

ORDINANCE NO. 24-8

AN ORDINANCE AMENDING CHAPTER VI, SECTION 12 "TOWING OF VEHICLES", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CARLSTADT, 2002

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Carlstadt that Chapter VI, Section 12, "TOWING OF VEHICLES", of the Revised General Ordinances of the Borough of Carlstadt, 2002, be and hereby shall be amended and supplemented with the following:

6-12. Towing of Vehicles.

6-12.1. Purpose. The purpose of this section is to establish, pursuant to N.J.S.A. 40A:11-5(1)(u), a list of towing contractors to provide towing services for the Borough of Carlstadt on a rotating basis and to establish, pursuant to N.J.S.A. 40:48-2.49, regulations governing operators engaged in the removal of motor vehicles.

6-12.2. Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

ABANDONED — Any automobile which is parked without the current year's registration or license plates, as required by law, for a period of more than 48 hours or is positioned so as to constitute an obstruction to traffic.

AUTOMOBILE — A motor vehicle of a passenger, station wagon or sports utility type that is owned or leased and is neither used as a public or livery conveyance for passengers nor rented to others with a driver; a motor vehicle with a pickup body, or delivery sedan, a van, or a panel truck or a camper-type vehicle used for recreational purposes owned by an individual, not customarily used in the occupation, profession or business of the owner(s).

BASIC TOWING SERVICE — The removal and transportation of an automobile from a highway, street or other public or private road, or a parking area, and other services normally incident thereto, but does not include recovery of an automobile from a position beyond the right-of-way or berm, or from being impaled upon any other object within the right-of-way or berm, at the request of authorized personnel or members of the Carlstadt Police Department and may be at the request or call of authorized police personnel when required for vehicles that are abandoned, disabled, damaged in accidents, illegally parked, recovered after being stolen or in the case of an emergency.

CHIEF OF POLICE — The Chief of the Carlstadt Police Department or his/her designee.

COMMERCIAL VEHICLE — Any vehicle other than that as defined as an automobile pursuant to the definitions as contained in this section.

INSIDE BUILDINGS — A vehicle storage facility that is completely indoors, having one or more openings in the walls, for storage and removal of vehicles and that is secured by a locking device on each opening.

MOTOR VEHICLE ACCIDENT — An occurrence in which an automobile comes in contact with any other object for which the automobile must be towed or removed for placement in a storage facility. This includes all situations that are accidental as to the owner or operator of the motor vehicle even if they were caused by the intentional acts of another.

NONBASIC TOWING SERVICE — All towing services that are not basic towing services, as defined herein.

OFFICIAL TOWER — A licensed individual or entity appointed by the Mayor and Council and placed upon the rotation list that performs towing services for the Borough.

OUTSIDE SECURED — An automobile storage facility that is not indoors and is secured by a fence, wall or other man-made barrier that is at least six feet high and which facility is to be lighted at night.

OUTSIDE UNSECURED — An automobile storage facility that is not indoors and is not secured by a fence, wall or other man-made barrier, and all other storage facilities not defined above as inside building or outside secured.

STORAGE SERVICES — The maximum allowable amount of storage charges to be charged per

calendar day or part thereof. Each new calendar day period begins at 12:01 a.m

TOW VEHICLE — Only those vehicles equipped with a boom or booms, winches, slings, tilt beds, wheel lifts or under-reach equipment specifically designed by manufacturer for the removal or transport of motor vehicles.

6-12.3. Official Towers to be Appointed; Tower's List.

- a. The Borough Council shall appoint persons or companies meeting the criteria set forth in this Ordinance and engaged in the business of offering the services of a motor vehicle towing or wrecker service, whereby damaged or disabled motor vehicles towed or otherwise removed from the place where they are damaged or disabled, by use of a tow vehicle, as defined in this chapter. Such persons or companies shall be known as "official towers". The persons or companies designated as official towers shall be included on a rotation list and shall provide basic and nonbasic towing services for the Borough of Carlstadt on a rotating basis. There shall be no more than two official towers at any given time.
- b. Official towers shall be identified by means of a license that shall be issued in accordance with the provisions of this Ordinance.
- c. By no later than December 1 of each year, applicants shall submit their applications to the Borough Clerk in accordance with the procedures set forth in this Ordinance. Each application shall be accompanied by a detailed certification certifying that the official tower meets the requirements of this Ordinance in regard to the issuance of licenses. Said application and certification shall be submitted to the Chief of Police for his review and approval, Failure to submit the certification or failure to continue to abide by the requirements of this Ordinance in regard to the issuance of a towing license shall subject the official tower to revocation of the license in accordance with the procedures contained herein.
- d. The award of a license to the successful applicants shall be subject to compliance with the license requirements of the Ordinance.
- e. Licenses shall be awarded pursuant to this Ordinance for a term of one year commencing on January 1 and ending on December 31 of each year.

6-12.4. Services to be Furnished.

