

Township of Hillside
County of Union, State of New Jersey
Ordinance Number O-20-02
Chapter 279 Towing
Amended 11/12/19

§ 279-1 Purpose.

The purpose of this chapter is to provide standards, regulations and rates for police-requested and non-preference towing and storage services, including the removal of motor vehicles from public property by operators engaged in such practice, including but not limited to the fees charged for storage following removal in accordance with Section 3 of P.L. 1987, c. 127 (N.J.S.A. 40:48-2.50), fees charged for such removal, notice requirements therefor and the mercantile licensing of such operators. Said services shall be provided under the supervision of the Township Council of the Township of Hillside and the Chief of Police or his designee.

§ 279-2 Definitions.

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

ACCIDENT

Includes vandalism, fire comprehensive claims, accidents caused by drunk drivers and as defined by state law.

BASIC TOWING SERVICES

The removal and transportation of an automobile from a highway, street or other public or private road or parking area or from a storage facility. It 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.

CRUISING

The operation of an unengaged tow truck along the public streets in any fashion intended or calculated to solicit business.

DISABLED/ABANDONED

Any motor vehicle with mechanical breakdowns and/or left on any highway or street, without being properly registered, as provided under N.J.S.A. 39-1 et seq. and applicable municipal ordinances.

DRIVER

The person operating the tow truck for the licensee.

HEAVY DUTY

A tow truck capable of towing large trucks and that meets the following minimum requirements: gross vehicle weight (GVW) 30,000 pounds; towing capacity (GVWR) 80,000 pounds; boom rating 50,000 pounds; cable size and length 5/8 inch and 200 feet; equipped with chassis lift under-reach retracted rating 25,000 pounds and extended rating 12,000 pounds.

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LEASE

A vehicle leased by the licensee, through a bona fide company that leases the necessary equipment and showing the licensee on the registration as the owner or lessee. If the registration is such that the lessee is not listed, the licensee will be required to show a lease agreement from a business regularly engaged in leases of motor vehicles.

LICENSE

The document approved and issued by the Township of Hillside granting the privilege to tow and store vehicles and perform other towing operations for the Township of Hillside.

LICENSEE

A towing operator having a license granted by the Township pursuant to the provisions of this chapter.

LIGHT-DUTY FLATBED

A car carrier of the roll-back-and-tilt type, with dual wheels, capable of removing and transporting passenger cars damage free and shall meet the following minimum requirements: GVW 15,000 pounds; GVWR 18,500 pounds; winch rating 8,000 pounds; cable size and length 3/8 inch and 50 feet; bed length 19 feet; wheel lift retracted rating 6,000 pounds and extended rating 3,000 pounds.

LIGHT-DUTY WRECKER

A tow truck with dual wheels, capable of towing passenger cars and shall meet the following minimum requirements: GVW 14,000 pounds; GVWR 18,000 pounds; boom rating 8,000 pounds; winch rating 8,000 pounds; cable size and length 3/8 inch and 100 feet; wheel lift retracted rating 6,000 pounds and extended rating 3,000 pounds.

MEDIUM-DUTY FLATBED

A car carrier of the roll-back-and-tilt type, with dual wheels, capable of removing and transporting small trucks, large passenger cars, large sport utility vehicles, and full-size vans damage-free and shall meet the following minimum requirements: GVW 24,500 pounds; GVWR 28,000 pounds; winch rating 8,000 pounds; cable size and length 3/8 inch and 50 feet; bed length 22 feet; wheel lift retracted rating 6,000 pounds and extended rating 3,000 pounds.

OWNER

A person, firm, corporation or other entity who owns, leases and/or operates, parks or abandons a vehicle on the roads and highways within the Township of Hillside, which vehicle by reason of being disabled or being unlawfully upon said roads requires towing services.

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POLICE DEPARTMENT

The Police Department of the Township of Hillside or such other police as may have jurisdiction upon the roadways on which the vehicle may be found in said Township of Hillside.

PRINCIPAL LOCATION

The business office of a respondent/licensee, where the licensee shall conduct business associated with the towing and storage of vehicles under authority of the towing license issued by the Township of Hillside.

RESPONSE TIME

The time from when the police call the licensee and then until the licensee arrives at the location to service the vehicle.

ROUTINE CALL FOR SERVICE

A police request for road service of a disabled vehicle, i.e., dead batteries, flat tires, out of gas or other services that do not require towing.

TEMPORARY LICENSE

A towing license, authorized by the Chief of Police, and issued by the Township of Hillside for the purpose of replacing a current licensee, whether that replacement is due to the closing of the business or the revocation of the licensee's towing license for a violation of this chapter. This license is for emergency situations only, and the cost will be prorated on a monthly basis.

