

**BOROUGH OF WOODLAND PARK
ORDINANCE NO. 21-09**

**AN ORDINANCE TO ADD CHAPTER 11 ENTITLED
“TOWING AND STORAGE”**

WHEREAS, the Borough of Woodland Park has a compelling interest to establish minimum requirements for a towing contractor to provide services and/or vehicle removal impoundment and/or storage of vehicles when determined necessary by the Borough Police Department; and

WHEREAS, the Borough has determined that such an amendment is in the best interest of the Borough, and

NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Woodland Park, in the County of Passaic and the State of New Jersey, that:

1. The annexed Chapter 11 entitled “Towing and Storage” shall be added to the General Code of the Borough of Woodland Park.
2. If any section, subsection, paragraph, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.
3. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
4. This Ordinance shall take effect upon passage and publication as required by law.

Attest:

Approved:

Introduced: April 10, 2021

Adopted: April 21, 2021

Chapter 11. Towing and Storage

§11-1. Purpose and scope.

- A. N.J.S.A. 40:48-2.49 authorizes the Borough to regulate the business of removal and storage of motor vehicles and to set rates and charges for the same.
- B. The Borough of Woodland Park seeks to exercise the authority conferred by the aforementioned statute and adopts this chapter establishing minimum requirements for a towing contractor to provide services and/or vehicle removal impoundment and/or storage of vehicles when determined necessary by the Borough Police Department.
- C. The provisions of this chapter shall not apply to the towing a motor vehicle from private property. Towing private property is governed by regulations set forth in N.J.A.C. 13:45A-31 .B.

A. Purpose and scope.

§11-2. Definitions.

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

ABSORBENT

A granulated or powdered substance used to soak up fluids used in the operation al motor vehicles.
A bag or container of absorbent will be defined as weighing 50 pounds.

ADMINISTRATIVE CHARGES

Charges for more than three trips to the motor vehicle in storage.

AFTER-HOURS RELEASE

Releasing a motor vehicle from a tow company's storage facility after normal business hours or on weekends.

AIR CUSHION UNIT

Use of any number of inflatable lifting apparatus (commonly referred to as "airbags") used to lift, under controlled recovery movements, any objects such as automobiles, trucks, tractor trailers, either on or off roadway. aircraft, underwater recovery and realignment of shifted loads in or on semitrailers.

ANY OTHER SPECIALIZED EQUIPMENT

Use of a wide variety of primarily, but not limited to, construction-type equipment not normally considered towing equipment, used to access or clean up a recovery scene of wreckage.

BASIC TOW

Arriving at the site from which a motor vehicle will be towed with 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. It 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.

BASIC TOWING SERVICE

The towing of a vehicle or the removal and transportation of a vehicle from a highway, street or other public or private property.

BOX TRAILER/REFRIGERATED TRAILER

Semi-type trailer used to put cargo from a damaged trailer and/or roadway (includes truck to pull trailer).

BRUSH CLEANING

Removal of any and all debris, including collection of debris that can be picked up by hand.

CARGO

Any and all types of load being handled by a vehicle, truck or trailer.

CHIEF OF POLICE

The highest ranking sworn officer within the Woodland Park Police Department.

CONSENSUAL TOWING

The towing of a motor vehicle, when the owner or operator of the motor vehicle has consented to have the towing operator tow the motor vehicle,

CRUISING

The operation of a tow truck within the Borough of Woodland Park to solicit vehicle towing, emergency road service and/or other related towing services unless in response to a police request.

DECOUPLING

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 having been moved removed from the property.

DISABLED VEHICLE

A motor vehicle which has been abandoned or rendered inoperable by mechanical failure or accident. Any motor vehicle, operable or inoperable, which constitutes a hazard to the motoring public by its location shall be deemed disabled for the purposes of this chapter.

EMERGENCY ROAD REPAIR SERVICE

Repairs which may be performed at the location of a disabled vehicle, including, but not limited to, flat tire changing, jump-starting, gasoline deliveries, etc.

EXAMINATION AREA

An unobstructed, flat, forty-foot-by-twenty-five-foot area where a vehicle can be placed when needed for inspection by police.

FLATBED TOW TRUCK

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

HEAVY-DUTY WRECKER

A tow truck with dual rear wheels and air brakes capable of towing and wheel lifting large vehicles damage-free and which meets the following minimum requirements:

- A. Gross vehicle weight (GVW): 30,000 pounds.
- B. Gross vehicle weight rating (GVWR): 80,000 pounds.
- C. Boom end winch 40,000 pounds.
- D. Cable size: 5/8 inch,
- E. Cable length: 200 feet.
- F. Wheel lift retracted rating: 25,000 pounds.
- G. Wheel lift extended rating: 12,000 pounds.

IMPOUNDMENT

The storage of a motor vehicle upon the order of the Police Department at either the towing operator's storage area or at a Borough facility as a result abandonment, involvement in an accident, suspected criminal activity and/or any violation of Title 39 of the New Jersey Statutes or municipal ordinances.

LANDOLL TRAILER/DETACH TRAILER

Used to remove various construction equipment and damaged or broken trucks/trailers that may be towed by other means.

