

BOROUGH OF EDGEWATER
ORDINANCE NO. 2024-014

AN ORDINANCE REPEALING CHAPTER 410 OF THE CODE OF THE BOROUGH
OF EDGEWATER AND AMENDING, SUPPLEMENTING AND ESTABLISHING
PROCEDURES AND PROTOCOLS FOR THE TOWING OF VEHICLES IN THE
MUNICIPALITY OF EDGEWATER

BE IT ORDAINED by the Mayor and Council of the Municipality of Edgewater, County of Bergen, and State of New Jersey, as follows:

§**Section 1.** Chapter 410 of the Code of the Borough of Edgewater is hereby repealed, amended and supplemented to read as follows:

§ **Section 2. Definitions.**

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

Authorized Service Provider (ASP): Authorized company that provides contracted administrative services and/or software for impound management and unclaimed and abandoned vehicle disposition on behalf of the municipal police agency for tows initiated by the agency and in the possession of the agency or tow vendors for the agency.

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; 20 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.

Tow truck: Commercial motor vehicle designed exclusively to lift motor vehicles that have become disabled, wrecked, recovered stolen and police impounded by means of lifting from the front or rear by the following methods:

1. Sling type: mechanical or hydraulic
2. Wheel lift type: mechanical or hydraulic

Towing: When a tow truck and/or hydraulic flatbed carrier takes in its possession the care, control and custody of a motor vehicle by means of standard industry procedures.

Light duty tow truck: A tow truck with dual wheels, Used to tow and recover small light duty vehicles up to 10,000 lbs. A Light duty tow truck shall meet the following minimum requirements: GVW 14,000 pounds; GCWR 18,000 pounds; boom rating of 8,000 pounds; winch rating of 8,000 pounds; cable size and length, 3/8 inch and 100 feet; wheel lift retracted rating 6,000 pounds and extended rating 3,000 pounds.

Medium duty tow truck: A tow truck with dual wheels, Used to tow and recover small commercial type vehicles up to 26,000 lbs. GVW or passenger vehicles unable to be recovered with light duty tow truck or flatbed. A Medium Duty Tow Truck shall meet the following minimum requirements: GVW 18,000 pounds; GCWR 30,000 pounds; boom rating of 16,000 pounds; winch rating of 16,000 pounds; cable size and length, 1/2 inch and 200 feet; wheel lift retracted rating 10,500 pounds and extended rating 8,500 pounds.

Heavy duty tow truck: Commercial manufactured truck with wrecker body used to tow and recover commercial type vehicles over 26,000 GVW as well as passenger vehicles unable to be recovered by other means. A tow truck with dual wheels, capable of towing large trucks and shall meet the following minimum requirements: GVW 30,000-50,000 pounds; GCWR 80,000 pounds; boom rating of 50,000 pounds; winch rating of 50,000 pounds; cable size and length: 5/8 inch and 200 feet; equipped with chassis lift; under-reach retracted rating 25,000 pounds and extended rating 12,000 pounds.

Hydraulic flatbed car carrier: Commercial motor vehicle designed exclusively to transport motor vehicles that have become disabled, wrecked, recovered stolen and police impound by means of bodily winching motor vehicles from roadway level up onto hydraulic bed for transporting purposes.

Specialized flatbed carrier equipped with special hydraulic oscillation knuckle boom crane: Commercial motor vehicle exclusively designed for special recovery procedures when needed and also to bodily lift and transport motor vehicles.

Road service: Use of a tow truck or service vehicle to attempt to repair a vehicle at the point of the breakdown.

Recovery: When the tow operator applies his knowledge in a skillful manner to preserve the condition of the motor vehicle while winching and/or lifting the damaged vehicle back to a normal towing or loading position.

Debris clean-up:

1. Standard site clean-up: Refers to the amount of debris removal that should reasonably be anticipated at the scene of motor vehicle accident or incident. The standard site clean-up is usually defined to the point of impact, the final resting point of the vehicle and the associated debris field.

2. Extended site clean-up: Refers to the removal of debris at the point of impact, as well as along the path of pre-impact and/or post impact, where vehicle disintegration and/or other property damage occur as a result of the motor vehicle accident or incident.

Absorbents: Any group of products used to soak up spills or vehicle fluids. These would include oil dry, absorbent pads, socks, booms, etc.

Collision wrap: Used in an attempt to cover exposed areas from the weather elements.

Tarping: Covering or re-covering a vehicle to prevent against further weather damage or unauthorized access.

Disposable bags: Used to carry away used absorbents, car parts, glass, etc.

Labor: The additional work done at the scene by the tow truck operator that is beyond that required to perform a basic tow, or any additional manpower needed to complete a recovery, winching or towing of a vehicle. Labor charge for additional manpower shall be based on a per-man, per hourly rate with a one-hour minimum.

Waiting time: Additional time a tow operator spends at the scene other than the time required for the actual tow and/or recovery.

Impoundment: The storage of a motor vehicle upon the order of a law enforcement agency

Storage: Storage charges for a 24-hour period means the maximum allowable amount to be charged by a storage facility for a 24-hour period or fraction thereof. A new 24-hour period begins at 12:01 a.m. Storage is charged on a per-calendar-day or any part thereof.

Outside secured storage: When a motor vehicle is placed in an outside, secured storage facility that will be completely enclosed with at least a 6-foot fence, will have at least one entrance and exit gate and will be completely illuminated by outside lighting in order to safeguard the motor vehicles.

Inside secured storage: When a motor vehicle is placed inside a secured facility at the request of the vehicle/owner/operator or at the request of law enforcement agency for preservation purposes, e.g., owner/operator request antique or classic motor vehicle and/or an expensive luxury motor vehicle and/or law enforcement request for preservation of further law enforcement investigation.

Administration charges: Charges for services including but not limited to physical inspection, telephone and/or fax calls, copying of documentation, removal of personal items and additional office paperwork before and at the time of release.