TOWING OPERATOR

An individual or entity engaged in the business of providing towing and storage services.

TOWING SERVICES

The towing service and/or on-site vehicle repair of the following: tire changes, jump starts or jump starts (optional) rendered by a towing operator.

PRINCIPAL LOCATION

The business office of a respondent/licensee, where the licensee shall conduct business associated with the towing and storage of vehicles under authority of the towing license issued by the Township of Hillside.

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TOWNSHIP

“Township” shall mean the Township of Hillside, Union County, New Jersey.

RESPONSE TIME

The time from when the police call the licensee and then until the licensee arrives at the location to service the vehicle.

ROUTINE CALL FOR SERVICE

A police request for road service of a disabled vehicle, i.e., dead batteries, flat tires, out of gas or other services that do not require towing.

TEMPORARY LICENSE

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TOWING OPERATOR

A person, firm, corporation or other entity engaged in the business of providing tow truck services and storage services for vehicles towed, which services are made available to the general public upon such rates, charges and fees as determined by the Township Council of the Township of Hillside, and which towing operator is licensed under the provisions of this chapter.

TOWING SERVICES

The towing service and/or on-site vehicle repair of the following: tire changes, jump starts or jump starts (optional) rendered by a towing operator.

TOW TRUCK/WRECKER

A vehicle driven by mechanical power and employed for the purpose of towing, transporting, conveying or removing any and all kinds of vehicles or parts of vehicles which are unable to be operated under their own power, for which a service charge or fee is exacted. The definition of "tow truck" shall also include the use of a flatbed "tow truck."

VEHICLE

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

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WAITING TIME

The time a licensee has equipment and personnel waiting at a scene to perform a towing operation.

WINCHING

Any vehicle that is recovered from a position beyond the right-of-way or berm of the roadway and shall include those recovered from a ditch, from being suspended on a median, when the automobile rolls over on its roof or is imbedded in brush and winching of the vehicle is required.

§ 279-3 License required.

No towing operator covered by § 279-1 et seq. hereinbefore set forth under the heading "Purpose" shall engage in the business of providing tow truck services within the Township of Hillside without obtaining a license in accordance with the provisions of this chapter. Specifically exempted from this license requirement is the towing, transporting, conveying or removing of vehicles from private property, except in the case of a police emergency within the Township, or by towing operators which are directly and privately engaged or designated by the owner of the vehicle to be towed, transported, conveyed or removed upon the streets of said Township of Hillside.

§ 279-4 Term of license.

Licenses to tow shall be issued for twenty-four-month periods.

§ 279-5 Review of Applicant responses.

- A. Reference to Chief of Police. Applicants responses received by the Township Clerk shall be referred within two business days to the Chief of Police for his review, along with a copy to the Township Attorney.
- B. Inspection; recommendations; disputes. After such examination of the respondents and such inspections by the Chief of Police, the Township Attorney and the Township Clerk may consider necessary to evaluate the respondent's compliance with and ability to continue to comply with the requirements of this section, the applicant responses shall be returned to the Township Clerk with the recommended approval or disapproval of each applicant response by these individuals based upon his examinations, inspections and evaluations.
- C. Respondents and licensees shall cooperate with any and all investigations conducted by the Chief of Police or his designee or other law enforcement agency working in conjunction with the Township Police. The requirements of cooperation shall continue throughout the period of applicant response review and the duration of the license and the storage of vehicles (even if a license is no longer in effect). The Department of Police shall conduct an investigation of the applicant responses. Respondents are responsible for furnishing the Township applicable background checks of all respondents, their employees and/or officers, which shall include fingerprinting of all such individuals and which shall be conducted at the expense of the respondent at an agency approved by the State of New Jersey for that purpose, and shall be dated no more than 30 days prior to the due date for all applicant responses. An applicant response

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may be rejected and license may be denied for fraud, misrepresentation or false statement in the applicant response, or when an owner, officer, director and/or driver has been convicted of a crime involving moral turpitude within 10 years or any other crime within 10 years.

D. The Chief of Police may contact any law enforcement agency where the respondent has previously performed any service on a regular basis to verify the basis of any complaint or investigation within the prior license period.

E. Visual on-site inspection of the premises and equipment shall be made and approved prior to the Chief of Police's or his designee's recommendations.

§ 279-6 Issuance of licenses.

A. Authorization. The Township Council at a public meeting, shall by resolution award a contract and thereby authorize the issuance of a license to the individuals or entities who best satisfy the requirements of this chapter upon the recommendations of the Chief of Police.

B. Licenses shall be reevaluated every year. If the Chief of Police or his designee has advised the licensee that his or her response times do not materially conform to the best interests of the Township as specified herein, then the Chief of Police may make a recommendation to the Township Council that the licensee has not been responsible so as to deem the licensee unsuitable as a licensee during the following license period.