LICENSED WRECKER/TOW TRUCK

Any wrecker/tow vehicle licensed pursuant to the provisions of this chapter.

LICENSEE

Any person, firm, partnership, association, corporation, company or organization of any kind that has been issued a license by the Borough, pursuant to this chapter to provide wrecker/towing services to the Borough.

LIGHT-DUTY WRECKER

A tow truck with dual rear wheels capable of towing or wheel lifting vehicles which meets the following minimum standards:

- A. GVW: 14,000 pounds.
- B. Boom rating: 8,000 pounds
- C. Winch rating: 8,000 pounds.
- D. Cable size: 3/8 inch.
- E. Cable length: 100 feet.
- F. Wheel lift retracted rating: 6,000 pounds.
- G. Extended rating: 3,000 pounds.

LIGHT TOWER

High-intensity electric 'amps with extendable mast.

LOADED MILE

Distance in miles that a tow vehicle travels while towing a vehicle.

LOADER/BACKHOE/TELESCOPIC HANDLER/BULLDOZER/BOBCAT/FORKLIFT

Heavy equipment used for cleanup of a major accident of debris and cargo.

LOAD STORAGE

Storage of cargo that was taken off a damaged vehicle/trailer or picked up off roadway,

MEDIUM-DUTY FLATBED

A vehicle carrier equipped with a wheel lift and roll back/tilt bed with dual wheels capable of removing and transporting small trucks, full-size vans or large passenger cars damage-free and which meets the following minimum requirements:

- A. GVW: 18,000 pounds.
- B. Winch rating: 8,000 pounds,
- C. Cable Size: 3/8 inch.
- D. Bed length: 17 feet.
- E. Bed width: seven feet (inside side rails).
- F. Wheel lift retracted rating: 6,000 pounds.
- G. Wheel lift extended: 3,000 pounds.

MEDIUM-DUTY WRECKER

A tow truck with dual rear wheels capable of towing and wheel lifting small trucks damage-free and which meets the following minimum requirements:

- A. GVW: 18,000 pounds.
- B. Boom rating: 16,000 pounds.
- C. Winch rating: 16,000 pounds
- D. Cable size: 3/8 inch.
- E. Cable length: 200 feet.
- F. Wheel lift retracted rating: 6,000 pounds.
- G. Extended rating: 3,000 pounds.

MOTOR VEHICLE

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

NONCONSENSUAL TOWING

The towing of a motor vehicle without the consent of the owner or operator of the vehicle. Nonconsensual towing includes towing of a motor vehicle when enforcement orders the motor vehicle to be towed. whether or not the owner or operator consents.

NOTIFICATION DOCUMENTATION FEE

Cost of photographing, maintaining timeline. and written explanations used to explain the nature of a crash/recovery to assist insurance companies\vehicle owner understand the incident and substantiate charges.

ORDINARY CARE

'That care which is normally used to protect e motor vehicle from further damage. including but not limited to the use of tarps for environmental protection and security protection for storage areas.

OUTSIDE SECURED STORAGE FACILITY

Any motor vehicle storage facility that is not located within an enclosed structure and that conforms to the following minimum standards:

- A. The entire land area shall be enclosed by a fence of sturdy constructor, a wall or other man-made barrier that is at least seven feet in height with a minimum of one lockable gate for ingress and egress. in accordance with local zoning regulations.
- B. All entry paints shall have a locking device.
- C. The area shall have adequate lighting to protect stared vehicles from vandalism.
- D. The towing operator shall submit proof that he owns or leases an area, tor the storage of a minimum of SO vehicles, within a 15-mnute response time to any call for towing or service within the Borough of Woodland Park. Said proof shall include the deed or deeds to the property or the leases to the same. The towing operator shall submit proof of local zoning compliance for use of the storage facility.

OWNER

A person, firm, corporation or partnership who owns and/or operates a motor vehicle on the roads and highways within the Borough of Woodland Park.

PALLET JACK/PULLER

Used for moving pallets of cargo from inside a trailer.

PERSON

Any natural person, firm. partnership, association, corporation, company or organization of any kind.

POLICE

The Borough of Woodland Park Police Department.

PRINCIPAL LOCATION

The licensed place of business of each towing operator. Each towing operator shall maintain his/her own Place Of business Where trucks, in response to police requests, are normally kept. Towing operators shall not share a principal location. The impound area Shall be located adjacent to. or be part of. the principal location and shall comply with the local zoning ordinances. The principal location must be open to the public between 8:00 a.m. and p.m. at least five days week and the principal location Shall contain a Clean. comfortable waiting area with facilities.

PRIVATE PROPERTY TOWING

The nonconsensual towing from private property or from a storage facility of a person's motor vehicle that is parked illegally, parked during a time at which parking is not permitted, or otherwise park without authorization or immobilization of, or preparation for moving or removing of such motor vehicle to which a service charge is made, either directly or indirect.

RECOVERY

The procedure in which the tow operator applies his knowledge in a skillful manner to preserve the condition of the motor vehicle while moving the vehicle to a towable position; can be achieved by several actions that may include but are not limited to winching and rigging.