- a. Official tower shall furnish adequate and proper towing, storage and emergency services to motor vehicles damaged or disabled within the limits of the Borough when requested to do so by the Chief of Police or his authorized designee.
- b. No official tower shall subcontract any work to be performed pursuant to this Ordinance except in an emergency situation. The Chief of Police will, within his reasonable discretion, maintain objective guidelines on file as to emergencies and use of subcontractors. Any official tower shall be responsible for the services performed by the subcontractor and shall remain liable for any violation of this Ordinance by the subcontractor.
- c. Towing services must be provided on a twenty-four-hour, seven-day per week basis. It is required that a tow vehicle be on the site of the event within 15 minutes of the time of the call from the Police Department. If a towing contractor is called and for any reason does not or cannot perform the requested towing service, the next towing contractor on the list will be called to perform the towing service.

- d. If no towing contractor on the rotating list is able to perform towing services when necessary, the Borough is entitled to have said service performed by a contractor not contained on the rotating list.
- e. During adverse weather conditions or other emergency conditions, all towing contractors on the rotating list shall give priority to the requests for towing services made by the Borough over requests made by third parties.

6-12.5. Application Process.

- a. Applications for inclusion on the official towers' list shall be made to the Mayor and Council upon a form prepared by the Chief of Police and approved by the Borough Attorney and shall contain all of the following information:
 - 1. The name, residence and business address and telephone number of the owner of the towing company. If the owner is a corporation, the application shall contain the name, residence and business address and telephone number of every stockholder owning more than 10% of issued stock.
 - 2. Such information as may be required by the Mayor and Council concerning the personnel, vehicles, equipment storage facilities of such Applicant, as hereinafter provided, showing that the Applicant meets the minimum standards of performance.
 - 3. Policies or certificates of insurance coverage as herein provided.
 - 4. Certification that the applicant will be able to provide towing services anywhere in the Borough with a maximum response time of 15 minutes, except when extraordinary circumstances occur.
 - 5. Certification that the applicant will be available for service 24 hours a day, seven days a week, and that they will abide by the fees contained in or referred to in this section.
 - 6. Consent to appointment of the Borough Clerk as the applicant's true and lawful attorney for the purposes of acknowledging service out of any court of competent jurisdiction to be served against the applicant.
 - 7. A sketch showing the location of the storage area(s), the number of cars that can be stored and the total square footage area of the storage area.
 - 8. Agreement to abide by the general rules and regulations established by the Chief of Police in connection with towing procedures within the Borough.
- b. The applicant shall submit completed applications, in duplicate, to the Borough Clerk, who shall forward a copy to the Chief of Police for his review and approval. The review by the Chief of Police shall consist of the following:
 - 1. A background check to determine if either the applicant has been convicted of a criminal offense or the applicant or the applicant's employees have had their driver's licenses suspended or revoked within the past five years. Applicant's conviction of a criminal offense or applicant's or applicant's employees suspension of driver's license within the past five years may be cause for disqualification from inclusion on the official towers' list.
 - 2. An inspection of the personnel, vehicles, equipment and storage area proposed to be utilized by the applicant to verify the accuracy of the information contained in the

applicant and to determine compliance with applicable laws and regulations and the standards of performance required by this chapter.

- c. The Chief of Police shall conduct his review and render a report to the Mayor and Council, recommending either approval or denial of the applicant. The governing body shall take action with regard to the application within 20 days of receipt of the report of the Chief of Police. The applicant, or its representative, shall be given notice of the date on which the governing body will consider the application and shall be permitted to appear and be heard at that time.
- d. An applicant may be included on the official towers' list by the Mayor and Council, only by resolution adopted at a regular public meeting, when, after consideration of the application, and from such other information as may otherwise be obtained, the governing body finds that all of the following circumstances exist:
 - 1. The applicant has not knowingly and with intent to deceive, made any false, misleading or fraudulent statements of material fact in the application or in any other document required pursuant to this Ordinance.
 - 2. The applicant has met with the standards of this section and has forwarded the required hold harmless agreement and policies or certificates of insurance which shall be reviewed and approved by the Borough Attorney and the Borough's Risk Management Consultant.
 - 3. The application has been reviewed and approved by the Chief of Police.
- e. Written notice of the approval or denial of the application shall be provided to the applicant within seven days of the decision of the Mayor and Council.

6-12.6. Issuance of License.

- a. Upon approval of the application as herein provided, the Borough Clerk shall issue the applicant an official towers' license to be utilized in providing services pursuant to this Ordinance.
- b. Said license shall be in a form approved by the governing body and contain the following information at a minimum:
 - 1. Name and address of licensee.
 - 2. Number and the license and amount of fee paid.
 - 3. Date of issuance of the license.
 - 4. Signature of the Borough Clerk and the seal of the Borough.
 - 5. A list of all drivers, with evidence of their articulated vehicles driver's license or commercial driver's license.
 - 6. The expiration date of each license.
- c. The licenses shall be valid for the one-year period as set forth in this section, shall be nontransferable and shall be subject to revocation by the Mayor and Council for any of the following reasons:
 - 1. If it is subsequently determined that the applicant knowingly and with intent to deceive, made false, misleading or fraudulent statements of material fact in the application or in any other document required pursuant to this Ordinance.

