

TOWNSHIP OF WINSLOW, NEW JERSEY

ORDINANCE OF THE TOWNSHIP OF WINSLOW, COUNTY OF CAMDEN, STATE OF NEW JERSEY AMENDING, SUPPLEMENTING AND REVISING CHAPTER 264, ENTITLED "TOWING AND STORAGE OF VEHICLES," OF THE CODE OF THE TOWNSHIP OF WINSLOW

WHEREAS, pursuant to Chapter 264 of the Code of the Township of Winslow, entitled "Towing and Storage of Vehicles," the towing and storage of motor vehicles, damaged, stolen, or impounded, within the Township is performed by towing operators qualified and licensed pursuant to the provisions set forth below on a rotating basis without competitive bid; and

WHEREAS, Township Administrator and Chief of Police have recommended that the regulations concerning the licensing, rules and regulations in Chapter 264 be amended to better protect the public's safety and welfare and promote efficiency in towing services requested by the Township and to account for advances and modernization in the towing industry; and

WHEREAS, the Mayor and Township Committee have reviewed the existing provisions pertaining to the licensing, rules and regulations pertaining to the towing and storage of motor vehicles in Chapter 264, determining it in the best interests of the residents of the Township of Winslow to amend the same in accordance with the recommendations proposed by the Township Administrator and Chief of Police; and

WHEREAS, pursuant to N.J.S.A. 40:48-2.49, a municipality may regulate, by ordinance, the removal of motor vehicles from private or public property by operators engaged in such practice; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare

and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law.

NOW THEREFORE BE IT ORDAINED, by the Mayor and the Township Committee of the Township of Winslow, as follows:

SECTION 1: Chapter 264, Section “**Towing and Storage of Vehicles,**” is hereby amended, revised and/or supplemented to read as follows:

§ 264-1 Purpose.

[No Changes]

§ 264-2 Definitions.

AUTOMOBILE

A private-passenger automobile of a private passenger or station wagon type that is owned or hired and is neither used as a public or livery conveyance for passengers nor rented to others with a driver; and 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 or by husband and wife who are residents of the same household, not customarily used in the occupation, profession or business of the owner other than farming or ranching. An automobile owned by a farm family copartnership or corporation, which is principally garaged on a farm or ranch and otherwise meets the definitions contained in this section, shall be considered a private-passenger automobile owned by two or more relatives resident in the same household.

BASE OF SERVICE

The towing operator's principal place of business where the tow vehicle is stationed when not in use.

BASIC TOWING SERVICE

The removal and transportation of an automobile from a highway, street, or other public or private road, or a parking area, or from a storage facility, and other services normally incident thereto, including, but not limited to, arriving at the site, 15 minutes' waiting time, hooking a motor vehicle to, or loading a motor vehicle onto, a tow truck, situating the motor vehicle in the space in which it will be stored and such other ancillary services as set forth in N.J.S.A. 56:13-9 and N.J.A.C. 13:45A-31.2, 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.

CANCELATION

The canceling of the requested towing vehicle prior to its arrival on scene.

CONSUMABLES

Items necessary for the proper functioning of a motor vehicle, including, but not limited to, gasoline, oil, antifreeze, transmission or brake fluid.

IMPOUNDMENT

The act of storing and confining a vehicle upon an order of the Police Department at either the tow operator's storage area or at a Township facility as a result of abandonment, involvement in an accident or suspected criminal activity or as otherwise required and/or provided by law.

INSIDE SECURED

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

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

MOTOR VEHICLE ACCIDENT

An occurrence in which a motor vehicle or automobile, as defined herein, is damaged or comes in contact with any other object, as a result of which the motor vehicle or automobile must be towed or removed for placement in a storage facility. This includes damage caused by vandalism, fire, or drunken drivers, but does not include mechanical breakdowns or impounded vehicles.

OUTSIDE SECURED

An area not indoors secured by a fence, wall or barrier at least six feet high and continuously lighted at night, with all gates, doors or entryways secured by locks and all of which shall be within the jurisdictional boundaries of the Winslow Township Police Department.

OUTSIDE UNSECURED

An area not indoors that is not secured by a fence, wall, or other barrier, and to include all other areas not defined as an inside building and outside secured facility, and all of which shall be within the jurisdictional boundaries of the Winslow Township Police Department.

PERSONAL PROPERTY

Anything that is not permanently attached to the motor vehicle so as to be an integral part thereof.

SERVICE CALL

Response to a call for aid to a disabled vehicle, including, but not limited to, a vehicle in need of: consumables, flat tire repair or replacement, manual unlocking of a vehicle where keys are locked in the vehicle, pulling from a ditch or snowbank or providing a jump start.