RECOVERY SUPERVISOR VEHICLE

Vehicle used by a supervisor to get to and from the scene.

RECOVERY SUPPORT VEHICLE

A truck or trailer containing assorted supplies to mitigate the impact or incidents. such as spill control. traffic control, auxiliary lighting, cleanup materials and equipment, saws. Blowers, etc.

RENTAL OF ANY TOW-COMPANY-SUPPLIED TRAILER POST-INCIDENT

When cargo or debris is loaded onto/into a tow company's trailer for storage. This fee is for renting the trailer and storage of the trailer (no extra charge for storage of said trailer).

ROADWAY CLEANUP

The sweeping and removal of all debris left on the roadway as a result of an accident or incident.

ROLL-OFF TRUCK WITH CONTAINER

Truck and container/dumpster that may be needed for a recovery/cleanup of an accident.

ROTATING LIST

The list of towers prepared by the Chief of Police from which, each week, the on-duty tower for the week is designated.

ROTATOR/CRANE RECOVERY UNIT

Vehicle that has an extendable boom that rotates to recover vehicles from unusual situations, such as over guardrails or off-road.

SITE CLEANUP

The use of absorbents to soak up any liquids from a vehicle at the Site from which the motor vehicle will be towed.

STORAGE DAY

Any full, twenty-four-hour period a motor vehicle is in the storage facility.

STORAGE SERVICES

The storage and/or holding of vehicles indoors or outdoors by a licensee under the authority of this chapter.

SUBCONTRACTOR'S MARKUP

Additional fee on top of outside tow company fees when needed to provide services that the Borough tower does not possess or is in need of to provide additional support services.

TARPING

Covering a motor vehicle to prevent weather damage.

TOWING OPERATOR

A person, firm, corporation or partnership engaged in the business of providing towing, road service and storage services for motor vehicles.

UNCLAIMED VEHICLE

Any vehicle towed by a licensed tower pursuant this chapter that is left unclaimed for a period in excess of seven calendar days.

UNLOADED MILE

Distance in miles traveled by a tow vehicle to a disabled vehicle or the distance in miles traveled by a tow vehicle after dropping off a vehicle out of town at the customer's request.

VEHICLE

Every device in or upon or by which a person or property is or may be transported upon a highway, except devices moved by human power.

VEHICLE COMPONENTS

Any part/piece of a motorcycle, car, truck or trailer.

VEHICLE REMOVAL CHARGE (LOT REMOVAL)

Charge to move a vehicle out of the primary tower's storage facility to a designated unsecured staging area for towing by a secondary tower.

WAITING TIME

Any line 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

The process of moving a motor vehicle, by the use of chains, nylon slings, additional links of winch cable from a position that is not accessible for direct hookup for towing a motor vehicle. Winching also 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 vehicle onto a flat-bed tow truck.

WINDOW WRAP

Any material used to cover motor vehicle windows that have been damaged.

WRECKER/TOW TRUCK

A vehicle driven by mechanical power and employed for the purpose of towing, transporting, conveying, recovering or removing any and all kinds of motor vehicles which are unable to be and actually are not operated under their own power from the place where they are disabled to some other place, or any vehicle(s) which the Police Department has ordered to be impounded. A tow vehicle must be manufactured by a tow-truck manufacturer that is nationally recognized by the towing industry.

YARD CHARGE

A charge for a motor vehicle, towed into the storage facility of the licensed tower that is inoperable and must be towed from the licensed tower's storage facility to a public street for towing by a secondary tower.

§11-3. Licensing.

- A. Towing operators meeting the qualifications set forth below Shall submit an application, in writing, to the Borough Clerk to be considered for placement on a rotating list of towing operators. There shall be a maximum of four towers on the list per year.
- B. All applicants for a towing license in order for the application to be deemed complete, must provide the following:
 - (1) The complete legal business name, business address. principal location address and Department of Transportation (DOT} number
 - (2) The complete home address. home telephone number, date of birth and social security number of the applicant, if a sole proprietorship, the complete home addresses. home telephone numbers. dates of birth and social security numbers of the principal officers and partners if the licensee is a corporation or partnership.
 - (3) Photocopies of all registrations of every tow vehicle to be operated by the applicant. If the tow vehicle is leased; the applicant is required to submit a copy of the lease agreement.
 - (4) The names, addresses and telephone numbers of any persons possessing any liens and/or encumbrances on the principal location.
 - (5) The name, address and telephone number Of the applicant's insurance carrier and photocopies of each certificate of insurance issued by the carrier.
 - (6) Photocopies of all towing vehicle operators' current driver's licenses, along with their social security numbers.
 - (7) Evidence demonstrating that the applicant has at least five years of personal experience in the field of towing and storing of vehicles.
 - (8) Proof that the applicant has a principal location within a 15-minute response time to any call for towing or service within the Borough of Woodland Park.
 - (9) Proof that the applicant's principal location meets all zoning requirements applicable to the jurisdiction in which it is located,
 - (10) Proof that the applicant can guarantee a fifteen-minute response time on all calls with the exception of delays caused by unexpected traffic or unusual conditions.
 - (11) The applicant shall provide an affidavit that the information given in the application is true and correct.