2. Violation of any federal or state law or municipal ordinance or regulation relating to the operation of a motor vehicle or the provision of towing services.
 3. Violation of any rule or regulation promulgated by the New Jersey Department of Insurance.
 4. Unsatisfactory service provided pursuant to this Ordinance.
 5. Failure to annually certify compliance with the requirements of this Ordinance as required by Section 6-12.3C.
- d. The fee for the license issued under this section shall be \$1,000 per year.
- e. Licenses shall not be transferable.

6-12.7. Minimum Standards of Performance. To qualify for inclusion on the list of official towers, applicants must meet the following minimum standards:

- a. **Minimum Vehicle Requirements.** Every official tower shall maintain and have available to render services required by this section a minimum of:
1. At least (three) wreckers/tow trucks, with a boom rating of at least (35) tons, of such construction and capacity that they will be able to tow any type of vehicle, one of which shall have 30,000 pounds under-reach wheel lifts.
 2. Three one-ton tow trucks with one-ton chassis with three ton crane and wheel lifts.
 3. (Three) flatbed-type tow trucks
 - (a) Including One Landoll Trailer and One Tractor
 4. Equipment for jump starts, the changing of flat tires and portable heavy duty lighting.
- b. All equipment shall comply with all state and federal regulations and all vehicle operators shall possess a CDL license for over (26,001) pounds.
- c. Each applicant shall submit, along with its application, proof of ownership, lease or other written agreement demonstrating availability as needed of the vehicles which will be utilized to provide services pursuant to this section.
- d. **Minimum Equipment Requirements.**
1. Every tow vehicle or flatbed vehicle shall be equipped with the following:
 - (a) At least one amber rotating beacon or strobe light mounted on the highest practical location of the vehicle, visible from 360° when in use and visible at a minimum distance of 500 feet during daylight hours.
 - (b) One snatch block per winch.
 - (c) Safety tow lights or magnetic tow lights for towing vehicles at night.
 - (d) Extra chains and cables for pulling or securing a towed vehicle.
 - (e) At least one of each of the following:
 - (1) Heavy-duty broom. (2) Shovel.

- (2) Crowbar or prybar.
 - (3) Set of jumper cables.
 - (4) Flashlight.
 - (5) Two-pound or larger fire extinguisher of dry chemical type.
 - (6) One dozen flares or similar warning devices for placement at the scene of an accident or behind a disabled vehicle.
 - (7) Ten pounds of dry sand or a drying compound for gasoline and oil spilled onto the roadway.
 - (8) A sufficient quantity and types of tools to enable the tow operator to perform proper and adequate emergency service for the tow.
2. Every tow vehicle or flatbed vehicle shall comply with all state, federal and local laws, regulations and ordinances pertaining to safety, lighting and towing equipment requirements and shall be subject to inspection by the Chief of Police or his designee at any time. No changes may be made in said vehicles or equipment unless prior written approval is obtained from the governing body.
 3. Every tow vehicle or flatbed vehicle shall display the official tower's license and shall have the name, address and telephone number of the official tower conspicuously displayed on each vehicle as required by statute.
 4. All tow vehicles must be equipped with mobile telephone communications equipment with their principal place of business, including their garage and/or facilities to ensure the proper availability of services and equipment on behalf of the Borough and motorists.
 5. All tow vehicles shall be properly licensed and registered with the New Jersey Division of Motor Vehicles and each shall display New Jersey commercial license plates or apportioned plates consistent with the law.
- e. Minimum Personnel Requirements; Availability and Response Time.
1. Official towers shall have available, at all times, a minimum of three persons with commercial licenses to provide the services required by this Ordinance. All persons employed by official towers to provide the services required by this Ordinance shall meet the following requirements and be subject to the following regulations. They shall:
 - (a) Be able to provide minimum road service for disabled vehicles.
 - (b) Have a valid driver's license having no restrictions or conditional endorsements other than a condition requiring the wearing of eyeglasses.
 - (c) Obey all traffic laws and regulations.