Vehicle access charge: Owner and/or insurance representative must be accompanied into the secured storage yard facility to inspect, remove personal belongings, adjust and take photographs. Documentation such as driver license of vehicle owner or business card of insurance representative must be photocopied and time-stamped when this additional auxiliary service is performed.

Vehicle removal charge (lot removal): Charge for a motor vehicle towed into the storage facility of the primary tower that is not moveable and must be towed out of the primary towers storage facility to a designated unsecured staging area for towing by the secondary tower.

Abandoned vehicle: Any motor vehicle or vessel partially dismantled or not readily capable of operation under its own power or not currently licensed or wrecked or junked. It shall also mean any vehicle whose owner has terminated the use and care of the vehicle and has either indicated by his words or actions an intent to leave it and no longer claim ownership of it or left it without making arrangements for the storage with the owner, occupant or person in control of the premises on which it is located. It shall also mean any agency-initiated tow that has not been claimed within 30 business days.

Air cushion recovery: Use of any number of inflatable lifting apparatus (commonly referred to as air cushions and/or air bags). Used to lift, under controlled recovery movements, any objects (e.g., automobiles, trucks, tractors, tractor and semi-trailer combinations) either on and/or off the roadway, aircraft, underwater recovery and realignment of shifted loads inside semi-trailers.

Collection expense: Cost of fees spent in an attempt to secure payment for services rendered.

Crane/rotator: Use of specially manufactured vehicle that has an extendable boom that rotates to recover vehicles that need to be recovered from unusual situations

Documentation fee: Cost of photographing, maintaining timeline, written explanations used to explain nature of crash/recovery to assist insurance company/vehicle owner understand the incident and substantiate charges.

Incident: Any recurring or non-recurring event that created a diminished capacity to roadway function or threatens the environment.

Incident management escort & support vehicle: A truck or trailer containing assorted supplies to mitigate the impact of incidents i.e., spill control, traffic control, auxiliary lighting, clean-up materials and equipment.

Mileage charges: Are calculated on a portal-to-portal basis, which consists of the following examples: towing company dispatched from towing facility to destination of tow, tows or transports motor vehicle from point of pick-up back to destination point at a towing company protected storage facility, a motor vehicle is towed from a point of pick-up to another destination other than the towing company facility, e.g. vehicle owner residence, mechanical repair facility, auto body repair facility or any other destination, mileage accrual at arrival back to the point of dispatch (towing company facility).

Off-road recovery: Use of specialized equipment or tow truck to retrieve a vehicle that has left the roadway.

Portable dollies and/or portable Go-Jac type dollies: A set of wheels installed under either end of a vehicle in order to facilitate its movement. Use of this type equipment would incur an additional labor charge.

Post incident expenses: A host of services provided to the customer's vehicle after the vehicle has been removed from the scene.

Recovery supervisor/coordinator: A trained individual who utilizes his expertise to facilitate a safe and effective response to an incident through direct instruction to other employees dealing with the other responders or physically creating the conditions needed to terminate an incident.

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.

Subcontractor: Use of other commercial business to provide services needed that tower does not possess. Tower invoices a handling charge on top of subcontractor's invoice charge.

Trailing: The use of Landoll type recovery unit to transport anything that is too large to be flat-bedded or would be damaged if towed in another manner.

Water recovery: The process of recovering a vehicle or any other object as requested that is in water or under water.

Willful abandonment: An action deliberately taken by an owner or insurance company to leave a vehicle or vessel at a storage yard in order to attempt to avoid paying the towing, recovery, storage etc. charges due against the vehicle. See NJ Statue 39:4-56.5 and 56.6.

Winching: The process of moving a motor vehicle by the use of additional chains, nylon slings and additional lengths of winch cable from a position that is not accessible for direct hook up by conventional means for towing and/or loading onto a tow vehicle. Winching is not pulling a vehicle onto a flatbed carrier or lifting a motor vehicle by conventional means (tow sling, wheel left, etc.).

Wrecking: The process of removing wreckage from the roadway, e.g., the vehicle and its debris, that includes the removal of pieces of vehicles from a crash scene with the end result being to return the roadway back to pre-crash conditions.

§ Section 3. License Required.

No person shall engage in the business of operating wreckers or tow trucks within the Municipality without first obtaining a license, therefore.

§ Section 4. Application Requirements.

A. Every applicant for a license under this chapter shall complete, sign and verify a written application, in duplicate, on forms furnished by the Edgewater Municipal Clerk.

B. The application shall state:

- (1) Name and address of the applicant.
- (2) Residence address and full local address, if any, of the applicant.
- (3) A list of Serial / VIN number and registration certificates of each vehicle to be operated by the applicant.
- (4) Location of storage area for wreckers and cars and the amount of available space for storage of towed cars.
- (5) Policies or certificates of insurance coverage as hereinafter provided.
- (6) Consent to appointment of the Municipal Clerk as the applicant's true and lawful attorney for the purpose of acknowledging service out of any court of competent jurisdiction to be served against the applicant.
- (7) Agreement to be available for release of towed vehicles-during normal operating business hours.
- (8) Agreement to be available to tow vehicles 24 hours per day, seven days a week.
- (9) Names and addresses of two business references.
- (10) Sketch plan showing the location of the storage area, the number of cars that can be stored, and the total square footage area of the outside secured storage area.
- (11) Proof of ownership or lease of the outside secured storage area.
- (12) Proof of ownership, lease or other written agreement demonstrating availability of the vehicles which will be utilized to provide services pursuant to this chapter.
- (13) Agreement to indemnify and hold the Municipality, its officers, agents and employees harmless from any and all liabilities, claims, costs, penalties, fines, and attorney's fees

arising out of the towing, wrecking, storage and/or emergency services provided by the tow vendor at the request of the Municipality pursuant to this chapter.

