



Township Council

c/o Township Clerk
Teaneck, NJ 07666

Meeting: 08/13/19 07:00 PM

Department: Township Clerk

Category: Amend

DOC ID: 5529

ORDINANCE (ID # 5529)

Ordinance No. 18-2019 AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 35 AND APPENDIX IV OF CHAPTER 2 OF THE CODE OF THE TOWNSHIP OF TEANECK RESPECTING TOWING AND STORAGE SERVICES AND THE MAXIMUM FEES AND CHARGES THEREFORE BE IT RESOLVED by the Township Council of the Township of Teaneck that Ordinance #18-2019 pass upon second and final reading and that the Township Clerk is hereby authorized and directed to advertise the same according to law and to provide the appropriate notices in accordance with law.

AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 35 AND APPENDIX IV OF CHAPTER 2 OF THE CODE OF THE TOWNSHIP OF TEANECK RESPECTING TOWING AND STORAGE SERVICES AND THE MAXIMUM FEES AND CHARGES THEREFORE

BE IT RESOLVED by the Township Council of the Township of Teaneck that Ordinance #18-2019 pass upon second and final reading and that the Township Clerk is hereby authorized and directed to advertise the same according to law and to provide the appropriate notices in accordance with law.

HISTORY:

07/09/19 Township Council INTRODUCED

Councilman Kaplan motioned to have the Council be the authority that can grant, suspend and revoke towing licenses for non-consensual tows. Seconded by Deputy Mayor Katz.

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Keith Kaplan, Councilman
SECONDER:	James Dunleavy, Councilman
AYES:	Dunleavy, Kaplan, Schwartz, Katz, Hameeduddin
ABSENT:	Gervonn Romney Rice, Henry J. Pruitt

TOWNSHIP OF TEANECK
BERGEN COUNTY, NJ

ORDINANCE NO. 18-2019 AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 35 AND APPENDIX IV OF CHAPTER 2 OF THE CODE OF THE TOWNSHIP OF TEANECK RESPECTING TOWING AND STORAGE SERVICES AND THE MAXIMUM FEES AND CHARGES THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TEANECK THAT ORDINANCE #18-2019 PASS UPON SECOND AND FINAL READING AND THAT THE TOWNSHIP CLERK IS HEREBY AUTHORIZED AND DIRECTED TO ADVERTISE THE SAME ACCORDING TO LAW AND TO PROVIDE THE APPROPRIATE NOTICES IN ACCORDANCE WITH LAW.

BE IT ORDAINED by the Township Council of the Township of Teaneck, Bergen County, New Jersey as follows:

Section 1. Article II of Chapter 35 of the Code of the Township of Teaneck, relating to Towing and Storage Services, is hereby amended in its entirety to read in full as follows:

Article II. Towing and Storage Services

§ 35-16. Purpose.

The purpose of this Article is to provide standards, regulations and rates for non-consensual towing in accordance with N.J.S.A. 40:48-2.49 et seq. and N.J.A.C. 13:45A-31.1 et seq., under the supervision of the Township Manager and the Police Department of the Township.

§ 35-17. Definitions.

The following words and terms, when used in this Article, shall have the following meanings unless the context clearly indicates otherwise: **"BASIC TOW"** means private property towing and other non-consensual towing as defined in this section and other ancillary services that include the following: arriving at the site from which a motor vehicle will be towed; 15 minutes waiting time; hooking a motor vehicle to, or loading a motor vehicle onto, a tow truck; transporting a motor vehicle to a storage facility; unhooking or unloading a motor vehicle from the tow truck; and situating the motor vehicle in the space in which it will be stored. "Basic tow" also includes issuing documents for the release of a motor vehicle to its owner or other person authorized to take the motor vehicle; issuing an itemized bill; three trips to the motor vehicle in storage, which, if applicable, include making a vehicle available to an insurance appraiser or adjuster; issuing documents for the release of a motor vehicle to its owner or other person authorized to take the motor vehicle; and retrieving a motor

vehicle from storage during the hours in which the storage facility is open.

"CONSENSUAL TOWING" means towing a motor vehicle when the owner or operator of the motor vehicle has consented to have the towing company tow the motor vehicle.