- (d) Be subject to inspection by the Chief of Police of the Borough and shall be approved by the Chief prior to rendering any services pursuant to this Ordinance.
 2. Employees of the towing operator, in responding to a call, shall request and be afforded police assistance during the course of providing towing, emergency road services or removal of abandoned, disabled or accident vehicles when such employees find it necessary to turn around, back up, tow in the opposite direction of traffic or cross the median.
 3. A towing operator shall not permit a vehicle to be removed from the site of a vehicular accident, the scene of a crime or any other instance or situation without the prior approval and permission of a police officer and/or superior at the scene.
- f. Minimum Storage Requirements; Location.
1. Every official tower shall maintain an outside secured storage area meeting the following requirements:
 - (a) The storage area shall be capable of storing a minimum of (15) passenger vehicles and one tractor and trailer. The area shall have at least 800 square feet of storage facilities to hold and protect "police hold" vehicles.
 - (b) The location of the storage area shall be within the County of Bergen, New Jersey, in an area north of State Highway Route 3, south of New Jersey Highway Route 46, east of the Hackensack River and west of the Passaic River.
 - (c) The storage area shall be fully enclosed by a sturdy fence having a minimum height of six feet with at least one lockable gate for ingress and egress and shall be lighted from dusk to dawn.
 - (d) The storage area shall be in an area legally zoned for such use.
 - (e) The storage facility shall be available 24 hours a day, 365 days per year and shall be open to the public on weekdays (Monday through Friday 09:00 – 17:00, Saturday 08:00 – 12:00). The applicant is not required to be open on Sundays.
 - (f) The official tower shall have an employee on duty during all hours in which the storage facility is open.
 - ~~(g)~~ The official tower shall be allowed to charge an after hours release fee charge for releasing vehicles to their owners outside of Monday through Friday 09:00 – 17:00, Saturday 08:00 – 12:00, or any time on Sunday.
 - (h) The applicant shall, with its application, submit proof of ownership or lease of the storage area.
 - (i) The official tower shall be responsible for ensuring the proper and safe storage of all vehicles towed pursuant to this Ordinance. The official tower shall be liable for any damage incurred by such vehicles while in transit to or while stored in the storage area.

6-12.8. Utilization of the Official Towers' List.

- a. Official towers shall be placed on the official towers' list at the beginning of each year in

accordance with the procedures as set forth in this Ordinance.

- b. Official towers shall rotate on the list for two weeks at a time or for such a period as designated by the Chief of Police. The two-week rotation shall commence at 12:01 a.m. Saturday and terminate at 12:00 p.m. the second Friday thereafter.
- c. All requests for service shall be made by the Chief of Police or his official designee.
- d. The Borough shall request wrecking, towing and storage services from each official tower in rotation. When called, the tower shall advise the dispatcher if a vehicle is available and the estimated time of arrival. If no tow vehicle is available or if, in the discretion of the Police Chief, or his designee making the request, the response time is insufficient under the circumstances to properly protect the public health, safety or welfare, the next official tower on the list shall be called for that particular towing event.
- e. During adverse weather conditions, heavy traffic conditions or emergency conditions, official towers shall give priority to requests from the Borough over any other requests that shall be received by the official towers.

6-12.9. Hold Harmless Agreement. Applicant shall agree in writing to assume the defense of and indemnify and hold harmless the Borough, its elected officials, boards, commissions, officers, employees and agents, from all suits, actions, damages or claims, fees, costs, expenses, fines or penalties to which the Borough may be subjected of any kind and nature whatsoever resulting from, caused by, arising out of or as a consequence of the provisions of towing, wrecking, storage and/or emergency services provided at the request of the Borough pursuant to this Ordinance. Official towers shall enter into a hold harmless agreement in a form to be prepared by the Borough Attorney prior to being included on the official towers' list.

6-12.10. Insurance.

- a. The Tower shall maintain, during the life of its license, insurance policies of the type and with the minimum limits indicated below and in a form satisfactory to the Borough. The Tower shall provide a certified copy of the policies and/or certificates of insurance satisfactory to the Borough prior to commencement of work. All policies and/or certificates shall be submitted to the Borough Risk Management Consultant for review and approval.
 - 1. Garage Liability Insurance: limit of liability shall not be less than \$1,000,000 combined single limit (bodily injury and property damage) per occurrence, including premises operations and products/completed operation.
 - 2. Garagekeepers' Insurance: physical damage insurance policies shall be specifically endorsed to provide "direct primary" insurance, where applicable, for vehicles in tow, possession of, or storage on property owned or controlled by the Tower. Limit of said coverage shall be not less than \$500,000.
 - 3. Automobile Liability Insurance: limit of liability shall not be less than \$1,000,000 combined single limit (bodily injury and property damage) per occurrence.
 - 4. Excess Umbrella Insurance: Limit of liability shall be not less than \$2,000,000 providing protection in excess of the \$1,000,000 garage and automobile liability coverage. Note: this requirement may be waived if the limits of liability in paragraphs a1 and 3 are not less than

\$2,000,000 combined single limit.