- (14) A detailed description of any and all disciplinary proceedings and/or investigations pertaining to the applicant and its employees, as it relates to the towing business.
 - (15) Identity of any and all criminal arrests and offenses for all officers and employees of the applicant, indicating the date of the incident or arrest, type of offense, court disposition of charges, including the sentence imposed.
 - (16) The consent of the applicant and all employees to a criminal background check and driver's license abstract search and the social security number, driver's license number and date of birth of such persons for purposes of conducting criminal background checks.
 - (17) A detailed itemization of all of the applicant's equipment to ensure compliance with Section 13 of this Chapter.
- C. Reserved for additional municipal requirements
D. Reserved for additional municipal requirements

§ Section 5. Filing of Application; Investigation by Chief of Police.

- A. The applicant shall file the completed application forms in duplicate with the Edgewater Municipal Clerk along with \$500.00 application fee.
- B. The Chief of Police or designee assigned by him/her shall conduct a review and shall recommend either approval or denial of the application within 21 days of the filing of the application.
- C. The Chief of Police or designee by him/her shall be charged with the investigation of prospective licensees and shall recommend the issuance of a license when he finds that:
 - (1) The public convenience and necessity require the proposed wrecker service for which application has been submitted.
 - (2) The applicant and all employees are fit and proper persons to conduct or work in the proposed business.
 - (3) The application submitted by the applicant complies with the requirements of this article and all other applicable ordinances of the Borough of Edgewater.
 - (4) The Chief of Police may also utilize the Authorized Abandoned/Unclaimed Service Provider to assist in the evaluation of each applicant and to make periodic inspections of the applicants' facilities as may be required.
- D. Inspection; Recommendations. After such examination of the applications and such inspections as the Chief of Police may consider it necessary to evaluate the applicant's compliance with and ability to continue to comply with, the requirements of this Chapter. The application shall be approved or denied by the Chief of Police or his designee based upon his examinations, inspections, and evaluations.
- E. Applicants and licensees shall cooperate with any and all investigations conducted by the Chief of Police or his/her designee or other law enforcement agency working in conjunction with the Police Department. The requirement of cooperation shall continue throughout the period of the application and the duration of the license and the storage of vehicles (even if license is no longer in effect).
- F. Basis for Denial of license. A license may be denied following the examination of the application and inspections, in the sole discretion of the Chief of Police or his/her designee, for reasons including, but not limited to:
 - (1) Fraud, misrepresentation or false statements in the application.
 - (2) Incomplete or inaccurate application.
 - (3) Criminal history;
 - (4) Inability to provide safe, prompt and efficient services pursuant to the requirements of this chapter; or
 - (5) The inability and/or refusal to meet any of the requirements of this ordinance.

§ Section 6. Issuance of License; contents; expiration date; record of issued licenses; fee.

- A. The Edgewater Municipal Clerk shall promptly notify the applicant of the approval of its application and shall issue the license.
- B. The license shall contain the following:
 - (1) Name and address of licensee.
 - (2) Number of the license and amount of fee paid.
 - (3) Date of issuance of the license and expiration date.
 - (4) Signature of Municipal Clerk and Seal of the Municipality.
- C. All licenses shall expire on December 31 of the year issued unless an earlier expiration date is indicated on the license.
- D. The Police Department shall keep a record of all licenses issued.
- E. The license fee for the license issued under this chapter shall be \$500.00 to be paid upon issuance of the license. No portion of this fee shall be prorated for any part of the year.

§ Section 7. Tow vendors rotational list.

The Chief of Police shall establish a tow vendors' rotational duty service list. The Police Department shall call the towing operators in sequential order as set forth by the Chief so that each towing operator will be given the opportunity to respond to individual calls as received by the Municipality. There may be multiple rotational lists maintained to provide for the different types of towing services, such as passenger vehicle tows and heavy duty, as certain towing vendors may not be capable of providing all types of towing services. The Police Department shall have the right to call the next towing operator on the list should a towing operator fail to respond to a call within 20 minutes or if the first operator called cannot be reached by telephone or advises that he or she is unable to respond.

§ Section 8. Nontransferability and display of license.

- A. A license issued under this article shall not be transferable.
- B. Each licensee shall produce his license whenever called upon to do so.

§ Section 9. Fees for towing, storage, and service of vehicles.

- A. Fees: Towing Fees and other charges shall conform with the schedule of fees as adopted by New Jersey State Police / GSTA rates published and updated on annual basis. All rates are subject to any yearly amendments and should supersede any rates listed below, if not amended herein. Fees under "Towing-Basic" within the schedule shall apply for all impounds up to a cap of \$2,500.00 if left unclaimed. All vehicles towed or impounded to a towing facility or city facility **are not** subject to "On-Hook Mileage" fees. Road service for replacing a tire with spare will be a flat rate of the minimum hourly "Manual Laborers" rate under the "Labor" schedule.

ROAD SERVICE

| | |
|------------------------|------------------------------|
| CARS (LIGHT) | \$150.00 PER HOUR PLUS PARTS |
| TRUCKS (MEDIUM/ HEAVY) | \$200.00 PER HOUR PLUS PARTS |

TOWING – Basic

| | |
|--|-------------------|
| LIGHT DUTY- up to 10,000 lbs. | HOOK-UP \$155 |
| MEDIUM DUTY- 10,001-16,000 lbs. | \$300.00 PER HOUR |
| HEAVY DUTY- 16,001 and above | \$500.00 PER HOUR |
| DECOUPLING FEE (IF TOW IS NOT PERFORMED) | ½ OF BASIC RATE |

ON-HOOK MILEAGE

| | |
|-------------|--------------------------|
| LIGHT DUTY | \$7.00/ PER LOADED MILES |
| MEDIUM DUTY | N/A |
| HEAVY DUTY | N/A |