C. Issuance. The authorized license or licenses shall be issued by the Township Clerk in writing upon payment by the towing operator(s) of the license fee specified in § 279-7.

D. Determination of qualified towing agent. In determining if a towing agent qualifies to be issued a license, the Chief of Police, in making his recommendation, shall take into consideration the following parameters. These parameters will act as a guide, but any other unforeseen factor that is determined to be a detriment to the respondent's ability to properly service the Township may be part of this process. No specific weight is put on any one of these parameters, but an overall assessment by the Chief of Police will be made following an investigation by his designee.

- (1) Past service as a towing agent for the Township of Hillside.
- (2) Other government contracts the respondent is or has serviced.
- (3) Condition and maintenance of vehicles and equipment.
- (4) Overall condition, appearance, access and convenience of the respondent's facilities. This shall include the ease of ingress and egress by the public.
- (5) The overall driving records of employees.
- (6) Prior motor vehicle accidents involving the respondent's tow trucks.
- (7) Any area in which the respondent exceeds the minimum qualifications, including but not limited to the amount of insurance carried and available vehicles.

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(8) Access to heavy-duty wreckers. The chapter allows for towing agents to obtain a lease agreement from another towing company to provide twenty-four-hour-a-day, seven-days-a-week, heavy-duty service. Ownership by the towing agent of heavy-duty wreckers stored at the towing agent's own facility will be used as a determining factor.

(9) Any other aspect of the respondent's ability to service the contract that is determined to be applicable but is not specifically covered in this chapter.

E. Fees paid pursuant to this section shall not be refundable for any reason.

§ 279-7 Application, license and administrative fees.

The following schedule of nonrefundable fees is adopted for the obtaining of a towing license.

- A. Application fee: \$500 by certified or bank check with submitted application.
- B. License fee: \$3,000 per license period (24 months), due and payable upon granting of the license. For a temporary license for a period of less than 24 months, the fee shall be prorated accordingly.

§ 279-8 Suspension or revocation; temporary licenses.

A. General.

(1) The Township Council shall have the right to suspend or revoke any license issued under this chapter for good cause upon written complaint of the Chief of Police following his determination that there is probable cause for suspension or revocation based upon violation of this chapter.

(2) A license may be denied, suspended or revoked for material and willful fraud, misrepresentation or false statement in the course of conducting the towing operation, for violation of this chapter, or for the conviction of the respondent, its officers or a person or entity holding a 10% or larger interest in the respondent of a crime involving moral turpitude or relating to the towing business or for any other crime. A license may also be denied if the respondent has had a towing business or for any other crime. A license may also be denied if the respondent has had a towing license or contract revoked while working for any other municipal, county or state agency and due to his or her inability to meet response times or other conduct as specified in this section. Such revocation shall have occurred within a twelve-month period prior to submitting an application to the Township of Hillside for the license.

(3) Written notice of such complaint shall be given to the licensee who shall be entitled to a hearing within 20 business days before the Township Council prior to final determination of the complaint by the Township Council, provided that the licensee requests the review in writing and serves it on the Township Clerk and the Chief of Police within three business days of being served with the notice from the Chief of Police. If, after the hearing, a majority of the members

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of the Township Council present and voting decide that there has been a violation, they may terminate or suspend the license.

B. Emergency suspension. A license may be suspended by the Chief of Police whenever the Chief in his reasonable judgment considers such suspension necessary for reasons of safety, or has reason to believe that the licensee is not covered by the insurance required. Such suspension shall continue until terminated by the Chief, provided that if the suspension is not terminated within three business days, the Chief shall file a complaint for suspension or revocation, and the suspension shall remain in effect pending a determination of the complaint.

C. Temporary license.

(1) In the event of an emergency suspension or other failure of the licensee(s) to perform its duties under this chapter, the Chief of Police may issue a temporary license to a towing operator who submitted an application in accordance with this chapter and who is otherwise qualified to provide the services set forth in the application, to operate during any licensee's failure to perform, should the replacement of said licensee be deemed necessary. The issuance of a temporary license shall be reported to the Township Council immediately upon issuance and shall be subject to continuation upon the Township Council's ratification of said issuance by way of resolution at the next regularly scheduled public meeting thereof.

(2) Temporary licenses may be issued for a thirty-day period, which may be extended for five additional thirty-day periods.

D. Temporary suspension. Any licensed (temporary or regular) towing business shall be suspended for five days if he or she fails to respond to a request by the Township of Hillside Police Department to tow a vehicle.

§ 279-9 Equipment.