5. Workers Compensation Insurance: New Jersey statutory coverage, including employers liability coverage.
- b. On all liability policies, the Borough shall be added as an additional insured, and insurance policies and/or certificates shall indicate such coverage as primary coverage notwithstanding any insurance carried by the Borough.
- c. The official tower shall indemnify the Borough and the public against any loss due to injuries, accident or damages of any character whatsoever where any such damage is the result of act or omission of the Tower, his agents or employees in or due to the execution of the work called for under the contract.
- d. Certified copies of all insurance policies provided above or certificates thereof must be furnished to the Borough and be in acceptable to the Borough Attorney and Borough Risk Management Consultant. Each such policy or certificate shall contain a provision that it is not subject to material change, cancellation or nonrenewal unless 30 days' prior written notice via certified mail/return receipt shall have been given to the Borough by the tower's insurer. These must be received 30 days prior to commencement of work.
- e. The provider of any insurance required herein does not relieve the official tower of any of the responsibilities or obligations assumed by the Tower for which the Tower may be liable by law or otherwise.
- f. If any policies contain deductible or copayments, it shall be responsibility of the official tower to pay such sums at the same time a claim is settled by the Tower's insurance company.
- g. If any policies contain limits of liability with an aggregate limit, the official tower or Tower's insurance company shall provide the Borough a statement evidencing the limits of liability required under the contract to be in force quarterly.
- h. Failure to provide and continue in force such insurance as required above shall be deemed a violation of this Ordinance and may subject official tower to suspension or revocation of the license issued hereunder.
- i. All policies shall be written in either a company licensed to do business in the State of New Jersey or a New Jersey eligible Surplus Lines Company with a minimum Best rating A-VII (A minus seven). They shall be written on an ISO (Insurance Service Office) form or better.

6-12.11. **Replace with Schedule A**

- a. Fees for towing and storage, to the extent such fees are not specified herein, may not exceed the fees established by the New Jersey State Police.
- b. Roadside service.
 1. Passenger cars, tire change, jump start: \$125 per hour plus parts.
 2. Trucks (medium/ heavy): \$175 per hour plus parts.
- c. Towing.
 1. Motorcycles or motor scooters: \$150.
 2. Light duty (up to 10,000 pounds), hook up: \$150.

3. Medium duty (10,001 pounds to 16,000 pounds): \$250 per hour.
 4. Heavy duty (16,001 pounds and above): \$500 per hour.
 5. Decoupling fee (if tow is not performed): 1/ 2 of basic charge.
- d. Recovery/winchng (in addition to towing, per truck, including driver).
1. Light/medium duty (10,001 pounds to 16,000 pounds): \$175 per 1/2 hour.
 2. Heavy duty (16,001 pounds and above): \$600 per hour.
 3. Rotator/crane recovery unit: \$1,200 per hour.
 4. Tractor with Landoll trailer or detach trailer: \$450 per hour.
 5. Tractor/transport hauler only: \$250 per hour.
 6. Refrigerated trailer with tractor: \$450 per hour.
 7. Box trailer with tractor: \$400 per hour.
 8. Air cushion unit: \$1,000 per hour.
 9. Light tower: \$250 per hour.
 10. Pallet jack: \$200.
 11. Rollers: \$200.
 12. Any other specialized equipment: \$250 per hour.
 13. Loader/backhoe/telescopic handler/bulldozer/bobcat: \$300 per hour, each.
 14. Forklift: \$300 per hour.
 15. Dump truck/dump trailer with tractor: \$350 per hour.
 16. Roll-off with container: \$350 per hour plus disposal.
 17. Recovery supervisor vehicle: \$150 per hour.
 18. Scene safety equipment, communications, traffic management, etc.: \$250 per hour, each.
 19. Recovery support vehicle/trailer, additional recovery equipment: \$350 per hour.
- e. Storage of vehicles per calendar day (inside rates two times outside rate).
1. Cars/light trucks, ten-foot-by-twenty-foot space: \$45 per day.
 2. Trucks (dual wheels)/single axle: \$90 per day.
 3. Tractor/dump truck/tractor and trailer combo/trailers: \$125 per unit, per day.
 4. Buses: \$150 per day.
 5. Roll-off: \$125 per day, each.
 6. Cargo/accident debris/load storage/vehicle components: \$45 per space used, per day.

7. Rental of any tow-company-supplied trailer post-accident: \$500 per day.
- f. Mileage fees.
1. There shall be no mileage fees for medium-duty and heavy-duty vehicles charged to an owner or driver for any mileage within the borders of the Borough of Carlstadt or for any mileage within the borders of the Borough to the tow operator's facility. Mileage fees are permitted for light-duty vehicles at the rate of \$6 per loaded mile within the Borough or to the tow operator's facility. Alternate-destination tows will be negotiated between the towing company and the owner or driver.
 2. Fees for towing vehicles into or out of the Borough of Carlstadt must be agreed upon by the owner of any such vehicle, in writing, prior to the vehicle being towed. The owner or operator of a vehicle shall have the right to select a tower of his or her choice, including towers with a place of business outside of the Borough, provided that such disabled vehicle is not then interfering with the vehicular or pedestrian flow of traffic and that the location of such vehicle does not present a danger to vehicular or pedestrian traffic.
- g. Additional services.
1. Accident minor clean-up and disposal of debris: \$75 per hour (one-hour minimum), plus absorbent material used.
 2. Recovery supervisor and/or Level III specialist: \$225 per hour.
 3. Certified towing operator: \$125 per hour, per man.
 4. Manual laborers: \$100 per hour, per man.
 5. Fuel HazMat/spills clean-up and disposal: time and material.
 6. HazMat and trash recovery: surcharged 10%.
 7. Subcontractor mark-up: 10%.
 8. Administrative charge (only after third visit to vehicle): cars only, \$50.
 9. Administrative charge (medium/heavy trucks): \$200.
 10. After-hours release: \$75.
 11. Notification documentation fee: \$50.
 12. Tarping/wrapping vehicles: \$90 car; \$250 truck.
 13. Go jacks/skates: \$40.
 14. Borough administration fee: \$35.
 15. For anything not covered in this rate list, the usual and customary fee should apply.
- h. Itemized bill. The owner and/or occupier of any towed vehicle shall be presented with an