RECOVERY/ WINCHING (In Addition to Towing – per truck including driver)

| | |
|---------------------------------------|-------------------|
| LIGHT/ MEDIUM DUTY 10,001-16,000 lbs. | \$350.00 PER HOUR |
| HEAVY DUTY 16,001 and above | \$650.00 PER HOUR |

SPECIALIZED RECOVERY EQUIPMENT

| | |
|--|--------------------|
| ROTATOR/ CRANE RECOVERY UNIT | \$1200.00 PER HOUR |
| TRACTOR WITH LANDOLL TRAILER OR DETACH TRAILER | \$500.00 PER HOUR |
| TRACTOR/ TRANSPORT HAULER ONLY | \$350.00 PER HOUR |
| REFRIGERATED TRAILER W/ TRACTOR | \$550.00 PER HOUR |
| BOX TRAILER W/ TRACTOR | \$500.00 PER HOUR |
| AIR CUSHION UNIT | \$1000.00 PER HOUR |
| LIGHT TOWER | \$250.00 PER HOUR |
| PALLET JACK | \$200.00 FLAT RATE |
| ROLLERS | \$200.00 FLAT RATE |
| ANY OTHER SPECIALIZED EQUIPMENT | \$300.00 PER HOUR |

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|---|----------------------------------|
| LOADER/ BACKHOE/ TELESCOPIC HANDLER/ BULLDOZER/ BOBCAT | \$400.00 PER HOUR EACH |
| FORKLIFT | \$400.00 PER HOUR |
| DUMP TRUCK/ DUMP TRAILER W/ TRACTOR | \$450.00 PER HOUR |
| ROLL-OFF WITH CONTAINER | \$450.00 PER HOUR PLUS DISPOSAL |
| RECOVERY SUPERVISOR VEHICLE | \$150.00 PER HOUR |
| SCENE SAFETY EQUIPMENT, COMMUNICATION EQUIPMENT, TRAFFIC MANAGEMENT EQUIPMENT, ETC. | \$250.00 PER HOUR EACH TYPE USED |
| RECOVERY SUPPORT VEHICLE/ TRAILER ADDITIONAL RECOVERY EQUIPMENT | \$350.00 PER HOUR |

LABOR- ALL LABOR MIN OF 1 HOUR

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|---|---|
| ACCIDENT MINOR CLEAN-UP AND DISPOSAL OF DEBRIS | \$75.00 PER HOUR ONE HOUR MINIMUM PLUS ABSORBANT MATERIALS USED |
| RECOVERY SUPERVISOR AND/ OR LEVEL III RECOVERY SPECIALIST | \$250.00 PER HOUR *Charges limited to one per incident |
| CERTIFIED TOWING OPERATOR | \$150.00 HOUR PER MAN |
| MANUAL LABORERS | \$125.00 PER HOUR PER MAN |

STORAGE – PER CALENDAR DAY (INSIDE RATES TWO TIMES OUTSIDE RATE)

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|---|--------------------------------|
| CARS/ LIGHT TRUCKS -10' X 20' SPACE | \$50.00 PER DAY |
| TRUCKS (DUAL WHEELS)/ SINGLE AXLE | \$125.00 PER DAY |
| TRACTOR/ DUMP TRUCK/ TRACTOR AND TRAILER COMBO/ TRAILERS | \$125.00 PER UNIT 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 | \$50.00 PER SPACE USED PER DAY |
| RENTAL OF ANY TOW COMPANY SUPPLIED TRAILER POST INCIDENT | \$500.00 PER DAY |

**** STORAGE BILLED PER CALENDAR DAY****

ADDITIONAL SERVICES/ NOTES

| | |
|---|------------------------------------|
| FUEL/ HAZ-MAT/ CARGO SPILLS CLEAN-UP AND DISPOSAL | TIME AND MATERIAL |
| HAZMAT AND TRASH RECOVERY | SURCHARGED 10% |
| SUBCONTRACTOR MARK-UP | 20% |
| ADMINISTRATIVE CHARGE ONLY AFTER 3 RD VISIT TO VEHICLE | CARS ONLY - \$50.00 |
| ADMINISTRATION CHARGE | MEDIUM/ HEAVY TRUCK - \$200.00 |
| AFTER HOURS RELEASE | \$85.00 |
| NOTIFICATION DOCUMENTATION FEE | \$75.00 |
| TARPING/ WRAPPING VEHICLE | \$90.00 PER CAR \$250.00 PER TRUCK |
| FUEL SURCHARGE | RESERVED FOR FUTURE NEED |

NOTE: AFTER THE FIRST HOUR, ALL HOURLY BILLABLE RATES WILL BE CHARGED IN HALF HOUR INCREMENTS.

In addition to the fee structure above, a municipal administrative fee of \$25.00 shall be due to the municipality. See section 9G.

- (B) To perform heavy duty vehicle recovery under this section the licensee must:
- (1) Visually document the recovery scene through photos or video tape.
 - (2) 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 of services.
 - (3) Prepare an itemized billing invoice for all services rendered.

If the licensee finds it necessary, due to the manner of the recovery to contract additional recovery service 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 a heavy-duty operator is unable to handle the recovery, then the next heavy-duty wrecker on the rotational list shall be called.

- (C) All tow contractors licensed and authorized to operate in the municipality shall be required to respond to calls for emergency roadside service. Tow trucks responding to calls for emergency roadside service must be equipped to jump start vehicles and change tires and must have a spare tank of at least two gallons of gasoline and two gallons of diesel fuel.
- (D) If a vehicle is towed by a licensee to premises controlled by the Municipal Police Department or any other agency designated by them for the purpose of utilizing the vehicle or its contents as evidence, or in an ongoing criminal investigation, such vehicle shall not be released from Police Department custody, except to the licensee, unless the owner of the vehicle furnishes the Police Department with a receipt that all applicable fees for towing and / or service has been paid in full. A second fee may be charged if the vehicle is removed to the licensee's storage area or other destination desired by the police or owner.
- (E) In the event the Municipality directs that a towed vehicle is not to be released by the tower because the vehicle is subject to an ongoing police investigation, no storage fee shall be charged to the Municipality.
- (F) **Notice of fees.** Tow contractor shall at all times have a copy of the fee schedule set forth by this chapter displayed in visible sight for public inspection at its place of business. All tow trucks shall have a copy of schedule of fees available, if a vehicle owner should request. Any charges to a vehicle owner where the copy of the fee schedule set forth by this chapter was not on display or readily available by tow truck operator when requested by vehicle owner shall be considered a violation of this chapter and shall preclude the tower from charging the vehicle owner for the services rendered. Failure to provide said notice shall also be considered a violation of this chapter and shall subject the tower to fines set forth by this chapter and a loss of license.

