consistent with § 262-4D.

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- (3) Copies of all motor vehicle and operator's licenses required pursuant to § 262-9 and proof that license holders have satisfactorily completed training courses in the past five years, consistent with this chapter.
 - (4) Detailed statement evidencing that the applicant meets or exceeds the equipment standards set forth in § 262-1 and 262-4.
 - (5) A certificate or certificates of insurance evidencing adequate insurance coverage as required pursuant to § 262-4D.
 - (6) For each driver, copies of individual New Jersey Motor Vehicle Commission drivers' abstracts.
 - (7) Written verification that facilities and sites used for towing operations and storage are in compliance with all applicable zoning regulation, land use approvals, and property maintenance codes.
 - (8) Written verification: All persons, wreckers, individuals, corporations, partnerships, associates, companies or legal entities who qualify pursuant to the terms and conditions of this entire chapter who are further required to maintain a motor vehicle facility, pursuant to §§ 262-6A and 262-6C of this chapter, shall be required to satisfy all real estate taxes, any tax liens and/or tax lien certificates and/or may not be the subject matter of a mortgage foreclosure on all properties owned or leased which are utilized as part of the tow or wrecker business or any related business, prior to the list being established and approved by the Township Council pursuant to § 262-3 of this chapter.
- B. Application deadline. On or before June 1 of the licensing period, the Township Clerk shall provide public notice of the application period. Applications shall be submitted to the **attention of the** Director of Law **filed with the Township Clerk at 125 Virginia Avenue, 2nd floor, Williamstown, NJ 08094** no later than July 15 of the licensing period subject to paragraph C below. The submission of a late application.
- C. Upon submission of said application the Director of Law shall review said application for completeness. If the Director of Law deems the application is deficient he/she shall notify said applicant of any deficiency within fourteen (14) days of receipt of said application. Thereafter, said applicant shall have any deficiency in said application cured within ten (10) days of the date of said notice. Notice shall be in writing sent certified and regular mail to the address provided by said applicant.
- D. Police Department review. After the application is deemed complete pursuant to Paragraph C above, the applications shall be forwarded to the Chief of Police for review. Review by the Chief of Police or the Chief's designee shall involve the following:
- (1) Inspection of personnel, vehicles, equipment, and storage areas to determine the accuracy of information set forth in the application and compliance with the licensing and eligibility standards set forth in this Chapter and all applicable laws, regulations, and performance standards.

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**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MONROE
TO AMEND CHAPTER 262 OF THE CODE OF THE TOWNSHIP OF MONROE,
ENTITLED "TOWING"**

- (2) The Chief of Police or the Chief's designee shall give written notice to the applicant within thirty (30) days after the application is deemed compliant pursuant to Paragraph C above of any and all deficiencies pursuant to Paragraph D(1) above. Notice shall be in writing sent certified and regular mail to the address provided by said applicant.
- (3) The applicant shall cure all deficiencies within seven (7) days of the date of the written notice. Failure to cure the deficiencies as set forth in the Chief of Police or designee's notice of deficiencies shall result in denial of application.

§ 262-7. License approval; grounds for rejection.

- A. Following review, the Chief of Police shall issue a written report to the Director of Public Safety detailing and recommending approval or rejection of the applicant based on the criteria set forth in this chapter.
- B. Upon consideration of the report issued by the Chief of Police, the Township Council shall award licenses to qualified applicants by resolution.
- C. Applications for towing licenses may be rejected on any or all of the following grounds:
 - (1) Failure to meet or exceed any of the eligibility criteria set forth in any of the provisions of Chapter 262.
 - (2) Repeated or egregious violations of the requirements of this chapter during previous service as a licensed tower for the Township of Monroe.
 - (3) Repeated complaints from the general public, substantiated and documented by the Police Department, of inadequate or unsatisfactory service or improper or illegal practices during previous service as a licensed tower for the Township of Monroe.
 - (4) Fraudulent or illegal activity of any kind.
- D. Rejected applicants may appeal in accordance with the procedures set forth in § 262-13.

§ 262-8. Towing rotation.