itemized bill detailing all of the charges which the tower has billed on or before payment has been made by such vehicle owner.

6-12.12. Miscellaneous Provisions.

- a. Copies of this Ordinance and the schedule of fees that are to be charged by official towers shall be made available to the public during normal business hours at the Borough Clerk's office and the Police Department. Copies shall also be made available to the public at each official tower's place of business. A copy of this Ordinance will be sent to the New Jersey Local Finance Board.
- b. All official towers shall post, in a prominent place at each storage area clearly visible to the public, a schedule of the fees that may be charged for all services provided pursuant to this Ordinance.
- c. The Borough reserves the right to make periodic unannounced inspections of the personnel, vehicles, equipment and storage areas of all official towers.
- d. The relationship between an official tower and the Borough is one of an independent contractor. Neither party shall be construed in any manner whatsoever to be an employee of the other, nor shall any employee or agent furnished by any party be construed to be an employee or agent of the other party. Inclusion on the official towers' list shall not be construed or considered as a joint venture, partnership, association, contract of employment or profit sharing agreement.
- e. The municipality shall not be liable or responsible for compensating the official towers for any of the services performed under this section unless those services are performed for vehicles owned by the Borough. Compensation shall be the responsibility of the owner of the towed motor vehicles, and the official tower shall proceed directly against the owner in the event of nonpayment.
- f. The official tower shall, at all times, be solely responsible for the conduct of its employees. No licensee shall discriminate as to hiring or employment practices. Licensee shall be required to sign a nondiscrimination statement.
- g. The official tower shall send a copy of each tow within the Borough of Carlstadt to the Carlstadt Police Chief or his designee. The official tower shall deliver this to the Carlstadt Police Department prior to their two-week rotation. The Police Chief or his designee shall include this in the monthly report to the Police Commission.
- h. The official tower shall comply with all state and federal laws and regulations concerning wages, hours and terms of employment.

6-12.13. Dispute Resolution and License Suspension or Revocation.

- a. All complaints received by the Borough involving the improper or unsatisfactory performance of services by an official tower shall be immediately turned over to the Police Chief who shall provide written notice of the same to the official tower involved, with copies to the Mayor and Council and Borough Administrator. The tower shall have the opportunity to respond, in writing, within seven days.
- b. Within 14 days of receipt of the Tower's response, or within 21 days of receipt of the complaint if no response is received, the Police Chief shall present the matter to the governing body.
- c. The Mayor and Council shall, thereafter, consider the matter at a meeting and may request that the complainant and the tower involved appear and give testimony regarding the complaint.

- d. After considering the matter, the Mayor and Council, shall make known its determination on the record and, if finding in favor of the complainant and against the official tower, may consider and impose the following penalties:
 1. Suspension of the official tower's license.
 2. Revocation of such license for a fixed period or duration.
 3. Permanent revocation of the official tower's license.
 4. Such other penalty as the Mayor and Council deems just and appropriate under the circumstances.
- e. In considering the imposition of a suspension, revocation or other penalty, the Mayor and Council shall take into account factors, including, but not limited to, any prior violations of the Tower, the nature and seriousness of the complaint and the danger to the health, safety and welfare of the public.
- f. Failure to surrender the license upon revocation shall constitute of violation of this Ordinance.
- g. Nothing contained herein shall prevent or limit the right of any person to commence or maintain an action for damages or any other relief directly against an official tower in a court of competent jurisdiction.

6-12.14. Violations and Penalties; Enforcement.

- a. Any person who shall violate any provisions of this Ordinance shall, upon such determination of the governing body, be punished by a fine not to exceed \$1,000; and each violation of any of the provisions of this Ordinance and each day the same is violated shall be deemed and taken to be a separate and distinct offence.
- b. In addition to the fine provided above, the violation of the provisions of this Ordinance shall be cause for the suspension or revocation of the official Towers license.
- c. The Borough Police Department or any member thereof is hereby declared to be the enforcement agency of this Ordinance in accordance with due process law.

6-12.15. Additional Restrictions and Requirements.