(12) The applicant shall provide an agreement that, upon issuance of a license, the licensee shall indemnify and hold harmless the Borough of its agents, servants and/or employees from and against all Claims of a third party relating to the towing and/or storage service of the licensee.

(13) Applications will be processed according to the order in which they were filed with the Borough Clerk. In the event there are more than four (4) qualified applicants, the four (4) applicants whose principal place of business is closest to the center point of the intersection of Brophy Lane and McBride Avenue shall be selected. The distance shall be determined by a straight line between the center point of the intersection and the center point of the applicant's principal place of business as indicated on the Borough's mapping software.

§11-4. Application fee.

All initial applications shall be accompanied by a nonrefundable fee of \$500 payable to the Borough of Woodland Park. A renewal application shall be accompanied by a nonrefundable application fee of \$250 payable to the Borough. The application fees are in addition to any fee for criminal background checks required in §11-5 as well as any other fees required by this chapter. Said fees are in addition to the license fees as set forth in § 11-6.

§11-5. Background investigation and fee dispute resolution.

- A. Upon filing an application with the Borough Clerk's Office, the applicant, including all persons listed on the application, shall respond to the Police Department's Records bureau with a current driver's license or other government issued photo identification. Each person shall be photographed and be provided with a fingerprint form from a fingerprint vendor authorized by the State of New Jersey. Each person shall, at their own expense, respond to the authorized fingerprint vendor's location for a fingerprint check. In addition, a driver's abstract will be obtained for all persons listed in the application.
- B. Upon receipt of the results of the fingerprint check and subsequent criminal history check, as well as review of each applicant's drivers abstract, the Police Department shall notify the Borough Clerk's Office of those results with a recommendation on whether or not the applicant should be approved or denied, and if any person listed should be disqualified, The Borough Clerk shall then notify the applicant of said results.
- C. The licensee and all employees must be trustworthy in that the licensee must safeguard vehicles and personal property belonging to others as well as secure and protect evidence. When a vehicle is impounded by the police due to an accident investigation or criminal activity. Therefore, to protect the public interest, the Borough may disqualify any applicant wherein an employee, owner, principal, agent and/or officer has been convicted of a crime involving moral turpitude or excessive moving violations or a substantial violation under this chapter.
- D. Once a license is granted, the licensee shall notify the Borough Clerk in writing of any criminal charges, motor vehicle offenses or ordinance violations that are issued against the licensee or IIS employees during the term of the license. Failure to make the proper notification to the Borough Clerk may result in the revocation of the license.

- E. If a towing company charges a consumer a fee for a private property or other nonconsensual towing service that is disputed by the consumer, the parties shall make a good faith effort to resolve the dispute with the Police Department. If the parties are unable to resolve the dispute, the complaint may be forwarded to the Director of the New Jersey Division of Consumer Affairs, who shall make a determination as to whether or not the fee is unreasonable under N.J.A.C. 13:45A-31 .5. The Director may order the towing company to reimburse the consumer for an amount equal to the difference between the charged fee and a reasonable fee, plus interest.

§11-6. Issuance of licenses; fees; term of license.

- A. Upon written notification by the Chief of Police to the Borough Clerk that an application has been reviewed and the Police investigation has been completed, the Borough Council shall at a public meeting, consider the issuance of a license.
- B. In addition to the application or renewal application fees set forth in §11-4, the yearly license fee shall be \$100, payable to the Borough of Woodland Park.
- C. Upon approval by the Borough Council, the Borough Clerk shall issue a license to the licensee pursuant to this chapter, as well as individual stickers for each wrecker that has been inspected and approved by the Chief of Police to be operated during the term of the license.
- D. All towing licenses will be issued for a period of one year beginning January 1 of each year and expiring on December 31. Applications for license and license renewal are to be completed and returned to the Borough Clerk by September 1 of each year for a license for the following calendar year. Licenses or renewals filed after September 1 will not be accepted for the following calendar year. Should the number of towers fall below four, the Borough, at its sole discretion, may accept applications after September 1, but in no case shall the number of towers exceed four.
- E. Licenses are the property of the Borough and may not under any circumstances be assigned, leased, shared, transferred or sold to another person, corporation or proprietorship.
- F. Upon the issuance of the license, the licensee may during the term of the license advertise and place on his equipment that the licensee is an authorized police tower for the Borough of Woodland Park.
- G. The licensee shall pay the Borough \$15 for each vehicle towed under this chapter. Said charge is for administrative costs incurred by the Borough. The licensee shall pay the above fee on a monthly basis to the Borough Clerk, and said payment is due on the 15th of every month. If payment is not made on a timely basis, the license may be suspended or terminated after a hearing by the Council. No fee shall be charged for Borough vehicles.
- H. The licensee shall pay a vehicle inspection fee of \$75 for each tow truck that the licensee adds to his fleet during the year that provides service under this chapter. The licensee shall also pay a fee of \$35 in addition to any fees for criminal history checks, for each wrecker driver he adds during the year that provides service under this chapter.

§11-7. Rotating list; cruising prohibited.