A. Equipment requirements. No license shall be issued to a towing operator who does not own or lease for utilization in his or its business the following equipment, which equipment shall be inspected by the Chief of Police or his authorized representative prior to a license being issued and a report of said inspection furnished to the Township Council. Said equipment shall be designated as follows:

(1) Three light-duty wreckers or flatbeds for vehicles under 10,000 pounds, each equipped with a wheel lift.

(2) One medium-duty flatbed or wrecker with wheel lift.

(3) Two heavy-duty wreckers with wheel lift. (This vehicle may be leased with a contract of lease made available for review by the Police Department. This vehicle must be available to the licensee 24 hours a day, seven days a week, while the licensee is on rotation. The leasing of this equipment shall not hinder the response time.)

(4) The above-mentioned equipment classes (light/medium/heavy) must meet or exceed the standards as stated herein.

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(5) Safety equipment to be carried on all trucks shall include:

- (a) Slim-jim lock tool.
- (b) J hooks and chains or tie-downs.
- (c) Snatch block.
- (d) Two high-test safety chains. Auxiliary safety light kit (to be placed on rear of towed vehicle that does not have functioning taillight flashers).
- (e) Auxiliary safety light kit (to be placed on rear of towed vehicle that does not have functioning taillight flashers).
- (f) Rotating amber emergency lights mounted on top of truck (state-issued permit required, and must be in a truck). If the tow operator has any towing equipment with a red rotating light bar, then that vehicle will not be deemed acceptable for use in the Township and may not be utilized when determining the required equipment for licensee.
- (g) Two white work lights facing the rear of the vehicle.
- (h) Two safety cones with reflective strip (minimum height 18 inches).
- (i) One shovel.
- (j) One broom.
- (k) Steering wheel tie-down.
- (l) Two-way communication system, radio or cellular, with communication between the licensee's base and all of the required trucks and from truck to truck.
- (m) Jumper cables or jump box.
- (n) Toolbox with assorted hand tools.

B. Additional required equipment. Proof from vehicle and equipment manufacturer detailing specifications of requested equipment is required.

C. Tow truck lettering. All tow trucks operated by the licensee shall be permanently lettered on both sides in accordance with New Jersey Statute, Title 39. (Newly purchased vehicles will be allowed a four-week grace period, during which time a pair of magnetic signs shall be used.)

D. Required communication. The licensee shall maintain a twenty-four (24) hour phone number which is manned by the licensee's personnel. Such personnel must have constant two-way communication, radio or cellular, with the licensee's vehicles. Answering machines, paging devices and/or phone services may not be utilized. The licensee or an employee of the licensee must promptly answer calls from the Police Department to a licensee.

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§ 279-10 Storage and garage facilities.

A. All storage and garage facilities are to be used exclusively by the licensee.

B. Inside-building secured storage. Each licensee shall have an inside building secured storage space sufficient to accommodate at least three vehicles for exclusive use of the Police Department in connection with vehicles being held as evidence or under investigation. The inside vehicle storage facility must be completely indoors, having one or more openings in the wall for storage and removal of vehicles and that is secured by a locking device on each opening. Inside-building secured storage must be within five miles, by radius, of the Township of Hillside Police Department, 1409 Liberty Avenue, Hillside, New Jersey, or located within the established boundaries.

C. The inside-building storage space shall be capable of being locked, safeguarded against access by unauthorized persons and employees.

D. Outside secured storage. Each licensee shall have an outside secured storage area to accommodate at least 100 vehicles at any one time dedicated to the storage of vehicles towed from the Township of Hillside. All such storage areas must be secured by a fence, wall or other man-made barrier, that is at least six feet high and is installed with a passive alarm system or other on-site security measures. The facility is to be lighted at night. Outside secured storage must be within five (5) miles, by radius, of the Township of Hillside Police Department, located at 1409 Liberty Avenue, Hillside, or located within the established boundaries of the Township of Hillside.

The storage facilities shall have proper sign identification upon the same and shall be kept clean so as to be reasonably accommodating to persons of the Township or others who may come upon said premises and shall not be farther than five (5) miles from the Hillside Municipal Complex, for all Police Department authorized towing. The storage facilities for all towing completed from private property shall not be restricted to the five (5) miles, as stated above.

E. Hours and conditions. The hours of recovery of vehicles from storage shall be no less than Monday through Friday, 8:00 a.m. to 5:00 p.m. and Saturday from 9:00 a.m. to 1:00 p.m. The vehicle shall be made available by the licensee immediately upon an emergency request by the Police Department. Facilities shall be kept clean and in good order to accommodate persons who may enter facilities with respect to any vehicle stored therein.

F. Unsecured outside storage. No unsecured storage area of any kind will be permitted for use by any licensee for storage of any kind of vehicle towed under their license.