"CONSUMER" means a natural person.

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

"FLAT BED TOW TRUCK" means a tow truck designed to transport a motor vehicle by means of raising the motor vehicle from road level up onto a hydraulic bed for transporting purposes.

"MOTOR VEHICLE" includes all vehicles propelled other than by muscular power, excepting such vehicles as run only upon rails or tracks and motorized bicycles, motorized scooters, motorized wheelchairs and motorized skateboards.

"NON-CONSENSUAL TOWING" means the towing of a motor vehicle without the consent of the owner or operator of the vehicle. "Non-consensual towing" includes towing a motor vehicle when law enforcement orders the vehicle to be towed whether or not the owner or operator consents.

"PERSON" means an individual, sole proprietorship, partnership, corporation, limited liability company or any other business entity.

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

"PRIVATE PROPERTY TOWING COMPANY" means a person offering or performing private property towing services.

"SECURE STORAGE FACILITY" means a storage facility that is either completely indoors or is surrounded by a fence, wall or other man-made barrier that is at least six feet high and is lighted from dusk to dawn.

"SITE CLEAN-UP" means the use of absorbents to soak up any liquids from a motor vehicle at the site from which a motor vehicle will be towed.

"STORAGE FACILITY" means a space at which motor vehicles that have been towed are stored.

"TARPING" means covering a motor vehicle to prevent weather damage.

"TOW TRUCK" means a motor vehicle equipped with a boom or booms, winches, slings, tilt beds or similar equipment designed for the towing or recovery of motor vehicles.

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

"TOWING COMPANY" means a person offering or performing towing services.

"TRANSMISSION DISCONNECT" means manipulating a motor vehicle's transmission, so that the motor vehicle may be towed.

"VEHICLE" means any device in, upon or by which a person or property is or may be transported upon a highway.

"WAITING TIME" means any time a towing company spends at the site from which a motor vehicle will be towed, during which the towing company is prevented from performing any work by another individual, beyond the time included as part of a basic tow.

"WINCHING" means the process of moving a motor vehicle by the use of chains, nylon slings or additional lengths of winch cable from a position that is not accessible for direct hook up for towing a motor vehicle. "Winching" includes recovering a motor vehicle that is not on the road and righting a motor vehicle that is on its side or upside down, but does not include pulling a motor vehicle onto a flatbed tow truck.

"WINDOW WRAP" means any material used to cover motor vehicle windows that have been damaged.

"INSIDE BUILDING" means 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.

"LICENSEE" means a towing operator, licensed hereunder.

"POLICE" means the Township Police Department, state police, county police or such other police department that may have jurisdiction upon the roadways in the Township.

"OUTSIDE SECURED" means an automobile storage facility that is not indoor and is secured by a fence, wall or other man-made barrier that is least six feet high and is installed with a passive alarm system or a similar on-site security measure. The facility is to be lighted at night.

"OUTSIDE UNSECURED" means an automobile storage facility that is not indoor and is not secured by a fence, wall or other man-made barrier,

and storage facilities not defined above as inside a building or outside secured.

"RECOVERY CHARGES" means extraordinary charges necessitated by the use of special equipment other than the first tow truck to recover a motor vehicle that cannot be recovered by winching or pieces of a motor vehicle that cannot be moved by hand.

"TOWING OPERATOR'S BASE OF SERVICE" means the towing operator's principal place of business where the tow trucks are stationed when not in use.

§ 35-18. Unlimited number of licenses; rotation of list.

(a) All towing operators who meet the standards set forth in this chapter shall be issued a license.

(b) Each such licensed towing operator shall be put on a rotational list compiled by the chief of police of the Township and shall be called to respond to the needs of the police on a rotating basis.

§ 35-19. Licensing procedure.

(a) Except for consensual towing under Section 35-26 hereof, no towing operator performing non-consensual towing or private property towing shall operate within the Township without obtaining a license in accordance with the provisions of this chapter.

(b) Every applicant for a license shall complete, sign and verify a written application, in the manner and on forms furnished by the Township Clerk. The application shall include:

(1) Name, business address, residential address and telephone numbers (residence and business) of the towing operator and principal owners thereof.