In order to assure provision of safe and efficient towing service, tow licenses pursuant to this chapter shall be issued upon the following basis:

- A. A towing rotation shall be established on a week to week basis throughout the Township. This rotation will be calculated and monitored by the Police Department's CAD system. The rotation for the licensing period shall be based upon a lottery selection from all of the qualified towers, which shall be reset by lottery selection every licensing term.
- B. The number of vendors in the rotation will be determined by the number of licenses, not to exceed seven, issued pursuant to this chapter.

§ 262-9. Duties and responsibilities of licensed towers; rules and regulations; standards of conduct.

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All towers licensed pursuant to this chapter shall operate in accordance with the following rules, regulations, and standards of conduct throughout the license term:

- A. Towing operators and employees shall be fully trained and knowledgeable in the operation of all required equipment.
- B. Towing operators shall remain in compliance with the eligibility requirements set forth in any of the provisions in Chapter 262.
- C. Towing operators must provide service on a twenty-four-hour, seven-day-per-week basis during their rotation, without exception.
- D. Towing operators shall immediately notify the Chief of Police or the Chief's designee of the hiring or termination of tow operator.
- E. Towing operators shall immediately notify the Chief of Police or the Chief's designee of any employee convicted of a criminal offense or whose drivers' license is suspended.
- F. All facilities and sites used for towing operations and storage, wherever located, shall be in continuous compliance with all applicable municipal zoning regulations, land use approvals, construction permits, and property maintenance codes.
- G. No towing operator shall solicit or attempt to divert patrons of another towing operator whether or not licensed under this section. Also, no towing operator shall solicit or divert prospective patrons of a given repair service to any other repair service.
- H. Each towing operator, prior to departure from the scene of towing services, shall remove from the roadway any crash related debris resulting from any crash at such scene and shall at all times carry the necessary equipment to perform such cleaning services. No debris shall be permitted to be placed in the towed vehicle.
- I. No towing operator, licensed under this chapter or otherwise, shall respond to the scene of an accident except upon the request of the driver or owner of the vehicles involved or except upon notification by the channel of communication established by the Police Department to notify licensed towing operators of the necessity of their presence.
- J. Refusal to tow during the tow rotation shall be reported by the police officer assigned to the incident to his superior and may be subject to review by the Chief of Police.
- K. Towing operators shall arrive at the scene to which dispatched within 20 minutes after being dispatched. Under normal circumstances, such reasonable time limit is defined as within 20 minutes.
- L. Where vehicles are towed to premises controlled by the Police Department for the purpose of utilizing the vehicle or its contents as evidence or for other purposes, such vehicle shall not be released from police custody unless the owner of the vehicle furnishes the Police Department with a receipt that towing service fees have been paid. In all cases where cars are to be towed for illegal parking, summonses for such offenses shall be issued prior to towing.

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- M. The towed vehicle shall be released to the tow company that originally provided the tow and the tow company shall not refuse pick up.
- N. A list of all fees charged to the general public shall be posted in a conspicuous place inside the towing company's office, and no other fees shall be charged.
- O. Such additional rules and regulations as may be promulgated by the Township Council pursuant to ordinance shall take effect after notification of such rules and regulations upon all the holders of licenses for towing operators. Service shall be made by forwarding these rules and regulations by certified mail, return receipt requested, to the licensee at the address listed in his or her most recent application.

§ 262-10. Towing rates.

A. Class I vehicles (GVWR 14,000 pounds or under):

(1) Tow.

- (a) From scene to shop or locations within tow zone of call: \$175.
- (b) Motorcycle, street bike: \$175 plus \$4.50 per mile.
- (c) In addition to the charges set forth in Subsections A(1)(a) and A(1)(b): \$4.50 per mile portal to portal.

(2) Storage.

- (a) First calendar day: free storage. Daily rates apply on the next calendar day after tow.
- (b) Outside: \$60 per day.
- (c) Inside by request of the Police Department or vehicle owner only: \$105 per day.

B. Class II vehicles (GVWR 14,001 pounds to 26,000 pounds).

- (1) Tow, from scene to shop or locations within tow zone of call: \$515 no mileage.**

(2) Storage.

- (a) First calendar day: free storage. Daily rates apply on the next calendar day after tow.
- (b) Outside: \$105 per day.
- (c) Inside by written request of the Police Department or vehicle owner only: \$135 per day.