- a. Abandoned and Unclaimed Motor Vehicles; Auctions.
 1. A "junk vehicle" shall be defined as a motor vehicle incapable of being operated safely or of being put in a safe operational condition except at a cost in excess of the value thereof. If the vehicle is unclaimed by the owner or other persons having legal right thereto for a period of 15 business days, the licensee shall notify a designee of the Police Department that the vehicle has been held for the statutory time and that the vehicle is ready for sale.
 2. An "abandoned vehicle" shall be defined as a motor vehicle which cannot be certified for a junk title certificate pursuant to N.J.S.A. 39:10A-3. If the vehicle is unclaimed by the owner or other persons having legal right thereto for a period of 20 business days, the licensee shall notify a designee of the Police Department that the vehicle has been held of the statutory time and that the vehicle is ready for sale.
 3. The Carlstadt Police Department, on behalf of all the licensees hereunder, shall be charged with the obligation to obtain junk titles from the Commissioner of the Motor Vehicle

Commission whether any such vehicle is denominated as a junk vehicle and/or an abandoned vehicle pursuant to N.J.S.A. 38:10A-1 et seq. For purposes of this section, all such licensees shall be defined as a "motor vehicle repair facility" by either trade name and/or corporate designation. The owner of vehicles towed by order of the Police Department for violations of law and/or are deemed to be abandoned shall be subject to provide any licensee hereunder with the necessary title provided for in N.J.S.A. 38A:10A-1 et seq.

4. Procedure for Action of Abandoned and Unclaimed Motor Vehicles:

- (a) On a monthly basis, each licensee shall forward to the Chief of Police, or his designee, a report listing all vehicles still in storage that remain unclaimed by the owners. This list will also indicate those vehicles qualified to be processed for a "junk title" based upon their physical and/or mechanical condition. The Chief of Police, or his designee, will then process the necessary paperwork through the NJMVC to obtain a junk title for the abandoned/unclaimed vehicle. Upon receipt of the title the Borough of Carlstadt will then turn over the junk title to the licensee for proper disposal of the vehicle.
- (b) If a vehicle is deemed worthy of auction, then the Borough of Carlstadt will process vehicle as per the requirements provided by NJMVC in "Public Agency's Guide to Abandoned & Unclaimed Vehicles" [OS/SS-322(R/15)]. The Borough of Carlstadt will hold auctions at the Carlstadt Memorial Building within a reasonable amount of time from receipt of the OS/SS-88 from NJMVC. The Borough of Carlstadt will establish the open bid based on local current market value as required by the NJMVC.
- (c) If the vehicle is sold a public auction, the licensee will be paid any towing and storage charges due, the Borough will be reimbursed any fees incurred to conduct the action, and then the remainder will go to the Borough of Carlstadt Treasurer for receipt. The Borough of Carlstadt will provide the buyer all the necessary paperwork to obtain a title in their name. However, the vehicle will not leave the licensee's location until the vehicle is titled in the buyer's name and there is proof of insurance provided to the Borough of Carlstadt. The licensee will give the buyer 48 hours to obtain necessary paperwork and release before storage fees resume at the Borough authorized rate.
- (d) If the vehicle is not sold, then the Borough of Carlstadt will complete the process, obtain a valid title, and turn the title over to the licensee. In the event the proceeds do not cover the outstanding towing and storage charges, then the excess will be waived by the licensee and no further funds will be due from the Borough of Carlstadt or the purchaser of the vehicle.

5. This section will be administered in accordance with N.J.S.A.39A:10-1 et seq.

6-12.16. (Reserved)

6-12.17. (Reserved)

6-12.18. (Reserved)

6-12.19. (Reserved)

Savings Clause. All other provisions of Chapter VI, Section 12 "Towing of Vehicles", shall remain in full force and effect.

Repeal of Prior or Inconsistent Ordinance. All ordinances or parts thereof inconsistent herewith are hereby repealed as to such inconsistency only.

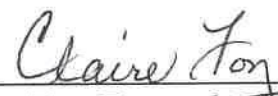
Severability. If any section, clause, sentence or other part of this Ordinance or the application thereof to any person or circumstance shall for any reason be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

Effective Date. This Ordinance shall take effect immediately upon passage and publication as required by law.

INTRODUCED: August 7, 2024

ADOPTED: September 4, 2024

APPROVED: 
Robert J. Zimmermann, Mayor

ATTEST: 
Claire Foy, Borough Clerk

MAXIMUM POLICE TOWING RATES

All towing rates for towers in the Borough of Carlstadt shall not exceed the last published Maximum rates as established by the New Jersey State Police. At the time of adoption of this Ordinance, the last published rates are published at <https://nj.gov/njsp/information/towing-rates-application.shtml>. Additionally, the permitted rates at the time of adoption of this ordinance are on file with the Borough Clerk as Schedule "A". Rates may change as the New Jersey State Police establishes new rates in the future. As the New Jersey State police establishes new rates in the future, those new rates shall constitute the maximum rates allowed hereunder.