(2) Locations of secured storage areas for towed vehicles.

(3) The application shall be accompanied by the following supporting documentation:

A. Zoning certification (issued by Township Zoning Officer) and fire subcode certification (issued by Fire Subcode Official).

B. Deed of ownership or lease agreement for storage locations;

C. Access to second heavy-duty wrecker;

D. Roster of employees (by name and address);

E. Roster of tow trucks and other vehicles (by registration number and serial number);

F. Certificates of liability and personal injury insurance, worker's compensation insurance, garage keeper's liability insurance and general liability insurance;

G. Affirmative action certification;

H. Stockholders' certification (if applicable).

(c) Licenses shall expire on February 1 of each year, subject to annual renewal. Applications shall be filed with the Township Police

Department on or after January 1 and no later than January 31 of each year, together with the appropriate license and application fee, as established by the general fee ordinance of the Township.

(d) No more than one license shall be granted any applicant. No licensee shall have any interest, direct or indirect, in any other license.

(e) Any license, once issued, is not transferable.

(f) The Chief of Police of the Township is charged with the responsibility of investigating new and renewal licensees on an annual basis. Upon completion of an investigation, the Chief of Police shall report his recommendation to the Township Clerk. A recommendation of approval shall be predicated upon the Police Chiefs determination that:

(1) The applicant is financially capable of sustaining the business of a towing operator in the Township.

(2) The applicant is of good moral character and meets the general standards of this chapter, as hereinafter set forth. The applicant shall authorize a personal background check, commercial, credit and personal references and such other investigative checks as the Chief of Police may require.

(3) If a previous licensee, the applicant has met the performance standards of this chapter, as hereinafter set forth.

(4) The applicant demonstrates the adequacy of equipment and facilities, availability and adequate response time and the security of the vehicles towed or stored, all as specified in the standards of this chapter, hereinafter set forth.

(5) Licensees shall have their facilities for storage within the Township.

(6) Licensees shall maintain a towing service with adequate facilities, which will be available 24 hours a day on an immediate standby basis.

(g) The Township Clerk shall issue a license to any applicant recommended for approval by the Chief of Police after an affirmative vote by the Township Council.

(h) On or about February 1 of each year, the Township Clerk shall furnish the list of licensees for that year to the Township Council and the Chief of Police and to all applicants, whether or not approved.

(i) Any applicant not so approved may appeal to the Township Council. Any such appeal shall be filed within 10 days after receipt of the list of licensees from the Township Clerk. The Township Council shall undertake a review of the reasons for rejection by either the Chief of Police or the Township Council and shall make an independent determination based upon the standards and criteria of this chapter and the investigative file developed by the police.

§ 35-20. Revocation and suspension of license.

(a) The Township Council may revoke any license issued under this chapter for good cause, upon the recommendation of the Chief of Police or the Township Manager. As used herein, "good cause" shall mean that the licensee has, after notice and the opportunity to cure or otherwise explain the deficiency as hereinafter set forth:

(1) Failed to meet the performance standards and/or failed to meet licensing standards relating to equipment, insurance and/or the general standards of this chapter.

(2) Supplied fraudulent or inaccurate information on the application; or

(3) Violated municipal or state regulations which relate specifically to performance hereunder.

(4) Failed to respond to a call from the Teaneck Police Department with a tow truck at the scene within fifteen (15) minutes of receiving the call on two or more calls.

(b) Written notice of the pendency of a revocation action, together with the basis thereof, shall be given to the licensee. Within 10 days of receipt of said notice, the licensee may request a meeting with the Township Council or the Township Manager, who shall thereupon schedule same. Upon good cause shown, the Township Council or the Township Manager may grant to the licensee 30 days to cure any deficiency. If the Township Council, after meeting with the licensee, determines that the license should be suspended, the licensee shall be given notice of the final action.

(c) Revocation by the Township Council may be appealed to the Township Council by written notice to the Township Clerk within 10 days of receipt by the licensee of notice of final action of revocation. The Council shall schedule and conduct a hearing thereon, at which time the licensee shall be given the opportunity to present and cross-examine witnesses and may be represented by counsel. The Council shall decide the appeal no later than 30 days after receipt of notice of appeal by the Township Clerk and shall render its decision by a written resolution, stating its findings and conclusions.