G. Release of vehicles.

- 1.) In addition to the charges described above, there shall be a fee, payable by the vehicle owner or operator, in the amount of \$25 per vehicle towed. This fee is required to be itemized separately on all invoices. This fee shall be used to defray the expenses of the municipality in connection with the towing program. It shall be the responsibility of the towing company to collect this fee and each towing company shall, monthly, forward a statement as to the number of vehicles towed, along with the copies of tow receipts, together with a check in payment of all administrative fees collected to the finance office.
- 2.) No towing license shall be renewed by the municipality for any towing company with unpaid administrative fees.
- 3.) Upon payment of the appropriate storage fee and authorization from the Edgewater Police Department, where applicable, the tower shall release the towed vehicle to the vehicle owner or an authorized designee. The tower is not required to release a vehicle after normal operating business hours. In the event the tower is available to release a towed vehicle after normal operating business hours, then the tower shall be entitled to an after-hours vehicle release fee in accordance with the schedule of fees as adopted by the New Jersey State Police / GSTA Fee Schedule.
- 4.) If the owner of a towed vehicle has not contacted the tow vendor within 7 days to discuss its intent regarding the vehicle in the tow company's possession, the towing vendor shall request title and lien information from the Edgewater Police Department's authorized service company, and if no such company is contracted, directly from the Police Department. Tow vendor shall notify the owner and any lienholder via certified mail immediately upon receipt of title and lien information. If notification is required to owner and/or lien holder, a notification documentation fee in accordance with the schedule of fees as adopted by the New Jersey State Police / GSTA Fee Schedule may be applied. The notice shall be sent certified mail and contain the following:
- 5.) the name and address of the owner of record and the holder of any security interest

- 6.) the location where the vehicle is being stored
- 7.) Schedule of costs imposed for storing the vehicle and instructions explaining how owner of record or the security interest holder may claim the stored vehicle
- 8.) A statement that a sale or disposal of the motor vehicle, will occur in accordance with N.J.S.A. 39:10A-1 through N.J.S.A. 39:10A-7 if the vehicle is not claimed within 30 days. The address of the owner and lienholder as shown on the records of the New Jersey Motor Vehicle Commission, or any other states equivalent agency, shall be deemed sufficient for the purpose of this chapter.

§ Section 10. Insurance.

The tow contractor shall maintain, during the life of its license, insurance policies of the type and with the minimum limits indicated below and, in a form, satisfactory to the Municipality. The tow contractor shall provide a certified copy of the policies and/or certificates of insurance satisfactory to Edgewater prior to commencement of work.

- A. Garage liability insurance. Limit of liability shall not be less than \$500,000 combined single limit (bodily injury and property damage) per occurrence, including premises operations and products/completed operations.
- B. Automobile liability insurance. Limit of liability shall not be less than \$500,000 combined single limit (bodily injury and property damage) per occurrence.
- C. Garage keepers' legal liability insurance. Physical damage insurance policies shall be specifically endorsed to provide direct primary insurance, where applicable, for vehicles in tow, possession of, or storage on property owned or controlled by the tower. Limit of said coverage shall be not less than \$100,000.
- D. Excess umbrella insurance. Limit of liability shall be not less than \$1,000,000 providing protection in excess of the \$500,000 garage and auto liability coverage. This requirement may be waived if the limits of liability in Subsections A and B are not less than \$1,500,000 combined single limit.
- E. On all liability policies, the Municipality shall be added as an additional insured, and insurance certificates shall indicate such coverage as primary coverage notwithstanding any insurance carried by the Municipality.
- F. Workers' compensation insurance: New Jersey statutory coverage, including employers' liability coverage with a limit of at least \$500,000/\$500,000/\$500,000.
- G. The tow contractor shall indemnify the Municipality and the public against any loss due to injuries, accident or damages of any character whatsoever where any such damage is the result of act or omission of the tow contractor, his agents or employees in or due to the execution of the work called for under the contract.
- H. Certified copies of all insurance policies provided above or certificates thereof satisfactory to the Municipality shall be provided. Each such policy or certificate shall contain a provision that it is not subject to change, cancellation or nonrenewal unless 30 days' prior written notice, via certified mail/return receipt, shall have been given to the Municipality by the tower's insurer. These must be received 30 days prior to commencement of work.
- I. The providing of any insurance required herein does not relieve the tower of any of the responsibilities or obligations as assumed by the tow contractor for which the tow contractor may be liable by law or otherwise.
- J. If any policies contain deductibles or copayments, it shall be the responsibility of the tow contractor to pay such sums at the same time a claim is settled by the tow contractor's insurance company.
- K. If any policies contain limits of liability with an aggregate limit, the tow contractor or tow contractor's insurance company shall provide the Borough of Edgewater, quarterly during the policy period, a statement evidencing the limits of liability required under the contract to be in force.
- L. Failure to provide and continue in force such insurance as required above shall be deemed a violation of this chapter and shall be cause for immediate revocation of the tow contractor's license.
- M. All policies shall be written by either a company licensed to do business in the State of New Jersey or a New Jersey eligible surplus lines company, with a minimum Best rating A-X. They shall be written on an ISO (Insurance Services Office) form or better.