- ***Road Service:***
 - Cars --- \$150.00 Per Hour Plus Parts
 - Trucks --- \$200.00 Per Hour Plus Parts

- ***Towing:***
 - Light Duty (Up to 10,000 lbs.) --- Hook Up \$155.00
 - Medium Duty (10,001 to 16,000 lbs) --- \$300.00 Per Hour
 - Heavy Duty (16,001 and Above) --- \$500.00 Per Hour
 - Decoupling Fee (If Tow Is Not Performed) --- ½ of Basic Rate

- ***On-Hook Mileage***
 - Light Duty --- \$7.00 / Per Loaded Mile
 - Medium Duty --- N/A
 - Heavy Duty --- N/A

- ***Recovery / Winching (In Addition to Towing – Per Truck Including Driver)***

- Light / Medium Duty 10,001 to 16,000 lbs) --- \$350.00 per hour, charged in ½ hour increments of \$175.00 per ½ hour
- Heavy Duty (16,001 and Above) --- \$650.00 Per Hour

- ***Specialized Recovery Equipment***

- Rotator / Crane Recovery Unit --- \$1200.00 Per Hour
- Tractor With Landoll Trailer or Detach Trailer --- \$500.00 Per Hour
- Tractor / Transport Hauler ONLY --- \$350.00 Per Hour
- Refrigerated Trailer W/ Tractor --- \$550.00 Per Hour
- Box Trailer W/ Tractor --- \$500.00 Per Hour
- Air Cushion Unit --- \$1000.00 Per Hour
- Light Tower --- \$250.00 Per Hour
- Pallet Jack --- \$200.00 Flat Rate
- Any Other Specialized Equipment ---\$300.00 Per Hour
- Loader / Backhoe / Telescopic Handler / Bulldozer / Bobcat--- \$400.00 Per Hour EACH
- Forklift --- \$400.00 Per Hour
- Dump Truck / Dump Trailer W/ Tractor ---\$400.00 Per Hour
- Roll -Off with Container ---\$400.00 Per Hour Plus Disposal
- Recovery Supervisor Vehicle --- \$150.00 per hour
- Scene Safety Equipment, Communication Equipment, Traffic Management Equipment Etc.. ---\$250.00 Per Hour EACH Type Used
- Recovery Support Vehicle / Trailer Additional Recovery Equipment -- -\$350.00 Per Hour

- ***LABOR (All Labor Min of 1 Hour)***

- Accident Minor Clean up and Disposal of Debris ---\$75.00 Per Hour One Hour Minimum Plus Absorbent Materials Used
- Tire Skates --- \$40.00
- Recovery Supervisor and/or Level III Recovery Specialist ---\$250.00 Per Hour *Charges Limited to One (1) Per Incident
- Certified Towing Operator--- \$150.00 Per Hour Per Man
- Manual Laborers --- \$125.00 Per Hour Per Man

- ***Storage – Per Calendar Day (Inside Rates Two Times Outside Rate)***

- Cars / Light Trucks – 10' X 20' Space --- \$50.00 Per Day
- Trucks (Dual Wheels) / Single Axle --- \$125.00 Per Day

- Tractor / Dump Truck / Tractor and Trailer Combo / Trailer --- \$125.00 Per Unit Per Day
- Buses --- \$150.00 Per Day
- Roll-Off --- \$125.00 Per Day
- Cargo / Accident Debris / Load Storage / Vehicle Components (10' X 20' Space) ---\$50.00 Per Space Used
- Rental of Any Tow Company Supplied Trailer Post Incident --- \$500.00 Per Day

● ***Additional Service / Notes***

- Fuel / Hazmat / Cargo Spills Clean-Up and Disposal --- Time and Material
- Hazmat and Trash Recovery --- Surcharged Ten Percent (10%)
- Subcontractor Mark-Up --- Twenty Percent (20%)
- Administrative Charge Only After 3rd Visit to Vehicle ---CARS ONLY \$50.00
- Administrative Charge --- Medium/Heavy Truck \$200.00
- After Hours Release --- \$85.00
- Notification Documentation Fee ---\$75.00
- Tarping / Wrapping Vehicle ---\$90.00 / \$250.00 Per Truck
- Fuel Surcharge --- See Chart Below

● ***Fuel Surcharge Chart – Tow and Mileage Cost Only***

- ***Fuel Cost***
 - \$2.50 --- 0%
 - \$3.00 --- 1%
 - \$3.50 --- 2%
 - \$4.00 --- 3%
 - \$4.50 --- 4%
 - \$5.00 --- 5 %
 - \$5.50 --- 6%
 - \$6.00 --- 7%
 - \$6.50 --- 8%
 - \$7.00 --- 9%
 - \$7.50 --- 10 %
 - \$8.00 --- 11 %

To the extent that a rate for a particular service is not enumerated by the maximum rate established above, the rates charged for said service shall be reasonable, usual, and customary.