§ 279-11 Continued compliance.

The licensee shall at all times maintain the vehicles, equipment and storage facilities required by this chapter throughout the term of the license period. Failure to maintain the required vehicles, equipment and storage facilities throughout the license period may subject the licensee to suspension or revocation in accordance with § 279-8. The Police Chief or his designee may from time to time inspect the licensee's equipment and storage facilities to ensure continued compliance with this chapter throughout the license period.

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§ 279-12 Licensee's personnel.

A. All towing operators and their drivers shall be fully trained and knowledgeable in the operation of all required equipment by successfully completing the "Traffic Incident Management" course offered by Rutgers Center for Advanced Infrastructure and Transportation (C.A.I.T.).

B. All towing operators shall complete the application for towing license and list all drivers who will be operating their tow trucks.

C. Towing operator employees who drive vehicles on the Township roads or highways traversing said Township must have a valid driver's license with no restrictions or conditional endorsements, except a condition requiring glasses; they shall be of good moral character, mentally alert and present a neat appearance at all times. Possession by a driver of valid commercial driver's license, as required by N.J.S.A. 39:10 et seq., is mandatory.

D. Light- and medium-duty drivers must obtain Level 1 driver certification from a tow truck operators training course within six months of the licensee obtaining a license to tow in the Township of Hillside. New hires must obtain certification within nine months from start of employment.

E. Heavy-duty drivers must obtain Level 2 driver certification from a tow truck operators training course. New hires must obtain certification within nine months from start of employment. Heavy-duty drivers must have CDL endorsement on their licenses.

F. A heavy-duty recovery supervisor must obtain Level 3 driver certification from a tow truck operators training course (within nine months of availability) and/or having training from an industry recognized recovery course. On the recovery scene, at least one (1) responsible recovery supervisor must have the listed requirements.

G. At the time of the submission of its applicants response or at any time a new tow truck driver is assigned, the licensee shall submit to the Police Department the name, driver's license number, social security number and the date of birth of the tow truck driver prior to the driver's operation of any tow truck pursuant to a Police Department request, along with a completed background check as set forth in § 279-6 herein.

H. No licensee shall employ, directly or indirectly, and no party owning 10% or more of the licensee shall employ any sworn members of the Police Department, nor shall they employ, directly or indirectly, the Mayor or any member of the Township Council and/or his/her immediate family.

I. No licensee shall knowingly purchase equipment or services from any business which is owned or controlled by any person who resides in the same household as a sworn member of the Police Department, the Mayor and/or member of the Township Council.

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§ 279-13 Towing and storage services.

Towing and storage services shall be governed by the following provisions:

A. The schedule when a licensee will be on duty will be set by the Police Department's Traffic Division and approved by the Chief of Police for a period of five days in duration. The schedule will provide for the rotation of the two most qualified licensed towers. Towers will be responsible to have equipment available 24 hours a day, seven days a week, while on rotation.

B. The licensee shall respond to all police requests for towing and/or road service, when requested by a police dispatcher or any other police officer expressly authorized to communicate such a request. The licensee will respond with the number of tow trucks requested to the scene within a reasonable time. Such reasonable time shall be deemed to be 15 minutes under normal atmospheric conditions and within 30 minutes during periods of inclement weather. This may be extended in emergency situations, such as flood or blizzards. Heavy-duty wreckers will respond within 30 minutes from when it is determined that such a vehicle is required.

C. If a licensee is wholly or partially unable to respond due to failure of any equipment or personnel insufficiencies, the licensee will immediately notify the Police Department who will contact the next towing company in the rotation to handle the request. If such an incident occurs, the licensee will furnish in writing, within five business days, the detail of the circumstances which caused the failure to respond to the Police Department's Traffic Division which will make a determination if a follow-up investigation and/or inspection of the licensee's facility is required.

D. Tow trucks of a licensee shall not cruise roadways within the Township for business and shall not respond to any scene where towing may be required except upon request of the Township Police Department or any other Police Department.

E. No rotating or flashing lights or sirens shall be used on a tow truck except as permitted by the New Jersey Motor Vehicle Commission (MVC), Department of Transportation (DOT) (N.J.S.A. 39:3-50), and all vehicles operated by the licensee shall have a current permit for said lights issued by the DOT along with all other required vehicle documents. Unless specifically licensed to have red rotating and flashing lights, any vehicle so equipped will not be considered for use in the Township of Hillside.

F. All tow trucks shall be operated in accordance with all existing traffic regulations and in a safe and prudent manner. Tow truck drivers will request police assistance when they find it necessary to turn around, back up, tow in a direction opposite the flow of traffic, cross a median or other hazardous situation during the course of providing service or towing.