(d) If a license has been revoked, the towing operator shall be disqualified from reapplying for two successive licensing periods.

(e) The Township Council, Township Manager or the Chief of Police may temporarily suspend a license for just cause, including conviction of crime or disorderly persons offense involving moral turpitude.

§ 35-21. Responsibility of licensees.

Licensees shall:

(a) Be capable of providing towing on a twenty-four-hour, seven-days-a-week basis, including holidays.

(b) Licensees shall respond to a call from the Teaneck Police Department with a tow truck at the scene within fifteen (15) minutes of receiving the call.

(c) Have a minimum of two tow trucks, one of which is to be a flatbed-type vehicle.

- (d) Maintain its towing operator's base of service within the geographical limits set forth in Section 35-19.
- (e) Maintain insurance covering personal injury, worker's compensation, garage keeper's liability and general liability, in accordance with the standards hereinafter set forth.
- (f) Not have been convicted of a crime of the fourth degree or higher within the past five years, unless waived for good cause.
- (g) Require their tow truck operators to register with the Chief of Police. Registration shall be a precondition to the operator driving a tow truck for the licensee in the Township. The initial registration shall expire when the license expires, and each renewal of the license shall require re-registration of the operator with the Police Chief. Termination of the operator's employment by the licensee shall also be reported by the licensee to the Chief of Police as soon after termination as reasonably possible.
- (h) Train their tow truck operators in the use of all required equipment and the performance standards of this chapter.
- (i) Require their tow truck operators to have a personal driver's license with no restrictions or conditional endorsements, except if prescription glasses are required; and to have a commercial driver's license, if required by law; to be of good moral character and mentally alert and present a neat appearance at all times.
- (j) Maintain an inside building storage area within the geographical limits set forth in Section 35-19 sufficient to house no fewer than two vehicles and to make same available for storing vehicles impounded by the police.
- (k) Maintain a secured storage facility within the geographical limits set forth in Section 35-19 large enough to accommodate 15 vehicles.
- (l) Maintain all such storage facilities in compliance with local, state and federal laws and regulations and store vehicles in compliance with all applicable.
- (m) A towing company that engages in private property towing or other non-consensual towing shall tow motor vehicles only to secure storage facilities that have business offices open to the public between 8:00 A.M. and 6:00 P.M. at least five days a week.
- (n) A towing company that engages in private property towing or other non-consensual towing shall provide or arrange for after-hours release of stored motor vehicles.
- (o) A towing company that does not release a stored motor vehicle to its owner, or other person authorized to take the motor vehicle, during normal business hours when requested, shall not charge a fee for after-hours release of the stored motor vehicle.
- (p) A private property towing company shall not remove a motor vehicle from private property without the consent of the owner or operator of the motor vehicle, unless:
1. The private property towing company has entered into a written contract with the owner of the private property to provide private property towing services;

2. The owner of the private property has posted a sign, in a conspicuous place at each vehicular entrance, at least 36 inches high and 36 inches wide stating:
 - A. The purposes for which parking is authorized and the times during which such parking is permitted;
 - B. That unauthorized parking is prohibited and unauthorized motor vehicles will be towed at the owner's expense;
 - C. The name, address and telephone number of the private property towing company that will perform the private property towing;
 - D. The charges for the private property towing and storage of towed motor vehicles;
 - E. The street address of the storage facility where towed motor vehicles can be redeemed after payment of the posted charges and the times during which a motor vehicle may be redeemed; and
 - F. That a consumer may contact the Division of Consumer Affairs by calling 1-800-242-5846;
3. The property owner has authorized the private property towing company to remove the motor vehicle; and
4. The private property towing company tows the motor vehicle to a secure storage facility having the capacity to receive it that is nearest to the site from which the motor vehicle is towed.
5. The provisions of (p)1-4 above shall not apply if a motor vehicle is parked:
 - A. On a lot or parcel on which is situated a single-family unit;
 - B. On a lot or parcel on which is situated an owner occupied multi-unit structure of not more than six units; or
 - C. In front of any driveway or garage entrance where the motor vehicle is blocking access to that driveway or entrance.
6. The provisions of (p)2 above shall not apply if the private property from which the motor vehicle is to be towed is a residential community in which parking spaces are assigned to community residents and:
 - A. The assigned spaces are clearly marked as such;
 - B. There is documented approval from the private property owner authorizing the removal of the motor vehicle; and
 - C. A sign is posted in a conspicuous place at all vehicular entrances that:
 - i. States that unauthorized parking in an assigned space is prohibited;