SITE CLEANUP

A chargeable line item for the cleanup of vehicle consumables when the tow operator is required to apply an absorbent material to render the roadway safe. This charge is not applicable solely for the removal of vehicle debris such as plastic, glass and other vehicle debris.

STORAGE CHARGES PER 24-HOUR PERIOD

Starts at 12:01 midnight for a twenty-four-hour period or fraction thereof.

TOW OPERATOR OR TOW COMPANY

A person or tow company offering or performing towing services in accordance with this chapter.

TOW VEHICLE

Those vehicles equipped with a boom or booms, winches, slings, tilt beds, wheel lifts, under-reach equipment or similar equipment specifically designed by its manufacturer for towing or recovery of motor vehicles. All tow vehicles will be registered in the name of the business on the license.

WAITING TIME

Additional time a tow operator spends at the scene other than the time required for the actual tow and/or recovery. Examples of waiting time includes, but is not limited to, time spent waiting for EMS to perform necessary services and/or police investigation of the scene.

WINCHING

Movement of a motor vehicle by the use of a cable and a winch from a position that is not accessible for a direct hookup by conventional means. Pulling a motor vehicle onto a tilt bed or carrier, or lifting a vehicle with a conventional tow sling, does not constitute winching.

§ 264-3 **Rotating Call List.**

- A. Towing operators performing towing services for the Township of Winslow shall perform on a rotating basis. The Chief of Police is hereby authorized and directed to establish a tow truck call list of towing operators licensed pursuant to this chapter and to establish a system of rotation in the assignment of tow trucks. Tow agencies will not be permitted to deviate or swap placement in the rotation without approval from the Chief of Police. Towing operators shall be assigned duties from the tow truck call list only. At no time will a tow agency be directly involved with another tow agency that is in the same tow list. For example, sharing a business license, sharing tow vehicles or equipment, sharing storage space and sharing employees.
- B. [No Changes]
- C. [No Changes]
- D. [No Changes]
- E. No licensed towing operator or other party shall respond to the scene of an accident except upon notification by the officer in charge or upon request of the driver or owner of the disabled vehicle. If the tow does not or cannot respond within the approved upon twenty (20) minute response window, a back-up tow agency or operator may be contacted. Officers will take into consideration weather conditions, road conditions, heavy traffic, etc.

before requesting a back-up tow if the primary tow has not responded in the required time window. The back-up tow agency or operator will be the next agency in the approved rotation schedule.

§ 264-4 License Required for towing operators; duration; license fee.

- A. [No Changes]
- B. [No Changes]
- C. All applicants for licenses shall pay the sum of \$500 at the time the initial application is filed. This is a nonrefundable fee which shall be utilized to cover the cost of investigation and review and shall also be considered to be the fee for the balance of the year for which the application is filed. Thereafter, the annual fee shall be in the amount of \$300.

§ 264-5 Application for license.

Licenses hereunder shall be approved by the governing body of the Township of Winslow and issued by the Township Clerk. The application therefor shall contain the following information:

- A. [No Changes]
- B. [No Changes]
- C. [No Changes]
- D. [No Changes]
- E. The specific area at the location referred to above that the applicant has available for properly storing and protecting disabled motor vehicles. The applicant shall attach to his application a diagram of its property showing the secured area (inside or outside secured) intended for the storage and protection of vehicles removed from the roadway. An updated diagram will need to be submitted if any modifications are made.
- F. [No Changes]

G. [No Changes]

H. [No Changes]

I. [No Changes]

J. [No Changes]

K. [No Changes]

L. [No Changes]

M. [No Changes]

§ 264-6 Investigation and licensing authority.

[No Changes]

§ 264-7 Licensing standards.

No license shall be issued unless all of the following standards are met:

A. [No Changes]

B. [No Changes]

1. [No Changes]

2. If the towing operator owns the required storage area, the application must be accompanied by a certified copy of the deed for the land, together with a survey and legal description of the land. These documents are only required during the initial application, a change of address, or when requested by the Police Department or the Township.

3. [No Changes]

4. The survey or surveys that are required above shall have set forth thereon a certification by the surveyor, indicating the square footage that exists within the

storage area. This only applies to the initial application unless changes or modifications are made.

5. [No Changes]

6. [No Changes]

7. [No Changes]

8. [No Changes]

9. [No Changes]

C. [No Changes]

D. [No Changes]

E. [No Changes]

F. [No Changes]

G. [No Changes]

H. [No Changes]

I. [No Changes]

§ 264-8 Rules and regulations.

A. [No Changes]

B. [No Changes]

C. [No Changes]

D. [No Changes]

E. [No Changes]

F. [No Changes]

G. An individual whose motor vehicle has been towed and/or stored has the right to retrieve any of his or her personal property therefrom, even when said motor vehicle is within the

possession of the towing operator. An individual seeking the retrieval of any person property shall arrange with the towing operator to obtain said items and shall be required to execute a receipt therefor. The towing operator shall maintain copies of all said receipts. Vehicle registration plates are not considered personal property and will remain on the vehicle until restitution is made to the tow agency. A gate access fee will be applied.