G. Each licensee will be responsible for all vehicles and visible contents in their custody that are towed off the roads under direction of the police.

H. No vehicle will be removed from any roadway within the Township without proper authorization from the police at the scene, or the vehicle owner or operator, as the case may be.

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- I. The investigating officer and/or supervisor at the incident scene is in complete charge of the incident scene (excluding actual towing operations), and all tow truck drivers shall comply with the officer's/supervisor's instructions.
- J. Each licensee, prior to departing from the scene of towing services, shall be required to clean and clear the roadway of any non-hazardous debris resulting from any accident at such scene when rendering towing services, and at all times carry the necessary equipment to perform such cleaning services. Such equipment shall minimally include, but is not limited to, a broom and shovel.
- K. In the event a licensee refuses to tow or render services at the scene of an accident or disabled vehicle (except when a heavy-duty tow truck is required) when requested by the police or vehicle owner/operator, the officer assigned to the incident shall report the refusal to his supervisor with all pertinent details.
- L. Each licensee shall be required to keep up-to-date records of all vehicles towed in conjunction with this license. Each licensee shall provide the Hillside Township Police Traffic Division with a list of all vehicles towed by order of the police (impounded) that remain unclaimed in storage every Friday by 12:00 noon.
- M. Vehicles impounded or confiscated by the police and stored by the licensee shall not be released by the licensee without written authorization by the Police Department.
- N. It shall be the obligation of the towing operator to immediately notify the police in the event that said towing operator is wholly or partially not operational due to mechanical failure of his vehicle or personnel insufficiency. It shall be the responsibility of the towing operator to provide a replacement driver and equipment.
- O. If a request for towing service is made by the Hillside Police Department and then canceled, prior to the tow truck driver hooking up the vehicle, there will be no charge to either the owner of the vehicle or to the Hillside Police Department.
- P. The towing operator will dispatch, within the time period permitted by this chapter, a tow truck(s), when requested by the desk officer to respond to a police-requested call for service.
- Q. The towing operator will not respond for towing services unless directed by the Hillside Police Department.
- R. The towing operator will be responsible for all vehicles in their custody that were towed off the roadway under the direction of the police.
- S. All disputes between towing operators, the public at the scene and/or owners will be reported to the Police Chief or his designee, who will act as a mediator and attempt to resolve their differences in a civilized and lawful manner. No driver of a towing operator will create a disturbance on the highway.
- T. The police officer investigating the incident is in complete charge of the incident scene, and all drivers shall comply with the officer's instructions.

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U. It is understood and agreed by towing operator that police shall in no way be liable to the towing operator for any services whatsoever which may be rendered to motor vehicles, and the towing operator will look only to the driver or last registered owner of such vehicles for compensation.

V. All towing operators shall be obligated to tow all municipal vehicles in the event that they become disabled or involved in an incident without charge to the Township of Hillside when such vehicles or truck are disabled within Township boundaries.

W. All vehicles disposed of by certificate of title or junk title by the Township of Hillside, to the Towing Operator of said vehicle, shall be in lieu of any compensation that would have been owed by previous registered owner for towing and storage charges.

X. All vehicles towed under investigation, by the Hillside Police Department, **shall be at no cost** to the Township of Hillside or if the registered owner is a "victim" of a crime.

§ 279-14 Term of license.

Licenses issued pursuant to this chapter shall be for a term of two (2) years. Said two-year period, regardless of the date of application, shall commence on January 1 of the year of said application.

§ 279-15 Number of operators; rotation.

A. In order to assure provision of safe and efficient towing service throughout the Township to benefit the public good, all qualified operators pursuant to this chapter shall be issued a towing license.

B. Each towing operator shall be placed on a rotational list as compiled by the Chief of Police or his designee. Such towing operator shall be called upon to respond to the needs of the Police Department of the Township of Hillside on a rotational basis of every 5 days in duration.

§ 279-16 License transfer.

No controlling interest in a license issued pursuant to this chapter shall be assigned, transferred or sold, except on specific approval of the Township Council of the Township of Hillside, and, upon cessation of activity or authority under the license through revocation or otherwise, the license shall be determined null and void. In no event shall any such license be posted as collateral. At the time of application for said license, the towing operator shall complete and submit, on Township forms, a statement of ownership. Any controlling interest transfer of ownership in a licensee's business, be it actual transfer or stock ownership, without Township approval, shall render the license void. In the event of sale or transfer, the new applicant, if any, shall make a new application and pay fees and be approved by the Township of Hillside, New Jersey.

§ 279-17 Towing and storage Charges.