- ii. States that unauthorized vehicles will be towed at the owner's expense; and
- iii. Includes information, or a telephone number, enabling the motor vehicle owner or operator to obtain information as to the location of the towed motor vehicle.

7. The exemption in (6) above shall not apply to a private parking lot or parcel owned or assigned to a commercial or other nonresidential entity located in the residential community.

(q) A private property towing company shall not provide any benefit to a person for information regarding a motor vehicle that may be towed from private property.

(r) A private property towing company shall not refuse to release to the owner or operator, a motor vehicle that has been hooked or lifted but not removed from private property.

(s) A private property towing company releasing a motor vehicle pursuant to (r) above may charge the owner or operator of the motor vehicle a decoupling fee; it shall not charge the owner or operator any other fees.

§ 35-22. Insurance requirements.

(a) All licensees shall maintain the following minimum insurance coverages:

1. Motor vehicle liability for a tow truck capable of towing a motor vehicle that is up to 26,000 pounds, for the death of, or injury to, persons and damage to property for each accident or occurrence in the amount of \$ 750,000, single limit; and

2. Motor vehicle liability for a tow truck capable of towing a motor vehicle that is more than 26,000 pounds, for the death of, or injury to, persons and damage to property for each accident or occurrence in the amount of \$ 1,000,000, single limit.

3. A towing company shall also secure and maintain, for every tow truck, insurance that covers garage keeper legal liability in the amount of \$ 500,000, and "on-hook" coverage, either as an endorsement on the insurance required by (1) and (2) above or in the amount of \$ 500,000.

(b) Each policy required herein shall contain an endorsement providing for 20 days' notice to the Township in the event of any change or cancellation.

(c) Each policy required herein shall name the Township as an additional insured.

(d) The insurance required hereunder shall be obtained from an insurance company authorized to do business in New Jersey.

§ 35-23. Tow truck equipment.

(a) Equipment to be carried on all tow trucks shall include a universal towing sling, except flatbeds; J-hooks and chains; one snatch block for three-eighths-inch to one-half-inch cable; two high-test safety chains; an auxiliary safety light kit to place on the rear of a towed vehicle; four-lamp or three-lamp revolving amber light or lamp bars; a tool box with an assortment of hand tools; rear working lights and rear marker lights; cab lights; body clearing lights located to clear a towed vehicle; blocking choke for the tow truck while working; safety cones; shovels and broom; a steering wheel lock or tie down; and a two-way radio communication system.

(b) In addition, every tow truck shall be equipped with safety tools to remove disabled or locked vehicles.

(c) All tow trucks shall be properly lettered on both sides, as required by law.

§ 35-24. Performance standards.

A licensee shall:

(a) When on call, provide towing on a twenty-four-hour, seven-days-a-week basis, including holidays.

(b) Dispatch a tow truck or trucks, as circumstances warrant, when requested by the police to respond, in such a manner that the tow truck arrives at the scene within 15 minutes under normal and reasonable circumstances.

(c) Maintain and operate all tow trucks in accordance with all existing traffic regulations and in a safe and prudent manner.

(d) Not stop at any accident scene unless directed by the police, except to notify the police of an unattended accident and advise accident victims that the police have contacted the licensee on rotation; and not solicit or attempt to divert patrons of another towing operator, whether or not licensed under this section, or solicit prospective patrons of a given repair service to any other repair service.

(e) Not respond to the scene of an accident except upon notification by the police.

(f) Except for private property towing, not tow vehicles without proper authorization from the police at the scene or the owner or driver at the scene. Upon such authorization and if not accompanied by the owner or driver of the towed vehicle, the licensee shall disclose in writing the location of the storage facility.