H. [No Changes]

I. [No Changes]

J. [No Changes]

K. [No Changes]

L. [No Changes]

M. [No Changes]

N. [No Changes]

§ 264-9 Towing and storage fees.

A. The fees for basic towing services, road service, and/or storage shall not exceed the following fee schedule:

Road Service	
Cars - <i>Light (GVWR 10,000 pounds or under)</i>	\$100 Per Hour Plus Parts
Trucks – <i>Medium/Heavy (GVWR over 10,000)</i>	\$150 Per Hour Plus Parts
Towing - Basic	
Light Duty – <i>GVWR 10,000 pounds or under/MC</i>	Hook-up \$155
Medium Duty – <i>GVWR 10,001 – 16,000 pounds</i>	\$350 Per Hour
Heavy Duty – <i>GVWR 16,001 pound or greater</i>	\$650 Per Hour
Decoupling Fee (<i>if tow is not performed</i>)	½ of Basic Rate
On-Hook Mileage	
Light Duty/Med./Heavy	\$5.00 Portal to Portal
Recovery/Winching (in addition to tow per truck including driver)	
Light Duty – <i>GVWR 10,000 pounds or under/MC</i>	\$150 per hour
Medium Duty – <i>GVWR 10,001 – 16,000 pounds</i>	\$350

Heavy Duty – GVWR 16,001 pound or greater	\$650
Specialized Recovery Equipment (or refer to current year GSTA rates)	
Rotator/Crane Recovery Unit	20% above Subcontracted /Equipment Rental
Tractor with Landoll trailer or detach trailer	20% above Subcontracted /Equipment Rental
Tractor/Transport Hauler Only	20% above Subcontracted /Equipment Rental
Any other Specialized Equipment	20% above Subcontracted /Equipment Rental
Labor – All Labor min. of 1 hour	
1 certified tow operator/1 truck	First half hour is free, the second half hour and each hour thereafter will be \$75
Additional cost for extra truck and manpower to help with towing service; min charge, with documentation	\$100
Storage – Per Calendar Day (Inside Rates Two Times Outside Rate)	
Cars - <i>Light</i>	\$50 per day
Trucks – <i>Medium/Heavy</i>	\$125 per day
Cargo/Accident Debris/Load Storage/ Vehicle Components	\$50 per space per day
Additional Services/Notes	
Fuel/HazMat/Cargo Spills/Clean Up and Disposal	Time and Material
HazMat and Trash Recovery	10% Surcharge
Subcontractor mark-up	20%
Gate Fee after Hours	\$50
Administrative Fee	\$50 for Light/MC - \$100 for Med/Heavy Vehicles
Collision wraps or Tarping	\$65
Lot Removal Fee	\$40
Gate Access Fee (adjusters, personal property)	\$25
Yard Hours	
Monday through Friday 8:00am to 5:00 pm	
Saturday 8:00 am to 12:00 noon	
Sunday and Holidays closed	

B. [No Changes]

C. On Sundays and Holidays, all storage fees will apply unless access is denied by the tow agency, after obtaining the vehicle release. Such denial will be made to Law Enforcement on behalf of the customer. If access is denied to Law Enforcement, the customer will not be charged for that day's storage.

D. [No Changes]

E. [No Changes]

F. [No Changes]

G. [No Changes]

H. [No Changes]

I. [No Changes]

J. [No Changes]

K. [No Changes]

L. [No Changes]

M. A flat \$100 charge shall be charged to the Township for towing, storage or other services provided to the Township, its vehicles or emergency fire and rescue vehicles or for any vehicle used in the commission of a crime, provided that said vehicle is located within the Township of Winslow. Such vehicles located outside of Winslow Township will be charged the \$100 fee plus mileage (portal to portal)

§ 264-10 Denial, revocation or suspension of license.

[No Changes]

§ 264-11 Hearings.

[No Changes]

§ 264-12 Violations and penalties.

[No Changes]

SECTION 2: Except as set forth in Section 1 above, the balance of the Code of the Township of Winslow shall not be affected by this Ordinance.

SECTION 3: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.


SECTION 5: This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

INTRODUCED: JANUARY 16, 2024

ADOPTED: FEB 13 2024



MARIE D. LAWRENCE, MAYOR



**LISA L. DORITY, RMC
MUNICIPAL CLERK**

Certified to be a true copy of an Ordinance adopted by the Mayor and Township Committee of the Township of Winslow at a regularly scheduled meeting on **February 13, 2024** at the Winslow Township Municipal Building.

**Lisa L. Dority, RMC
Municipal Clerk**

Date: _____