Towing and storage charges shall be paid by the owner of a vehicle towed and/or stored by a licensee at police request, and pursuant to N.J.S.A. 40:48-2.49, such charges shall be as follows:

A. Towing services. The following is the fee schedule for towing services.

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Type	Rate
Basic Tow Rates	
Category I (all vehicles 0 to 6,000 pounds GVW)	\$75
Category II (all vehicles 6,001 to 26,000 pounds GVW)	\$85
Category III (all vehicles 26,001 pounds and over GVW)	
Single	\$125
Combined unit	\$175
Heavy-duty Category II and III (under-reach vehicles only)	\$250
Trailers, containers, chassis and chassis with Containers	\$125
Extra Tow Service Rates	
Winching cable (to be used only when vehicle left roadway), per cable foot	\$1.50
Recovery/winching (Category I and II only), per hour (1 person, 1 truck)	\$100
Release brake cylinder, each	\$15
Bumper removal	\$20
Release air brakes	\$15
Drop drive shaft	\$15
Axle	\$15
Jump starts	\$25
Tire changes	\$50
Lockouts	\$25

B. Storage Services.

(1) The following is the fee for per-day storage services.

(2) Storage fees shall be charged in accordance with the following:

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- (a) Vehicles stored after 1:00 p.m. will not be charged storage for that day.
- (b) Vehicles claimed prior to 11:00 a.m. will not be charged storage for that day.
- (c) Vehicles stored for 24 hours or less shall only be charged for a single day.
- (d) All vehicles shall be charged at least one day for storage.

Storage Fees

Type	Rate
Inside storage Category I, per day	\$30
Inside storage Category II, per day	\$60
Inside storage Category III, per day	\$90
Outside storage Category I	\$20
Outside storage Category II	\$50
Outside storage Category III (including combined units)	\$75

(3) Categories

Type	Description
Category I	All vehicles 0 to 6,000 pounds GVW
Category II	All vehicles 6,001 to 26,000 pounds GVW
Category III	All vehicles 26,001 pounds and over GVW

(4) "Gross vehicle weight" shall mean the registered weight, the manufacture's gross vehicle weight rating, or the actual weight, whichever is greatest.

(5) No other fees, charges or surcharges will be levied, which includes but is not limited to: yard charges, cleanup charges, or any other service charge not covered by the fee schedule set forth in this chapter.

- C. The licensee shall accept a minimum of two major credit cards 24 hours a day and must be able to do so both at the principal location and by drivers on the road at the time service or tow is performed.
- D. The Township and its Police Department shall not be liable to a licensee with respect to towing and/or service rendered to any owner pursuant to the licensee or otherwise. The licensee shall look to the registered owner and/or operator of such vehicle for payment of towing and/or storage service charges or any other compensation. If the vehicle is unclaimed by the registered owner and/or operator and the finance company and/or lien holder claims the right to retrieve

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said vehicle, then the licensee may seek compensation for the towing of the vehicle and its storage from the date the finance company and/or lien holder reasonably has notice of the location of the subject vehicle.

- E. If a vehicle is towed by a licensee to premises controlled by the Police Department for the purpose of utilizing the vehicle or its contents as evidence, or in an ongoing criminal investigation, such vehicle shall not be released from Police Department custody, except to the licensee, unless the owner of the vehicle furnishes the Police Department with a receipt that all applicable fees for towing and/or service have been paid in full. For any tows required by this section, the Township shall be charged \$1 per tow. If a vehicle is released by the police to any party other than the licensee without proper receipt, the Township shall be responsible for all charges, but may pursue its remedy against the owner or other persons responsible.

- F. Township motor vehicles shall also be towed free of charge.

- G. There will be no access to towed vehicles by the vehicle owner or his agent while the vehicle is in the tow yard until all fees have been paid. Exceptions will be prescription drugs, prescription eyeglasses or any other exigent circumstance as determined by the Chief of Police or his designee.

- H. Pursuant to N.J.S.A. 40:48-2.49, as amended, all towing businesses licensed under this chapter will provide a statement that regulations and fee schedules are available to the general public during the normal business hours of the Township of Hillside.

§ 279-18 Insurance.

- A. The licensee shall have in effect, prior to submission of its application and at all times during the term of the license, the following insurance:
 - (1) Garage keepers' liability policy in the amount of \$500,000 for any one claimant, and \$1,000,000 for more than one claimant with \$500,000 coverage for property damage for any one event.
 - (2) Automobile liability insurance issued by a financially sound insurance corporation of, or authorized to transact business in, the state insuring the licensee and every tow truck operator against liability imposed by law for damages because of bodily injury, including death, sustained by any person and injury to or destruction of property, including the loss of use thereof, caused by accident and arising out of the ownership, maintenance or use of the tow trucks of the licensee.
 - (3) The amount of the limits of automobile liability coverage to be offered by such policy shall be \$1,000,000 for bodily injury per occurrence, \$3,000,000 for aggregate bodily injuries in each accident and \$1,000,000 for property damage in each accident.