C. Class III vehicles (GVWR 26,001 pounds or greater).

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- (1) Tow, from scene to shop or locations within tow zone of call: \$750
- (2) Storage.
 - (a) First calendar day: free storage. Daily rates apply on the next calendar day after tow.
 - (b) Daily per piece:
 - [1] Outside: \$135
 - [2] Inside: \$185
- D. Off-road recovery/winching/lifting, as defined in this chapter.
 - (1) Class I: \$135 per hour.
 - (2) Class II: \$285 per hour.
 - (3) Class III: \$360 per hour, minimum.
- E. Dolly wheels, \$95; brakes, \$50 per axle.
- F. Miscellaneous.
 - (1) Mileage fee for towing police vehicles or vehicle under investigation to locations outside of tow zone of call: \$4.50 per mile portal to portal.
 - (2) Administrative fee. Immediately upon entry into storage, all vehicles incur a one-time administrative flat fee of \$75. Documentation of administrative services will be provided upon request.
 - (3) Debris cleanup is mandatory (N.J.S.A. 39:4-56.8). Crash only, \$50 per person; other fees may apply.
 - (4) Township owned vehicles: All licensed towers agree they will be obligated to tow, flatbed and provide any basic towing service, including but not limited to, tire change, battery charge and the like, for Township owned vehicles under a GVWR of 10,000 pounds or less at no charge. Towing services for Township vehicles in excess of 10,000 pounds GVWR shall be subject to the fees established for Class I vehicles.

Township vehicles located outside of the Township of Monroe shall be subject to the fees established for Class I vehicles plus mileage (\$4.50 per mile portal to portal).

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- (a) Class I: \$87.50.
- (b) Class II: \$257.50.
- (c) Class III: \$375.00.

G. Maximum Storage Fee: If any vehicle is required by local, county or state police to be held for further investigation and/or court proceedings, etc., a maximum of thirty (30) days of storage is permitted at the fees listed in this section. After thirty (30) days, the daily storage fee will be charged at \$3.00 per day until the Township receives notice that the vehicle may be released from the appropriate police and/or law enforcement agency.

No storage fees shall be imposed for any day the yard is closed, such as Sundays or holidays.

§ 262-11. Oversight and enforcement.

- A. The Police Department generally, and the Chief of Police particularly, are hereby designated as the supervising authorities to enforce the provisions of this chapter.
- B. **The Chief of Police or his designee shall have the responsibility to** ~~The Police Department~~ **may periodically inspect each licensed towing operator, the towing contractors' vehicles, tow yard and tow invoices to ensure compliance with the requirements of this chapter.**
- C. The Department shall maintain a log of all complaints from the general public pertaining to towing operators licensed pursuant to this chapter.
- D. The Police Department may issue a summons for any violation of this chapter, which shall be heard in the Monroe Township Municipal Court.

§ 262-12. Suspension and revocation.

- A. Suspension. The Chief of Police or designated administrator is hereby empowered to temporarily suspend for cause any towing operator's license and rights to operate thereunder.
 - (1) Grounds for suspension. Violations of any provisions of this chapter, any other applicable law, regulation, or Township ordinance, illegal, improper, or fraudulent activity, or substandard performance or service shall constitute grounds for suspension. The following progressive discipline shall apply in the event of a suspension:
 - (a) First offense, which consists of a finding of two violations of this chapter within the current licensing period shall constitute a first offense and loss of one full rotation:
 - (b) A second offense, which consists of a finding of violations of at least three or more sections of this chapter shall constitute a second offense and a loss of two weeks rotation. The three violations for this section shall include the two violations from Subsection A(1)(a) plus one additional violation;