- A. The towing operator must be to provide, 24 hours a day, seven days a week, towing services for the Borough on a rotating basis, at the direction of the Chief of Police or his designee.
- B. The Chief of Police or his designee shall establish towing zones and assign call-out weeks from the rotating list. A tower that wishes to change his assigned week due to vacation or conflict must submit a request in writing to the Chief of Police or his designee for approval, Only the Police Department is permitted to make changes to the rotating list.
- C. The Chief of Police or his designee shall prepare the list of prospective towers.
- D. The on-duty tower shall be called for the removal and storage of the disabled vehicle within their respective zone. In the event that the on-duty tower is unable to respond to calls within their zone or to respond in a timely manner due to unusual conditions, the other on-duty tower shall be called. In the event neither one of the on-duty towers can respond, then the next tower on the rotating list shall be called. Towers are not permitted to make their own callouts. Only the Police Department is permitted to make callouts.
- E. Cruising by a towing company's vehicles is not permitted.

§11-8. Insurance requirements.

A. The towing operator shall provide and maintain the following types of insurance coverage to be obtained from insurance companies licensed to do business in the State of New Jersey and shall provide the Borough with certificates of insurance evidencing proof of the following required coverages:

- (1) Automobile liability in the amount not less than \$1,000,000 for bodily injury per person, \$3,000,000 for bodily injury per accident and \$500,000 for property damage per accident.
- (2) Workers' compensation and employer's liability as required by statute.
- (3) Garage keeper legal liability in an amount not less than \$500,000 per claimant and \$1,000,000 for more than one claimant, and "on-hook" coverage, either an endorsement on the insurance or the amount of \$100,000.
- (4) Garage liability in the amount not less than \$2,000,000 combined single limit.
- (5) Comprehensive general liability in an amount not less than \$2,000,000.

B. Policies shall be endorsed to provide collision coverage for vehicles in tow.

C. On all policies except workers' compensation, the Borough shall be named as an additional insured.

D. All policies must contain a provision requiring notification to the Borough of any policy cancellation or revision at least 30 days prior to either cancellation or revision.

E. The towing operator shall provide an excess or umbrella liability insurance policy in the amount of \$2,000,000.

§11-9. Equipment requirements.

A. Equipment used by towing operator.

The equipment to be used by the towing operator shall meet the following requirements:

- 1) All equipment must be of the type, condition and design to efficiently perform the work required by the Borough of Woodland Park.
- 2) A licensee, when filing an application and at all times while holding a license under this chapter, shall own or lease for use in performing the services required by the license a minimum of four (4) trucks; one (1) light-duty wrecker, one (1) medium-duty flatbed, one (1) medium-duty wrecker, and one (1) heavy-duty wrecker.

B. The following safety equipment shall be carried on all towing trucks:

- 1) Chains and tie-downs to secure vehicles.
- 2) A snatch block.
- 3) An auxiliary safety light kit to be placed on the rear of a towed vehicle that does not have functioning taillight flashers.
- 4) Rotating amber emergency lights mounted on top of truck. (A state-issued permit is required and must be in the truck.
- 5) Two white work lights facing the rear of truck.
- 6) One shovel and broom.
- 7) Fifty (50) pounds of absorbent.
- 8) Jumper cables for jump box.
- 9) A steering wheel tie down.
- 10) A toolbox with assorted hand tools normally used to conduct emergency roadwork and towing.
- 11) Two reflectorized traffic safety vests.
- 12) One five-pound A-BC-rated dry powder fire extinguisher.
- 13) One flashlight.

C. A reflectorized traffic safety vest shall be properly worn as the outside garment by all employees performing work while on a roadway, 24 hours a day.

D. The towing operator shall provide all trucks with a shovel, broom and other equipment necessary to clean up broken glass and debris from the scene of any accident to which they are summoned. The towing operator shall be responsible for the subsequent cleanup. Each truck shall have a minimum of 50 pounds of absorbent for oil and/or any other liquid, except gasoline, that might be spilled onto a roadway as a result of an accident. If gasoline is spilled as a result of any accident, it shall be the responsibility of the Police Department to notify the Fire Department for immediate removal. Absorbed liquids, other than gasoline, shall be removed from the roadway by the tower, placed in plastic bags and then placed in the towed

vehicle by the towing operator and shall be disposed of by the owner of said vehicle. The towing operator may charge a fee as set forth in § 11-13.

- E. All trucks used by the towing operator shall be kept in a clean, good-working condition. The towing operator shall have displayed on all of his trucks in such a manner and of such lettering as conforms to the provisions of N.J.S.A. 39:4-46.
- F. Each towing operator shall furnish the following information with respect to the aforementioned trucks: the make, model, year and registration number of each truck and the OOT number. A photostatic copy of each registration and insurance card shall also be included. For leased trucks, the towing operator shall be required to furnish a copy of each lease. Only trucks listed on the application shall be used by the towing operator. This list may be updated during the year. All added vehicles are subject to inspection.

§11-10. Storage area requirements.