§ Section 11. Availability of applicant.

No license shall be issued to an applicant hereunder unless the applicant or applicant's employees will be available at his business premises on a twenty-four-hour basis to tow disabled vehicles.

§ Section 12. Agent for service of process.

No license shall be granted to a wrecker unless and until he has appointed the Municipal Clerk as the applicant's true and lawful attorney for the purpose of acknowledging service of any court of competent jurisdiction to be served against the applicant.

§ Section 13. Minimum standards of performance and equipment.

In addition to all of the other requirements and regulations contained herein, all tow vendors will comply with the following requirements:

- A. All vendors must have sufficient storage area on their own premises to store not less than ten towed vehicles.
- B. Tow vendors will provide a twenty (20) minute response time from the time of call from the Municipal Police Department Communications Center to the time of arrival at the tow request location.
- C. The vendor shall notify the Municipal Police Department if they are unable to meet the-twenty (20) minute response time of an accepted call. Failure to do so will result in suspension of the vendor.
- D. Vendor is to accept payment by cash and must accept at least two major credit cards (i.e., MasterCard or Visa).
- E. The Police Department will establish separate general-duty and heavy-duty rosters. The Police Department reserves the right to determine which service is appropriate for a given call.
- F. Vendors shall submit copies of all invoices to the Edgewater Chief of Police or his/her designee on the first of every month and no later than the fifth of the month. Vendors will be suspended from towing if invoices have not been submitted.
- G. Vendors are prohibited from using subcontractors unless approved by the municipality at the scene to aid in clearing the scene.
- H. Vendors are prohibited from using tow vehicles not listed on the application. Applications may be updated at the vendor's request. Vendors will be suspended from towing if they utilize vehicles not listed on the application.
- I. Vendors are prohibited from using tow vehicles, drivers or employees not listed on the application. Applications may be updated at the vendor's request. Vendors will be suspended from towing if they utilize drivers or employees not listed on the application.
- J. In the event patrons are unable to pay for tow services, vehicles will be towed to the vendor's designated storage facility until payment is made. Vendors will be entitled to storage fees as set forth in Section 9.
- K. Vendors will tow all Light Duty Municipality vehicles at no charge to the Municipality.
- L. All equipment shall comply with all state and federal regulations, and all vehicle operators shall be properly licensed for the vehicles they are operating.
- M. Every tow vehicle or flatbed shall comply with all state, federal and local laws, regulations and ordinances pertaining to safety, lighting and towing equipment requirements, and shall be subject to inspection by the Chief of Police or his/her designee at any time.
- N. Every tow vehicle or flatbed shall be properly licensed and registered with the New Jersey Motor Vehicle Commission. Every tow vehicle or flatbed shall display New Jersey commercial license plates or apportioned license plates.
- O. Drivers of towing vehicles and flatbeds shall obey all traffic laws and regulations.
- P. Tow vendors shall maintain an outside secured storage area meeting the following requirements:
 - 1. Said storage premises shall be located within the municipality or no further than two (2) miles from the border of the Municipality.
 - 2. The storage area shall be in an area legally zoned for such use.
 - 3. The tow vendor shall be responsible for ensuring the proper and safe storage of all vehicles towed pursuant to this chapter. The tow vendor shall be liable for any damage incurred by such vehicles while in transit or while stored in the storage areas.
- Q. Tow vendor shall be required to cooperate and comply with any requests made by the AAUSP.
- R. Reserved for additional municipal requirements

§ Section 14. Enforcement.

- A. The governing body hereby designates the Police Department generally and the Chief of Police in particular as the agent to supervise the enforcement of the terms and provisions of this article and the rules and regulations adopted hereunder.
- B. No individual owner or operator of a wrecker shall respond to the scene of an auto accident except upon notification by the officer in charge of police headquarters or upon request of the driver or owner of the vehicle involved.
- C. The officers investigating accidents which require a wrecker shall get authorization from the driver or owner of the cars as to who is to do the towing.
- D. To amplify and expedite the enforcement of the provisions of this article, the Chief of Police is authorized to establish a system of rotation in the assignment of wreckers when the owner or the driver declines to indicate any specific choice of a wrecker to remove the disabled vehicle.

§ Section 15. Limitations on wreckers.

No wrecker shall possess or exhibit flashing lights except as provided under Title 39 of the New Jersey Statutes Annotated.

§ Section 16. Violations and penalties.

Any person who shall violate the provisions of this article shall, upon conviction thereof, be liable to a fine of not more than \$100.00 for the first offense. Upon the second or subsequent conviction under the provision of this article, a person shall be subject to a fine not less than \$100.00 and no more than \$500.00 and/or revocation of the license granted under this article, in the discretion of the Judge.

§ Section 17. Suspension and removal from list; appeal.

The Chief of Police shall have the authority to suspend a tow vendor from the tow vendors' rotational list for a period of up to 30 calendar days for failure to comply with any of the requirements of this chapter. For a subsequent failure to comply with any of the requirements of this chapter, the Chief of Police may remove the tow vendor from the tow vendors' rotational list for a twelve-month period. A towing operator may appeal the suspension or removal from the tow vendors' rotational list by filing a notice of appeal with the Municipal Clerk within ten business days of the Chief's decision. A hearing shall be held by the Mayor and Council within 30 days of the filing of the appeal. The Mayor and Council shall render its determination within 45 days following the conclusion of the hearing. The Mayor and Council's determination shall be final and conclusive. If a tow vendor has had 2 suspensions in a 5-year period on the 3rd Suspension, they will be terminated permanently and removed as a vendor and unable to reapply.

§ Section 18. Appeals.

- A. Any person aggrieved by the action of the Chief of Police in the denial of a license as shall have the right of appeal to the Mayor and Council. Such appeal shall be taken by filing with the Council, within 14 days after notice of the action complained of mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal.
- B. The Mayor and Council shall set a time and place for hearing of such appeal and notice of such hearing shall be given to the applicant.
- C. The decision and order of the Mayor and Council on such appeal shall be final and conclusive.