(g) Not release any vehicle impounded or confiscated without proper authorization from the police.

(h) Notify the police on a weekly basis of unclaimed vehicles.

(i) Be responsible for all vehicles and their contents after towing. If the vehicle is unattended, the licensee shall make an inventory of any apparent valuable contents at the accident scene and maintain said inventory at least until the disposition of the vehicle.

(j) Cooperate with other towing operators in the case of emergency services at the scene of accidents and/or disasters.

- (k)** Comply with police instructions at the scene, even if it means countermanding towing requests by the owners or drivers of disabled vehicles.
- (l)** Request police assistance during the course of servicing, when negotiating difficult towing operations.
- (m)** Prior to departure from the accident scene, clean and clear streets of any debris resulting from any accident, and toward that end carry the necessary equipment to perform such cleaning services.
- (n)** Report any dispute between towing operators and/or persons at the scene to the police; and report to the police any observed disabled vehicles, accidents or any other activities that may require police attention.
- (o)** Not use flashing lights or sirens except as permitted by the police pursuant to law.
- (p)** Not tow a vehicle for illegal parking until a summons has been issued.
- (q)** Accept at least one major credit card for towing services.
- (r)** Immediately notify the police in the event that the licensee is not operational due to mechanical failure, personnel deficiency or other incapacitating cause.
- (s)** A towing company that performs private property or other non-consensual towing shall retain, for three years, the following records:
1. Invoices for both consensual towing and non-consensual towing services;
 2. Job orders;
 3. Documentation of waiting time;
 4. Logs, which shall include the time when a towed motor vehicle was delivered to the towing company's storage facility from a private property or other non-consensual tow and the date and purpose of each trip to the motor vehicle in storage;
 5. Documents relating to private property and other non-consensual towing services performed and rates charged for services; and
 6. Any contracts under which the private property towing company is authorized to perform private property towing services.
- (t)** Post hours of operation on storage facilities so that the public may be informed as to when the facilities are open for recovery of motor vehicles.
- (u)** Maintain the public portions of storage facilities as a clean and safe environment for public invitees.
- (v)** Not park or store an impounded vehicle on any public street or sidewalk or any outside unsecured area.
- (w)** Not employ any Township employee or allow any Township employee to have a financial interest, direct or indirect, in the towing operator's business.
- (x)** Clear accident areas of debris upon arrival on the scene.

(y) If called as a backup, tow the vehicle to the yard of the operator on call.

(z) Disconnect cables from disabled vehicle battery terminals so as to avoid possible fire hazards.

(aa) Display fees on cards, conspicuously indicating the maximum rates for towing and storage charges, in each tow truck, and present a card to the driver of the disabled vehicle to be towed. Such a fee card shall also be conspicuously posted at every storage facility and location where the vehicle is to be retrieved.

§ 35-25. Limitations on towing and storage charges.

(a) The maximum rates for towing services and storage of motor vehicles, which rates are based upon the usual, customary and reasonable rates of operators towing and storing motor vehicles in the municipality, are set forth in Appendix IV of Chapter 2.

(b) In the event that the person claiming a towed vehicle reports to the police on a day when, for whatever reason, licensee cannot release the vehicle, the claimant shall be given written confirmation of the date from the tour commander. If the vehicle is then claimed from the licensee on the next regular business day, no storage charge shall be exacted from the time the vehicle was first claimed until it was actually picked up.

(c) If the owner of an unattended vehicle appears on the scene and the vehicle does not need to be towed or impounded, the licensee shall not charge for the service call, unless the vehicle has been hooked up to the tow truck, in which event 50% of the authorized towing charge may be assessed against the owner or driver of the vehicle.

(d) There shall be no charge for towing, storage or impoundment if it is determined by the Chief of Police that such vehicles have been towed, stored or impounded due to an error by the towing operator or the police. This determination shall be in the sole discretion of the Police Chief and is binding upon the licensee, who shall make no claims against the Township or the owner of the vehicle, and if payment has already been received, the payer shall be reimbursed.