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- (c) Third offense shall include a consolidation of the violation of A and B plus one with removal from the list for the remainder of the licensing period; and
 - (d) Any suspension set forth in Subsections A(1)(a), A(1)(b) or A(1)(c) will carry over to the next rotation year.
 - (2) Procedure for suspension. Upon a determination that appropriate grounds exist and that suspension is warranted, the Chief of Police shall issue written notice thereof to the offending tower. The notice shall advise of the suspension, state the basis and duration thereof, establish the conditions for reinstatement, and inform the offending tower of the right to appeal the suspension in accordance with § 262-13.
 - (3) Consequences of suspension. Suspended towers must immediately cease all towing operations for the Township until reinstatement.
 - (4) Reinstatement. Suspended towers may be reinstated only after the violations leading to the suspension have, in the determination of the Chief of Police or the Chief's designee, been cured or appropriately rectified.
- B. Revocation.** Towing licenses may be revoked by resolution of the Township Council upon written recommendation from the Chief of Police that a licensed tower is no longer qualified, capable, or competent to serve based on the requirements of this chapter.
- (1) Grounds for revocation. Repeated or egregious violations of any provisions of this chapter, any other applicable law, regulation, or Township ordinance, illegal, improper, or fraudulent activity, or substandard performance or service shall constitute grounds for suspension.
 - (2) Procedure for revocation. Upon a determination that appropriate grounds exist and that revocation is warranted, the Chief of Police shall so report to the Township Council in writing. If the Township Council agrees that revocation is appropriate, it shall adopt a resolution to that effect, which shall state the basis for revocation. The Chief of Police shall thereafter provide written notice thereof, along with a copy of the resolution, to the offending tower. The notice shall advise the tower of the right to appeal the revocation in accordance with § 262-13.
 - (3) Consequences of revocation. Following revocation, towers must immediately and indefinitely cease all towing operations for the Township.
- § 262-13. Appeal process.**
- A. Right to appeal.** The rejection of a towing application submitted, or suspension or revocation of a towing license issued, pursuant to this chapter may be appealed to the Director of Public Safety.
 - B. Time for appeal.** Appeals must be filed not later than 10 business days from the date of notice of the rejection, suspension, or revocation challenged.

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- C. Procedure for appeal. Requests for an appeal must be timely submitted in writing to the Chief of Police who will immediately turn it over to the Director of Public Safety. The request must clearly identify the action challenged and include a statement of reasons in support of reversal. The appeal may be decided on the written record or a formal hearing may be conducted, which must be specifically requested. Upon receiving such a request, the Director of Public Safety shall, within reasonable time, schedule a mutually agreeable date for a hearing.
- D. Conduct of hearing. The hearing authorized by this section shall be conducted before the Director of Public Safety.
- E. Disposition of appeal. After reviewing the aggrieved tower's written submissions and the record of the formal hearing, if any, the Director of Public Safety shall issue a written decision upholding, reversing, or modifying the original determination with five days of notification under this section.
 - (1) If the Director of Public Safety recommends a reversal of a rejection or revocation, its decision shall be forwarded to the Township Council which, if in agreement, shall adopt a resolution to that effect. Notice of the reversal, together with a copy of the Director of Public Safety's decision and Township Council resolution shall be sent to the aggrieved party.
 - (2) If the Director of Public Safety recommends reversal or modification of a suspension, it shall so notify the aggrieved party. The notice shall include a copy of the Director of Public Safety's decision and state the conditions for reinstatement, if any.
 - (3) If the original determination is upheld, the Director of Public Safety shall so notify the aggrieved party and provide a copy of its written decision.

§ 262-14. Personal property.

- A. Personal items or property not part of or permanently attached to the vehicle in storage may be removed by the vehicle owner with a police release.
- B. Vehicles impounded as part of a police investigation may not be entered without the investigating officer's approval.

§ 262-15. Complaints procedures.

All complaints regarding services rendered pursuant to this chapter shall be forwarded immediately in writing to the Chief of Police. The Chief of Police shall conduct an extensive review of any and all complaints, including but not limited to conducting an interview of all parties participating in said incident. Upon completion of a thorough review, the Chief of Police shall forward a written report to the Mayor, Township Council and all interested parties as to his/her findings. Upon a finding of any violation, the Chief of Police may recommend a suspension or removal from the tow list, or any other action that may be warranted based upon the facts. An applicant shall be advised in writing of its right to a hearing before the Township Council.

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§ 262-16. Disputes and adjustments.

- A. Any disputes over the interpretation of this chapter, including the reasonableness of any fees assessed, shall be settled amicably, if possible through negotiation between the tower and the Chief of Police or his designee.
- B. In cases where the Township has been at fault in wrongfully directing that a vehicle be towed, the tower may petition the Chief of Police or his designee for reimbursement of costs incurred in the towing and storage of said vehicle.

§262-17. Sale of Abandoned/Unclaimed Vehicles.