The towing operator shall have a Storage area that meets the following requirements:

- A. The outside area used for storage of vehicles shall be paved or stoned
- B. Signs which readily identify the storage facility and which comply with all applicable laws and local zoning regulations shall be installed.
- C. No towed vehicle shall be parked upon a public or private street or sidewalk. Said shall be stored by the towing operator within the licensed storage area so provided.
- D. The entire outside storage area shall be enclosed by a fence or sturdy construction, a wall or other man-made barrier that is at least seven feet high which may include one foot of barbed wire, with at least a lockable gate for ingress and egress, in accordance with local zoning regulations.
- E. The impound area shall be properly lighted from dusk to dawn and must be properly safeguarded from vandalism and/or theft.
- F. The Borough of Woodland Park Police Department shall be granted access to any part of the impound area at any time, day or night, for the purpose of inspection and/or investigation. This shall include indoor and outdoor areas.
- G. There shall be no unescorted access to the aforementioned impound area by the public. Said area shall be posted in accordance with Woodland Park Police Department regulations,
- H. A small storage area shall be set aside for vehicles that may be involved in a police incident. In addition, an indoor secured area shall be provided for at least one vehicle, when requested by the police.
- I. The towing operator shall conspicuously post at his place of business the fee schedule for storage and towing of vehicles.
- J. There shall be no piling of vehicles.

- K. The storage area shall be located adjacent to, or be part of, said licensed principal location and shall comply with the local zoning ordinances.
- L. The towing operator shall provide reasonable accommodations for after-hours release of stored motor vehicle and shall not charge a release fee or other charge for the release of motor vehicles at their owners during their normal business hours or on weekends.

§11-11. Towing operator personnel.

The employees of the towing operator shall meet the following requirements:

- A. An employee of the towing operator shall under no circumstances be deemed an agent, servant and/or employee of the Borough or represent to the public. that he/she is an employee of the Borough of Woodland Park.
- B. No person shall be employed by the towing operator unless he/she has obtained a record check and has been approved by the Borough of Woodland Park police department.
- C. The towing operator and his employees are prohibited from collecting or attempting to collect a fee, commission, pay or charge other than as provided in this chapter.
- D. The name of the individual tow truck employee shall be listed on the towing ticket/receipt.
- E. The towing operator shall indicate the number of employees who will be on the day shift and the number to be assigned to the night shift, on a seven day a week basis to the Chief of Police.
- F. The towing operator shall provide the Police Department with a list of said personnel and copies of each operator's driver license (CDL if applicable) and social security number.
- G. No towing operator shall employ, directly or indirectly, any employee of the Woodland Park Police Department.
- H. No cruising by personnel shall be permitted.
- I. The licensee shall be responsible for basic environmental cleanup and may charge the owner of the vehicle involved in the actual split a fee as outlined in Sec. 11-12E(3).
- J. The licensee shall be responsible for roadway cleanup, which shall include but not be limited to removing broken glass and debris at the scene of the accident, as per NJSA 39:4-56.8b, and may charge the owner of the vehicle that created the debris a fee as outlined in Sec. 11-12E(3).
- K. The police officer at the scene of the accident or disabled vehicle shall be in complete charge and shall be responsible to guarantee that the scene is properly cleared and safe for traffic to resume safely.

§11-12. Fees; methods of payment; heavy-duty vehicle recovery.

- A. The following is the fee schedule for basic automobile, motorcycles, motorized bikes, towing services and heavy-duty vehicle recovery:
 - (1) Basic towing service (two-axle vehicle) under 8,000 pounds.
 - a) Rate: \$150.
 - b) Additional axles: \$35 each.

(2) Basic towing service (two-axle vehicle) over 8,000 pounds to 16,000 pounds.

a) Rate: \$295

b) Additional axles: \$35 each

(3) Basic flatbed rate: \$150.

a) The basic flatbed rate applies to vehicles that cannot be towed by another means.

b) Flatbed towing of a vehicle with wheel lift does not qualify for the flatbed rate.

(4) Motorcycles and motorized bikes. Rate: \$125.

(5) Heavy-duty towing (over 16,001 pounds).

a) Rate: \$500.

b) Shaft removal: \$75; replacement (if requested): \$75.

c) Brake release: \$75.

d) No mileage fee from the point of tow to the licensee's storage yard.

(6) Air cushion device in heavy-duty vehicle recovery,

a) Rate: \$550 per hour.

B. The following is the fee schedule for storage services for all types of vehicles per storage day (full twenty-four-hour period):

1) Inside building, storage facility capacity:

a) Under 10,000 pounds: \$55.

b) Each additional axle: \$25.

2) Outside secured, storage facility capacity:

(a) Under 10,000 pounds: \$45.

(b) Additional axle: \$25.

(c) Over 10,000 pounds: \$100

(d) Over 10,000 pounds, tandem axle: \$125.

(e) Tractor-trailer combination: \$150.

(f) Roll-off container: \$125.

(g) Cargo/accident debris/load storage/vehicle components: \$45 per day per space (10x20)

(h) Rental of any tow company supplied trailer post incident: \$500.

C. Emergency road service: \$125, plus parts and/or supplies.

1) Emergency road service; jump start, bringing up to two gallons of fuel, tire change.

2) If a tow results, there will be no charge for road service, except cost of emergency gas if placed into the vehicle's tank.