(e) All licensees shall be obligated to tow and to make minor roadside service repairs to vehicles owned by the Township in the event that they become disabled, without charge to the Township if towed within the County of Bergen.

(f) Licensed towing companies will absorb towing-related fees whenever a vehicle is towed for the purposes of evidence collection, as determined by the Township of Teaneck.

(g) A bill for a private property tow or other non-consensual tow shall include the time at which a towed motor vehicle was delivered to a towing company's storage facility.

(h) A bill for a private property tow or other non-consensual tow shall include a list of all services provided to a person for which the towing company is charging pursuant to (a) above.

(i) A bill for a flat fee rendered for a private property or other non-consensual basic tow shall enumerate the towing services actually performed as part of the basic tow.

(j) No licensee shall charge the Township for any non-consensual tow authorized or requested by the Township or the Township's police department. Any fees authorized under this ordinance shall be charged to the owner of such vehicle and not to the Township.

§ 35-26. Operation by other tow truck operators.

This Article shall not prevent an owner or the operator of a motor vehicle from requesting or utilizing, on a consensual basis, a tow truck operator who is not a licensee hereunder.

§ 35-27. Implementation.

Upon the adoption of this Article, the Township Clerk shall give 30 days' public notice by newspaper publication of the necessity of making application for a license to engage in the business of basic towing service as a licensee of the Township. In addition, the Chief of Police shall give notice to all towing operators known to have engaged in basic towing service in the Township for the year last past.

§ 35-28. Violations and penalties and enforcement.

(a) Any person, firm or corporation violating the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not less than \$100 nor more than \$2000 or to imprisonment for not more than 90 days, or both, in the discretion of the Judge of the Municipal Court.

(b) The Chief of Police is charged with the responsibility to enforce the provisions of the chapter in accordance with due process of law. However, the authority conferred upon the Chief of Police shall not limit the authority of the Township generally, its officers or agents from acting in an emergency to forestall or eliminate danger to public health or safety.

§ 35-29. Dispute resolution procedures.

(a) Except with respect to the issuance, suspensions and revocations of licenses which shall be governed by Sections 35-19 and 35-20 herein, any aggrieved person may appeal any decision of the Chief of Police based on Section 35-28 above to the Township Manager. Any such appeal to the Township Manager shall be made within 30 days of the date of receipt of the Chief of Police's decision by submitting a written request for Manager review, together with a copy of the Chief of Police's decision and all information deemed to be necessary for a complete review by the Manager. The Manager shall have the authority to modify or confirm, in whole or in part, the decision of the Chief of Police. If the Manager fails to act within 60 days of the submission of the appeal to the Manager, then the view of the person making the appeal shall prevail. Pending completion of this appeal process,

enforcement of the Chief of Police's action, decision or directive shall be stayed if the aggrieved party takes no further action with respect to the subject of said action, decision or directive, unless otherwise directed by a court of competent jurisdiction. The provisions of this section do not apply to issues under the jurisdiction of the Municipal Court.

(b) Within 45 days of the receipt of an adverse decision by the Manager, as set forth in Subsection (a) above, an aggrieved person may appeal further to the Municipal Court of the Township of Teaneck or any other court of competent jurisdiction.

(c) Nothing contained herein shall be deemed to alter or abridge in any way the dispute resolution procedures established under N.J.A.C. 13:45A-31.2 et seq. through the New Jersey Division of Consumer Affairs.

§ 35-30. Availability to public.

The provisions of this article and fee schedules of individual towers shall be available to the public during the normal business hours of the municipality.

Section 2. Appendix IV of Chapter 2 of the Code of the Township of Teaneck, relating to Maximum Fees and Charges for Towing Services and Storage of Vehicles, is hereby amended in its entirety to read in full as follows:

**Appendix IV
Maximum Fees and Charges for Towing Services and
Storage of Vehicles**

Towing - Basic

Light Duty - up to 10,000 lbs.	Hook-up \$150
Medium Duty - 10,001 - 16,000 lbs.	\$250.00 per hour
Heavy Duty - 16,001 and above	\$500.00 per hour
Decoupling Fee (if tow is not performed)	$\frac{1}{2}$ of Basic Rate

Recovery/Winching (In Addition to Towing - per truck including driver)