§ Section 19. Non-Municipality wreckers.

This article shall not prevent the occasional operation at the scene of an accident, upon the request of an owner or driver of a vehicle, of a wrecker or tow truck which is owned by a person not regularly engaged in the business of operating wreckers or tow trucks within the Municipality. The Officer in charge at the scene of the accident has the right to deny the request of the Non-Municipality Wrecker, if the vehicle is in an unsafe location, creating a traffic hazard, or the time for the requested tow to arrive is unreasonable.

§ Section 20. Records to be maintained.

All towers authorized under this article shall maintain the following records for not less than three (3) years and shall provide such records to the Edgewater Police Department upon request:

- A. Date of tow.
- B. Location of tow.
- C. Name of vehicle owner.
- D. Address of vehicle owner.
- E. Type of tow (accident, disabled, police impound, etc.).
- F. If off-road recovery was necessary, time and charge.
- G. Type of storage, dates stored, and charge.
- H. Make, VIN number, model, year, and registration of vehicle.
- I. Date of vehicle release.
- J. Name, address, and telephone number of person the vehicle was released to
- K. Reserved for any other municipal requirement.

§ Section 21. Equipment.

- A. Required Equipment. A towing operator, when filing an application for and at all times while holding a license under this section, shall own or lease for use in performing the services required by the license the following items of equipment.
 - (1) One light duty wreckers or flatbeds, both types to be equipped with wheel lift.
 - (2) One medium duty wrecker with wheel lift.
 - (3) One medium duty flatbed truck with wheel lift.
 - (4) One heavy duty wrecker with chassis lift/under reach
 - (5) Above mentioned equipment classes (light/medium/heavy) must meet the standards as defined under the definitions contained in Section 2 of this chapter.
 - (6) Safety Equipment to be carried on all trucks shall include:
 - (a) Wheel lift or chassis lift/under-reach

- (b) “J” hooks and chains or tie downs.
 - (c) Snatch block
 - (d) Two high-test safety chains
 - (e) Auxiliary safety light kit (to be placed on rear of towed vehicle that does not have functioning taillight flashers).
 - (f) Rotating or strobe amber emergency lights mounted on the top of the truck (NJ state issued permit required and must be in truck).
 - (g) Two white work lights facing the rear of the vehicle.
 - (h) Two safety cones with reflective strip (minimum 18 inches).
 - (i) One shovel
 - (j) One broom
 - (k) Steering wheel tie down
 - (l) A two-way communication system, radio or cellular, with communication between the licensee’s base and all the required trucks and from truck to truck.
 - (m) Jumper cables or jump box
 - (n) One fuel can capable of carrying five U.S. gallons of fuel.
 - (o) Two bags of Speedy Dry or equivalent
 - (p) Tow truck drivers are required to wear reflective clothing at all times.
- B. Tow truck lettering. All tow trucks operated by the licensee shall be permanently lettered on both sides in accordance with New Jersey Statute Title 39 (Newly purchased vehicles will be allowed a four-week grace period, during which time a pair of magnetic signs may be used). All licensees recognize that they are performing a service authorized by the Municipality.

§ Section 22. Sale or junk title issuance of unclaimed/abandoned impounded vehicles.

- A.) If after 30 days from the date of towing the vehicle remains unclaimed, then it shall be deemed abandoned and the Borough of Edgewater will take such action as is permitted under N.J.S.A. 39:10A-1 through 39:10A-7.
- B.) The tow vendor shall notify the Municipal Authorized Service Provider, and if no such company is contracted, notify the Edgewater Police Department at the end of the 30 days of the date of towing, that the vehicle has not been claimed. Upon notification, a determination whether the vehicle can be certified as junk will be made. If a certification of junk cannot be made, the vehicle will be sold at public auction in accordance with N.J.S.A. 39:10A-1 through 39:10A-7.
- C.) Storage charges shall accumulate as per Section 9 until the disposition of the vehicle. Notwithstanding the foregoing, storage and towing fees shall be capped at \$2,500 no matter the duration of storage. In addition, any proceeds in excess of the accumulated fees or the capped \$2,500 shall be retained by the Borough of Edgewater. A tow vendor shall be authorized to bid on a vehicle at auction and in the event the tow vendor is the winning bid, tow vendor shall remit any proceeds above \$2,500 to the municipality. In the event the sale price from such auction or any revenue from junk title vehicles transferred to tow vendor shall be insufficient to pay the accrued towing and storage charges, the Borough of Edgewater shall not be liable. The licensed tow vendor shall accept such limited proceeds as full payment. Notwithstanding the foregoing, the tow vendor shall have the right to seek any legal actions available against the registered owner, to recoup the balance of accrued fees as per section 9 herein. The licensed tow vendor shall provide a junk ticket/receipt from a license junk/salvage yard for all vehicles which a junk title was received. The sale of abandoned vehicles will be governed by the standards set forth in N.J.S.A. 39:10A-1 to 7 and guidelines developed within by the Borough of Edgewater and its Police Department.

§Section 23. Authorized Service Provider (ASP): The Borough of Edgewater may engage an Authorized Service Provider to provide services and software for the management of police-initiated tows and impounds and/or unclaimed and abandoned vehicles. The ASP will also provide services for the disposition of Abandoned and Unclaimed vehicles that were towed by the Edgewater Police Department in accordance with this ordinance and assist the Police Chief with the administration of this ordinance as may be required.

- A. **Requirements:** The ASP must be an entity authorized to do business in the State of New Jersey with an office in the State and have a minimum of 5 years’ experience in the processing of Abandoned and Unclaimed vehicles.
- B. The ASP must provide online access via an online portal for the Borough of Edgewater representatives to access all impounds and/or abandoned/unclaimed vehicles in the agency’s possession in the agency’s possession.
- C. The ASP must submit the following to the Borough of Edgewater:
 - 1. A “Certificate of Good Standing” issued by the Secretary of State of New Jersey

2. A listing of all previous public entities and or Police Departments served by the business entity indicating the dates of services and position held.