D. Rates for vehicle recovery and/or winching;

- 1) Wreckers, specialized equipment and personnel.
 - a) Medium-duty wrecker (per truck); \$350 per hour to be charged based upon each 1/2 hour spent performing winching.
 - b) Heavy-duty wrecker (per truck): \$600 per hour to be charged based upon each 1/2 hour spent performing winching.
 - c) Additional manpower 25 per hour per roan, to be charged based upon each 1/2 hour spent performing winching.
 - d) Level 3 Recovery Supervisor: \$100 per hour, to be charged based upon each 1/2 hour spent performing winching.
 - e) Rotator/crane recovery unit: \$1,200 per hour.
 - f) Tractor with landoll trailer or detach trailer: \$450 per hour.
 - g) Box or refrigerator trailer with tractor: \$400 per hour.
 - h) Air cushion unit: \$1,000 per hour.
 - i) Light tower: \$250 per hour.
 - j) Pallet jack/puller: \$200 flat rate
 - k) Loader/backhoe/telescopic handler/bulldozer/bobcat/forklift: \$300 per hour each.
 - l) Roll-off with container/dump truck: \$350 per hour plus disposal
 - m) Recovery supervisor vehicle: \$150 per hour.
 - n) Scene safety equipment, communication equipment. traffic management equipment, etc.; \$250 per hour for each type used.
 - o) Recovery support vehicle: \$350 per hour.
 - p) All other specialized equipment: \$250 per hour

- 2) Licensees may, however, charge additional fees for extraordinary recovery and/or winching. All services must be itemized on the statement for services.

E. Additional services that may be required.

- 1) Axle pull/drive shaft/transmission disconnect: \$75 flat rate.
- 2) Hookup air: \$75 flat rate.
- 3) Brush cleanup: \$75 per hour, to be charged in thirty-minute increments with a ½ hour Minimum.
 - (a) Site cleanup: \$50 for each fifty-pound bag of absorbent.
 - (b) Cleanup services, including time and absorbent. must be itemized on the statement.
- 4) Administrative charges:
 - a) Flat fee: \$50.
 - b) Services must be itemized on the statement.
- 5) Waiting time: \$75 per how in excess of 15 minutes, which shall be calculated based upon each 15 minutes spent at the site from which a motor vehicle will be towed, with fewer than 15 minutes rounded up to 15.

- 6) The use of window wrap or tarping is \$90 per car; \$250 per truck.
 - 7) A tow company cannot charge to move a vehicle outside of their lot for police tows.
 - 8) Fuel/hazmat/cargo spills cleanup and disposal; time and materials.
 - 9) Subcontractor markup: 20%.
 - (10) After-hours release: \$75.
 - (11) Notification documentation fee: \$50.
- F. A towing company that engages in private property towing or other nonconsensual towing shall calculate storage fees based upon full 24-hour periods a motor vehicle is in the storage facility. For example, if a motor vehicle is towed to a storage facility at 7:00 p.m. on one day and the owner of the motor vehicle picks up the motor vehicle before 7:00 p.m. the next day, the towing company shall charge the owner of the motor vehicle only for one day of storage. If a motor vehicle is stored for more than 24 hours, but less than 48 hours, the towing company may charge for two days of storage.
- G. Customers must be able use cash, insurance company check, debit card, charge card or credit card to pay for services. The Borough will not be held liable for, or assist the towing operator in the collection of any unpaid fees that are incurred for performing towing or storage services.
- H. The rates on the "Borough Towing and Storage Rate Schedule" represent the maximum rates permitted under this chapter. It shall be unlawful for any licensee to charge a rate in excess of the rates prescribed or for any service not specifically covered in this chapter.
- I. Mileage rates. There shall be no mileage charge, for any vehicle towed under this chapter, to respond to the service call or from the point of service back to the licensee's principal location. If the owner or operator designates the vehicle to be towed to another location other than the licensee's principal location, then the licensee may charge for loaded mileage outside the boundaries of the Borough of Woodland Park. Mileage charges per mile outside of Woodland Park shall be \$6 per mile at part thereof.
- J. Heavy vehicle recovery (over 16,000 pounds).
- 1) To perform heavy vehicle recovery the Borough requires that the licensee have on-scene a recovery supervisor with a Level 3 certification from the Towing and Recovery Association of America (TRAAJ or other nationally recognized certification).
 - 2) To perform heavy recovery under this chapter, the licensee must:
 - a) Visually document the recovery scene through photos or videotape.
 - b) Prepare a written report of all procedures employed, actions taken, equipment used and manpower requirements to complete the recovery process in the safest manner and provide a copy to the vehicle owner with the statement for services.
 - c) Prepare an itemized billing invoice for all services rendered.

- 3) If the licensee finds it necessary, due to the nature of the recovery, to contract additional recovery services to supplement its equipment and manpower recovery, the contracted service providers must work under the supervision of the licensee. The licensee may not subcontract the entire recovery. In the event that the heavy-duty wrecker operator is unable to handle the recovery, then the next heavy-duty wrecker on rotating list shall be called.

§11-13. Records and inspections.