Light Duty up to 10,000 lbs.	\$200.00 per hour
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Medium Duty 10,001-16,000 lbs.	\$350.00 per hour
Heavy Duty 16,001 and above	\$600.00 per hour

Specialized Recovery Equipment

Rotator/crane recovery unit
 Tractor with landoll trailer or detached trailer
 Tractor/transport hauler only
 Refrigerated trailer w/tractor
 Box trailer w/tractor
 Air Cushion Uni
 Light Tower
 Pallet Jack
 Rollers
 Any other specialized equipment
 Loader/backhoe/telescopic handler/bulldozer/bobcat
 Forklift
 Dump truck/dump trailer w/tractor
 Roll-off with container
 Recovery supervisor vehicle
 Scene safety equipment, communication equipment, traffic management equipment, etc.
 Recovery support vehicle/trailer additional recovery equipment
 \$1,200.00 per hour

\$ 450.00 per hour
 \$ 250.00 per hour
 \$ 450.00 per hour
 \$ 400.00 per hour
 \$ 1,000.00 per hour
 \$ 250.00 per hour
 \$ 200.00 fiat rate
 \$ 200.00 flat rate
 \$ 250.00 per hour

300.00 per hour each
 300.00 per hour
 350.00 per hour
 350.00 per hour plus disposal
 150.00 per hour

\$ 250.00 per hour each type used

\$ 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
Recovery supervisor and/or Level III recovery specialist	\$	225.00 per hour
Certified Towing Operator	\$	125.00 per hour per man
Manual Laborers	\$	100.00 per hour per man

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

Cars/light trucks 10' X 20' space	\$	35.00 per day
Trucks (dual wheels/single axle)	\$	75.00 per day
Tractor/dump truck/tractor and trailer combo/trailers	\$	125.00 per day
Buses	\$	150.00 per day
Roll-off	\$	125.00 per day for each
Cargo/accident debris/load storage/ vehicle components 10' x 20' space	\$	45.00 per space used per day
Rental of any tow company supplied Trailer post incident	\$	500.00 per day

Additional Services/Notes

Fuel/hazmat/cargo spills clean-up
and disposal
Hazmat and trash recovery
Subcontractor Mark-up
Administrative Charge
Only after 3rd visit to vehicle
Administration Charge
After Hours Release
Notification Documentation Fee
Tarping/wrapping vehicle
Fuel surcharge

Note: After the first hour, all hourly billable rates will be charged in half-hour increments.

(b) A towing company that engages in private property towing or other non-consensual towing shall not charge for the use of a flat bed tow truck if a motor vehicle can safely be towed in an upright position by another type of tow truck, even if the private property towing company chooses to use a flat bed tow truck for the tow.

(c) A towing company that engages in private property towing or other non-consensual towing may charge for the tolls it incurs driving to the site from which a motor vehicle will be towed and while towing the motor vehicle from that site to the towing company's storage facility.

(d) A towing company that engages in private property towing or other non-consensual towing shall calculate storage fees based upon calendar days or parts thereof.

(e) A towing company shall not charge any fee for private property towing or other nonconsensual towing and related storage services not included in (a) above.

(f) Service call, non-tow, including jump starts, gasoline run-outs (includes 2 gallons of gasoline), etc. - \$50 per call

(g) All tows for evidence gathering as determined by Teaneck Police Department - No charge

(h) Towing of Township-owned Vehicles - no charge

SECTION 3. Severability. In any section, sentence, clause or other portion of this ordinance, or the application thereof to any person or circumstances, shall be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this ordinance, and the remainder of this ordinance shall be deemed severable.

SECTION 4. Inconsistency. In the event of the inconsistency between the provisions of this ordinance and the provisions of any other ordinance, the provisions of this ordinance shall govern.

SECTION 5. Effective date. This ordinance shall take effect 20 days following passage and publication thereof following adoption as required by law.

Mohammed Hameeduddin, Mayor

ATTEST:

Doug Ruccione, Acting Township Clerk

Introduced: _____

Adopted: _____

ATTEST:

Doug Ruccione
Acting Township Clerk

Mohammed Hameeduddin,
Mayor