§ Section 24. Processing of Documents: The ASP shall be authorized to execute any documents necessary to ensure compliance with local ordinance and State Statutes to facilitate the disposition of unclaimed vehicles as set forth in N.J.S.A. 39:10A-1 through 7

§ Section 25. Auction of Vehicles: At the Municipality's request the ASP may be authorized to conduct public auction of any vehicle covered by this ordinance.

§ Section 26. Operation by other Tow Truck Operators. This section shall not prevent the occasional operation at the scene of an accident, upon the request of an owner or driver of a vehicle, of a tow truck that is owned by a person not a licensee hereunder

§ Section 27. Implementation. Upon the adoption of this chapter, the Borough Clerk 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 Borough. In addition, the Chief of Police shall give notice to all towing operations known to have engaged in basic towing service in the Borough for the last year.

§ Section 28. Violations and penalties.

- A. Any person, firm or corporation violating the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not more than \$500 or to imprisonment for not more than 90 days or both, at the discretion of the Judge of the Municipal Court.
- B. An operator engaged in the removal of motor vehicles, or any employee, officer or agent thereof, who engages in a pattern of practice of knowingly violating the fee limits set forth in Sections 3 of P.L. 1987 c 127 (N.J.S.A. 40:48-2.50) may be liable to the municipality for a civil penalty of not less than \$25 nor more than \$50 for each motor vehicle stored with the operator.

§Section 29. Dispute resolution and license revocation.

- A. In the event that a complaint is received by the Borough involving the improper or unsatisfactory performance of services by an official tower of excessive charges or damage to a motor vehicle in the custody of the tower, written notice of same shall be provided by the Borough Clerk to the official tower involved. The tower shall have the opportunity to respond in writing, within five days.
- B. Within 14 days of receipt of the tower's response or within 21 days of receipt of compliant, if no response is received, the Borough Clerk shall present the matter to the Mayor and Council.
- C. The Mayor and Council shall consider the matter at a public hearing and may request that the complainant and the tower involved appear and give testimony regarding the complaint.
- D. If after considering the matter, the Mayor and Council shall determine that one of the causes for revocation of the official tower license exists, the license shall be revoked and tower shall surrender it to the Borough Clerk within one day.
- E. Failure to surrender the license upon revocation shall constitute a violation of this chapter.
- F. Nothing contained herein shall prevent or limit the right of any person to commence or maintain an action for damages or any other relief directly against an official tower in a court of competent jurisdiction.

§Chapter 30. Trespass towing and booting. The following provisions shall apply to any towing operator and/or booting service when engaged by the owner or other person in control or possession of private property to remove therefrom or boot an unauthorized vehicle, pursuant to the provisions of N.J.S.A. 39:4-56.6 and Chapter 410 of this Code.

- A. No towing operator shall conduct a trespass tow of a Class A vehicle from a private parking lot for compensation when the point or origin is within the jurisdictional limits of the Borough of Edgewater, without complying with the provisions of this chapter.
- B. Posting of warning signs.
 - (1) No vehicle shall be towed from a private parking lot designated parking violations unless a sign is conspicuously posted and clearly visible from all vehicle and pedestrian entrances to the property indicating the following:
 - (a) A warning that the property is a private tow-away zone and a vehicle not authorized to park on the property will be towed at the owner's expense.
 - (b) The telephone number of the person or entity from whom a towed vehicle can be recovered.
 - (c) A statement that the vehicle may be recovered between the hours of 7:00 a.m. to 9:00 p.m. on any day.

- (2) A warning sign is not required as a condition precedent to towing a vehicle blocking a private entrance, exit, driveway, fire lane or loading area; neither shall this section apply to statutory parking violations relating to handicapped parking or nonconsensual tows directed by a governmental enforcement officer.
- C. No towing service operating within the Borough of Edgewater shall tow a vehicle or charge for its services where the registered owner or other legally authorized person in control of the vehicle arrives at the scene prior to towing the vehicle from the lot and:
 - (1) Agrees to immediately remove the vehicle from the lot; and
 - (2) Provides the towing operator or booting service with his or her name, address and vehicle information as set forth on the vehicle registration.
- D. No vehicles removed from private property shall be stored on public property, including public streets.
- E. No vehicle removed from private property shall be stored on public property including public streets.
- F. No towing operator engaged by a private party shall charge rates greater than those authorized by this chapter; nor shall any charge be made for any service not specifically set forth in this chapter.
- G. Whenever a vehicle is towed from private property, the police Department of the Borough of Edgewater shall be notified, within five minutes of the time of removal, as to the reason of the towing; the year, make and license number of the vehicle; the name and address of the owner, if known; the name and address of the towing operator; and the address or location to which the vehicle is being towed.
- H. No booting of any vehicle is permitted.
- I. Proof of insurance must be provided to the Edgewater Police Department.

§Chapter 31. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

§Chapter 32. Effective date.

This ordinance shall take effect immediately upon final publication as required by law.

§Chapter 33. Repeal of Inconsistent Ordinances.

All ordinances and parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

| COUNCILPERSON | MOTION | SECOND | YES | NO | ABSTAIN | ABSENT |
|---------------|--------|--------|-----|----|---------|--------|
| GUTIERREZ | | | | | | |
| LAWLOR | | | | | | |
| MONTE | | | | | | |
| VIDAL | | | | | | |
| MARTIN | | | | | | |
| BARTOLOMEO | | | | | | |
| MAYOR | | | | | | |

MICHAEL J. MC PARTLAND, Mayor

ATTEST:

Stephanie Evans, RMC, Borough Clerk

INTRODUCED: October 21, 2024
ADOPTED: November 12, 2024