- A. The towing operator shall maintain records of all vehicles towed, stored and released by it. Records shall be kept for a three-year period. These records shall include the name of the responding police officer, name of towing employee, the date and time of tow-in, destination towed, vehicle tag number and state, vehicle identification number, make, model, color and year of vehicle, itemized charges to the owner of the vehicle and the disposition of tire vehicle and date thereof.
- B. The towing operator shall maintain a record of all property found anywhere in the towed vehicle, including the trunk and glove compartment when open and where a key is available.
- C. The Borough shall, upon request have access to any and all of these records. The Police Department shall conduct a quarterly audit of each towers records and provide a written report to the Borough Clerk's office.
- D. The licensee shall notify the Woodland Park Police Department, in writing, of any vehicle that is left unclaimed for a period in excess of seven calendar days.
- E. The licensee shall prepare and issue to the owner/operator a written itemized invoice with all services rendered under this chapter. The invoice shall include the following:
 - 1) The date, time and location at which a towed motor vehicle was delivered to a towing company's storage facility;
 - 2) A list of all services provided to a person for which the towing company is charging pursuant to Subsection A above, including the name of the employee who performed the service.
 - 3) An enumeration of the towing services actually performed as part of the basic tow; and
 - 4) That the service performed was at the request of the Woodland Park Police Department.

A copy of the invoice shall be retained by the licensee and filed in a manner that coincides with the licensee's current filing methods that will allow immediate access to such record when requested by the Woodland Park Police Department.
- F. Reserved.
- G. The licensee shall incur the cost of preparing a payment rate circular for fees listed under this chapter and shall distribute this rate circular at the time of tow to all customers, at no cost, which also includes directions to the storage location, business hours, phone numbers, major credit cards accepted and other methods of payment accepted.

§11-14. Education of drivers.

- A. Tow-truck drivers shall have and maintain a valid driver's license for the vehicle that they operate. Drivers that operate heavy duty wreckers shall have the following endorsements on their commercial driver's license;
 - 1) Hazardous materials endorsement.
 - 2) Double and triple-trailer endorsement.
- B. Within two years of the effective date of this chapter, all tow-truck drivers that operate tow vehicles must obtain the Towing and Recovery Association of America (TRAA) National Driver Certification Level 1 or other nationally recognized certification. Drivers that operate the heavy-duty tow truck must obtain the Level 2 certification.
- C. New employees shall have one year from their date of hire to obtain the TRAA Level 1 certification or other nationally recognized certification. During the initial year of employment, they may perform services as listed under the provisions of this chapter, provided that the licensee documents has trained the employee in the proper use of the equipment he will operate.
- D. To perform any recovery operation, the licensee must have least one employee certified as a TRAA Level 3 or other nationally recognized certification.

§11-15. Enforcement.

- A. All complaints received by the Borough regarding a towing operator's performance under the provisions of this chapter shall be investigated by the Chief of Police or his designee and resolved to the satisfaction all parties. In the event that the complaint cannot be resolved to the mutual satisfaction of the parties, the matter shall be submitted to the Business Administrator or his designee. The decision of the Business Administrator or his designee shall be final. For complaints/disputes involving fees for nonconsensual towing services that cannot be resolved by the Police Department, see section 11-5.
- B. The towing operator shall at all times comply with this chapter, or the Borough shall remove the towing operator from the rotating list after written notification from the Police Department and an opportunity for a hearing conducted by the Borough Council.
- C. The Chief of Police is hereby designated to enforce the provisions of this chapter in accordance with due process of law.
- D. The Chief of Police shall investigate and keep, and maintain for a period of five years, a record of all complaints that are received regarding the provisions set forth in this chapter.
- E. The Chief of Police has the authority to suspend any license at any for criminal activity pursuant to Title 39 violations or any violation(s) to this chapter. When a license is suspended, the Chief of Police shall forward a full report to the Mayor and Council within 15 business days after said suspension. If the licensee objects to the determination of the Chief of Police, the licensee may request a hearing before the Council. The licensee must notify the Borough Clerk in writing of a request for a hearing within 20 days of the suspension

notice issued by the Chief of Police. The Council, at the conclusion of the hearing, may affirm or reverse the decision of the Chief of Police.

- F. The Chief of Police shall oversee all licensed wreckers to ensure that they are kept in a safe condition. The Chief of Police may inspect any or all licensed wreckers at any time. If at any time the Chief of Police finds the equipment inadequate or unsafe, the Chief of Police may demand immediate correction and suspend the wrecker license until such time as the violation is corrected. Once a wrecker license is suspended, all identifiers listing the wrecker as a Borough of Woodland Park police wrecker shall be removed from the wrecker by the licensee.

§11-16. Violations and penalties.

- A. Any person or towing operator who violates the provisions this chapter shall, upon conviction, be fined as follows:
 - 1) First offense; not less than \$100 nor more than \$500.
 - 2) Second offense within a one-year period: not less than \$500 or more than \$1,000.
 - 3) Third offense within a one-year period: not less than \$1,000 and a one-year license suspension.
- B. In addition to any penalties that may be imposed by the Municipal Court, the Borough Council may, after conducting a hearing regarding the violation(s), terminate the license issued pursuant to this chapter for repeated violations of this chapter.