- A. Any tower taking possession of an abandoned or unclaimed motor vehicle on behalf of Monroe Township shall comply with *N.J.S.A. 39:10A-1* and any and all applicable laws. The Township reserves the right to utilize the services of a third-party administrator to handle the sale and/or disposal of abandoned or unclaimed vehicles consistent with all applicable state statutes and this chapter.
- B. ~~Any and all person(s) or entities choosing to receive a vehicle wherein the Township has received a junk title pursuant to *N.J.S.A. 39:10A-1* shall be required to pay the Township a minimum of \$250.~~ **If the Township of Monroe takes ownership of a towed vehicle(s), the fees paid to the tow company shall consist only of the cost of the tow services requested and the storage as permitted under *N.J.S.A. 40:48-2.50*. No additional charges will be paid including but not limited to additional vehicle services not specifically request by the Police Department or administrative fees.**

§ 262-18. Severability.

- A. All ordinances or parts of ordinances of the Township of Monroe heretofore adopted that are inconsistent with any of the terms and provisions of this chapter are hereby repealed to the extent of the inconsistency.
- B. This chapter shall take effect upon passage and final adoption and will be implemented in accordance with § 262-19. There will be no exceptions to the requirements of this chapter.

§ 262-19. Implementation.

- A. The initial series of licenses issued pursuant to this chapter shall commence on October 1st and run through September 30th. Subsequent licenses shall be issued for successive two-year periods. All complete applications for the initial licensing period for the adoption of this new chapter and thereafter shall be no later than July 15 of the licensing period subject to the grace period under § 262-6(C). Any license issued pursuant to the license period of July 1, 2017 through June 30, 2019 shall be extended through September 30, 2019.
- B. The current towing list and rotation shall remain in full force and effect until this chapter takes effect.
- C. Applications shall be reviewed and licenses issued to qualified towers in accordance with the provisions of this chapter. Applicants who applied previously under the prior ordinance and paid the required fee may resubmit without paying additional application fees.

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D. Successful applicants must pay the license fees required by this chapter.

§ 262-19. Miscellaneous.

A. Each licensed tower operating pursuant to this Chapter shall comply with any and all federal and state laws along with local ordinances.

SECTION II. All prior Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION III. If any word, phrase, clause, section or provision in this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word phrase, clause, section or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

SECTION IV. This Ordinance shall take effect twenty (20) days after final passage and publication as required by law.

TOWNSHIP OF MONROE


CNCL. PRES., PATRICK O'REILLY

ATTEST:



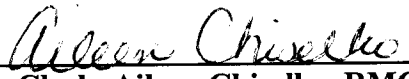
**Twp. Clerk, Aileen Chiselko, RMC
or Deputy Clerk, Jennifer Harbison, RMC**

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CERTIFICATION OF CLERK

The foregoing Ordinance was introduced at a meeting of the Township Council of the Township of Monroe held on the 12th day of April 2021, and will be considered for final passage and adoption at a meeting of the Township Council of the Township of Monroe to be held on 26th day of April 2021 at the Municipal Building, 125 Virginia Avenue, Williamstown, New Jersey 08094, at which time any person interested therein will be given an opportunity to be heard.


Twp. Clerk, Aileen Chiselko, RMC
or Deputy Clerk, Jennifer Harbison, RMC

ROLL CALL VOTE

1st Reading

ROLL CALL VOTE

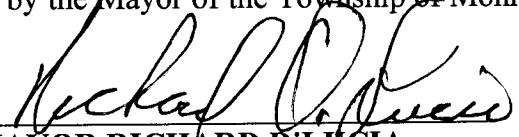
	AYES	NAYS	ABSTAIN	ABSENT
Cncl. Falcone	✓			
Cncl. Fox	✓			
Cncl. Garbowski	✓			
Cncl. McKinney	✓			
Cncl. Valcourt	✓			
Cncl. Wolfe	✓			
Cncl. Pres. O'Reilly	✓			
Tally:	7			

2nd Reading

ROLL CALL VOTE

	AYES	NAYS	ABSTAIN	ABSENT
Cncl. Falcone	✓			
Cncl. Fox	✓			
Cncl. Garbowski	✓			
Cncl. McKinney	✓			
Cncl. Valcourt	✓			
Cncl. Wolfe	✓			
Cncl. Pres. O'Reilly	✓			
Tally:	7			

The foregoing ordinance was hereby approved by the Mayor of the Township of Monroe on this 28th day of April, 2021.


MAYOR RICHARD DiLUCIA