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(4) The licensee shall supply a certificate of insurance to the Township Clerk describing every policy of insurance and identifying the Township as an insured party. Each such certificate of insurance shall contain a provision that no cancellation of the policy shall become effective until after the expiration of 15 days' written notice of such proposed cancellation forwarded by the insurance company to the Township Clerk and Police Chief.

- B. Indemnity. The application of any towing operator for a license pursuant to this chapter shall include an agreement by the towing operator that upon the issuance of a license, the licensee shall indemnify the Township against all claims of third parties relating to towing and/or storage service of the licensee.
- C. Motor vehicle information. The Police Department shall, within three business days, attempt to provide, when requested, towing operators with the NJ Motor Vehicle Commission information regarding registered owners and lien holders. The information requested and given shall be in conformance with N.J.S.A. 39:10A-1 et seq. and shall not in any way violate the confidentiality that is reposed in the Police Department.

§ 279-19 Supplementary rules and regulations.

- A. Resolution. The Township Council may from time to time adopt a resolution changing any rules or fees charged and/or associated with the towing and storage of motor vehicles.
- B. Enforcement. The Chief of Police is hereby designated to enforce the provisions of this chapter in accordance with due process of law.
- C. Copies of regulations and fees. Copies of this chapter, the fee schedules of the licensees, and the fee schedule for towing and storage shall be made available to the public at either Town Hall or police headquarters during normal business hours.
- D. Objections to the fees and services by the public.

(1) It shall be deemed a theft of services to issue payment by check or credit card for the towing services under this chapter and thereafter stopping payment or having insufficient funds to pay for the services provided.

(2) Any complaint as to services rendered by the Towing Operator or as to fees charged are to be addressed in writing to both the Chief of Police and the Clerk within 10 days of paying for said services. The Chief may dismiss the complaint or recommend a refund (in whole or part). If no objection is given, the proposed resolution by either party within seven days shall be deemed acceptable to all.

§ 279-20 Classification as vehicle.

One-half-ton trucks and vans will be classified as vehicles for the purpose of this chapter.

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§ 279-21 Promulgation of rules and regulations; copies to towing companies.

The Township Council or its designated representative shall promulgate additional rules and regulations when necessary, as set forth under § 279-19 and copies of said rules and regulations shall be made available to all towing companies.

§ 279-22 Towing into Police Department lot restricted.

No vehicles are to be towed into the Police Department parking lot unless specifically ordered by the Police Department.

§ 279-23 Security for towed vehicles required.

All authorized garages will maintain reasonable security for all towed vehicles to safeguard against vandalism and theft, as more specifically set forth under § 279-10 Storage and garage facilities.

§ 279-24 NJ Motor Vehicle Commission information.

The Police Department of the Township of Hillside shall provide, when requested, towing operators with the Motor Vehicle Commission information regarding registered owners and lienholders. This information requested and given shall be in conformance with N.J.S.A. 39:10A et seq. and shall not in any way violate the confidentiality that is reposed in the Police Department.

§ 279-25 Implementation.

Upon the adoption of this chapter, the Township Clerk shall give 30 days' public notice of the receipt of the license application pursuant to this chapter. Public notice shall be given by publication on the Township's website and in an appropriate newspaper circulated within the Township.

§ 279-26 License-issuing authority.

The license-issuing authority shall be the Mayor and Township Council of the Township of Hillside.

§ 279-27 Violations and penalties.

Any person, firm or corporation violating the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not more than \$500 or imprisonment for not more than 90 days, or both, at the discretion of the Judge of the Municipal Court.

FIRST READING AND INTRODUCTION: December 10, 2019

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
X		DeAugustine	X				
		Epps	X				
		Hyatt	X				
		Mobley	X				
		Mondella	X				
	X	Cook, VP	X				
		Freedman, CP	X				

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PUBLIC HEARING: January 28, 2020

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
	X	DeAugustine	X				
		Epps	X				
		Hyatt	X				
		Mobley	X				
		Mondella					X
X		Cook, VP	X				
		Freedman, CP	X				


FINAL ADOPTION: January 28, 2020

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
		DeAugustine	X				
		Epps	X				
		Hyatt	X				
X		Mobley	X				
		Mondella					X
	X	Cook, VP	X				
		Freedman, CP	X				


 Gerald Pateesh Freedman, Council President

ATTEST:


 Beverly Harris, Acting Township Clerk

Approved: 


 Dahlia O. Ventresca, Mayor

2/14/20
 Date

Vetoed: _____

Returned to the Township Clerk with the following statement of objections:

