

ORD.#2-2022

An Ordinance of the Township of Mount Olive, County of Morris and State of New Jersey, Amending Chapter 367, Towing, of the Township Code to Update Regulations Governing the Operation of Towers.

CLERK:

Delivered to Mayor:

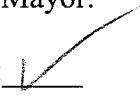
Date: 1/26/2022

Time: 9:00 am

Signed: 
Township Clerk
Michelle Masser

MAYOR:

Action by Mayor:


Approved: 

Date: 1-26-2022

Vetoed: _____

Date: _____

(Reasons for which Mayor has withheld approval of Ordinance, item or part Thereof.)

Signed: 
Mayor

CLERK:

Returned:

Date: 1/26/22

Time: 10:15 AM

Not returned with in (10) days

Date: _____

Signed: 
Township Clerk

ORD.#2-2022

**AN ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE,
COUNTY OF MORRIS AND STATE OF NEW JERSEY, AMENDING
CHAPTER 367, TOWING, OF THE TOWNSHIP CODE TO UPDATE
REGULATIONS GOVERNING THE OPERATION OF TOWERS**

WHEREAS, Chapter 367, Towing, of the Township of Mount Olive Code, regulates towing operations within the Township; and

WHEREAS, the Mount Olive Township Police Department has recommended certain revisions to Chapter 367 to update requirements for towers; and

NOW, THEREFORE, BE IT ORDAINED by the Township Council, in the County of Morris and State of New Jersey as follows:

SECTION 1. Chapter 367, Towing, of the Township Code is hereby replaced in its entirety with the following language:

§ 367-1. Purpose.

The purpose of this chapter is to establish rules and regulations, pursuant to N.J.S.A. 40:48-2.49 et seq., and the Predatory Towing Prevention Act (N.J.S.A. 56:13-1 et seq.), to regulate towing operations within the Township of Mount Olive, including to provide the quickest, most efficient response time, thereby minimizing waiting time both for police officers on scene and the removal of motor vehicles from the roadway as a result of an accident.

§ 367-2. Qualifications for rotation list.

A. The Administrator of the Township of Mount Olive is hereby authorized to compile a list of all towers and to amend and supplement the list from time to time. A towing operator shall be required to meet the following minimum qualifications to be included on the list:

- (1) All towing operators shall own or lease and have available at least one conventional tow truck and two flatbed tow trucks, in addition to other equipment that is necessary to provide safe and efficient towing. Each tow vehicle shall have the name of the towing operator and their phone number on the side of the vehicle.
- (2) All towing operators' trucks shall be equipped with cell phones, enabling them to maintain contact with their places of business.
- (3) All towing operators' trucks shall be equipped with brooms and shovels for the purpose of clearing debris off roadways. All towing operators' trucks shall be equipped with 25 pounds of absorbent material for minor spills/leaks of fuel, oil, and similar substances, as well as an approved container for the storage of contaminated absorbent material.

- (4) All towing operators shall have telephone equipment at their place of business that is able to handle more than one incoming call.
- (5) All towing operations shall submit a certificate of insurance to the Township naming the Township as an additional insured. The certificate shall provide evidence that the towing operator carries bodily injury liability, property damage liability, employer's liability, motor vehicle liability, and garage keepers' liability coverage with combined policy limits of \$1,000,000. Each approved operator must also have statutorily required workers' compensation coverage.
- (6) Indemnification. Towing operators shall, to the fullest extent permitted by law, defend, indemnify and hold harmless the Township from and against any and all claims, suits, judgments and demands whatsoever, including without limitation cost, litigation expenses, counsel fees and liabilities with respect to injury to or death of any person or persons whatsoever or damage to property of any kind by whomever owned arising out of or caused or claimed to have been caused, in whole or in part, by the negligent acts or omissions of the towing operators or any other person directly or indirectly employed by the towing operators while in the performance of rendering any services pursuant to the scope of this chapter.
- (7) Applicant shall have a vehicle storage area. This area shall be lighted, fenced, secured, monitored by a surveillance video recording system, and within five driving miles of the Township's Municipal Building. Each storage facility shall post in a clearly visible manner, contact information and hours of operation for vehicle release.
- (8) Applicant shall maintain business hours that allow property to be returned Monday through Friday (9:00 A.M. to 5:00 P.M.) and Saturday (9:00 A.M. to 12:00 noon), excluding legal holidays.
- (9) All applicants and/or agents shall submit to a criminal history check. The applicant or agent shall not have received a criminal conviction within the last seven years for any indictable offense or any offense involving stolen or embezzled vehicles, fraud relating to the towing business, stolen property, or any other offense of similar nature.
- (10) The Applicant shall represent that its trucks and equipment are safe, properly equipped, mechanically sound, and suitable for intended use (N.J.S.A. 39:3-1 et seq. and 49 CFR 393). The Applicant may be subject to an annual FMCSA Level I or V inspection by a trained and certified FMCSA Inspector.
- (11) Applicants shall be familiar with the current "State of New Jersey Highway Incident Guidelines for Emergency" and are encouraged to attend incident management meetings held by NJDOT and NJSP to remain current on updated response procedures.
- (12) Applicants approved to tow for the Township shall not subcontract to other towers. The approval will be applicable only to the individual or corporation whose name appears on the submitted application.

- (13) Applicants' equipment and storage facility is subject to inspection by Mount Olive Township Police Department members prior to approval, and subject to periodic inspection thereafter.

§ 367-3. Additions to and deletions from list.

After the initial list is prepared, the Administrator may add names to the approved list when additional towing operators meet the appropriate qualifications. The Administrator may also delete names from the list when an operator fails to perform properly or to continue to meet the basic requirements, but no deletion shall occur without notice to the towing operator involved and the opportunity for a hearing before the Administrator. The decision of the Administrator may be appealed to the Township Council.

§ 367-4. Establishment of rates.

The Township has the authority to and will establish tower rates, consistent with the prevailing rates for the area (ten-mile radius). No fees, other than established by the Township, are authorized to be charged. Towing/storage fees are to be reviewed every three (3) years by the Police Department.

§ 367-5. Duties of towing operators.

- A. Approved towing operators shall respond to a vehicle within 20 minutes after being notified by the desk officer of the Police Department of a necessary service call.
- B. A towing operator shall immediately dispatch tow trucks when requested by the desk officer to respond to an emergency situation.
- C. A towing operator shall not permit a vehicle to be removed without proper authorization.
- D. A towing operator's drivers shall request police assistance during the course of servicing when they find it necessary to turn around, back up, tow in the opposition direction, cross the median, etc.
- E. Towers shall remove all debris from the roadway and scene from which the vehicle will be towed.
- F. All tow company personnel shall wear Class II traffic safety vests while on scene.
- G. At the time of the tow the towing operator shall provide their business information to the driver and/or passenger(s) of all vehicles towed.

§ 367-6. Use of list by Police Department.

- A. The Administrator shall submit to the Police Department from time to time a list of towing operators to be utilized.

- B. The list shall be utilized by the Police Department to provide towing services when necessary. The Police Department shall call for towing services when necessary. The Police Department shall call the towing operators in a sequential rotation of seven days on so that every towing operator is given an equal opportunity to provide towing services. The Police Department shall give each tower at least seven days' notice of his turn in the sequential rotation of seven days on.

§ 367-7. Semiannual report.

The Police Department shall, on a semiannual basis, provide the Administrator with a report as to the quality of towing services provided by those towing operators on the list.

§ 367-8. Disposition of towed vehicles.

All vehicles will be removed to the tower's secured lot, unless otherwise directed by the Police Department. Vehicles may be towed to a designated location by the customer if approved by the Police Department and at an additional cost to the customer.

§ 367-9. Predatory Towing Practices.

Applicants shall be familiar with the rules and regulations of the Predatory Towing Prevention Act (N.J.S.A. 56:13-1, et seq, and be aware that any violations of these requirements shall result in an immediate suspension from the towing list.

§ 367-10. Rates.

The following fees are the maximum amounts that may be charged by any towing company operating within the Township of Mount Olive:

Business Hours: Monday through Friday 9 AM to 5 PM and Saturday 9 AM to 12 noon,
excluding legal holidays

After Hours: All hours other than Business Hours listed above (including legal holidays).

A. Basic towing for light duty: (vehicles up to 10,000 lbs. GVWR)

- (1) Business hours:
 - (a) Hookup: \$120.
 - (b) Each mile after hookup: \$6 (loaded miles).
- (2) After hours:
 - (a) Hookup: \$135.
 - (b) Each mile after hookup: \$6 (loaded miles).

B. Basic towing for motorcycles:

- (1) Business hours:
 - (a) Hookup: \$135.
 - (b) Each mile after hookup: \$6 (loaded miles).
- (2) After hours:

- (a) Hookup: \$150.
 - (b) Each mile after hookup: \$6 (loaded miles).
- C. Basic towing for medium-duty trucks: (vehicles 10,001 lbs. GVWR-26,000lb GVWR)
 - (1) Business hours:
 - (a) Hookup: \$220.
 - (b) Each mile after hookup: \$10 (loaded miles).
 - (2) After hours:
 - (a) Hookup: \$240.
 - (b) Each mile after hookup: \$10 (loaded miles).
- D. Basic towing for heavy-duty trucks: (vehicles 26,001 lbs. and greater GVWR)
 - (1) Business hours:
 - (a) Hookup: \$475 per hour, minimum one hour.
 - (b) Each mile after hookup: \$15 (loaded miles).
 - (2) After hours:
 - (a) Hookup: \$500 per hour, minimum one hour.
 - (b) Each mile after hookup: \$15 (loaded miles).
- E. Special services:
 - (1) For recovery/winch and/or preparation prior to towing light/medium duty: \$250 per one hour (to be billed in half-hour increments) per tow truck.
 - (2) For recovery/winch and/or preparation prior to towing for heavy duty: \$600 per one hour (to be billed in half-hour increments) per tow truck.
 - (3) For additional labor except tow truck driver, to be billed in half-hour increments: \$100 per hour.
 - (4) Road service: charge for basic road service:
 - (a) Business hours: \$85, plus cost of fuel provided, if applicable
 - (b) After hours: \$95, plus cost of fuel provided, if applicable
 - (5) Inclement weather: The towing company may, at their discretion, charge an extra 20% of the total standard towing fee during times of inclement weather.
 - (6) Administrative charge: The towing company may, at its discretion, charge for post-accident services, including but not limited to services such as physical inspections, telephone and/or fax calls, removal of personal items, or paperwork. An itemized list of additional services must be provided. Administrative time shall be billed at a rate of \$10 per fifteen-minute interval, excluding the first 15 minutes.
 - (7) This fee schedule will be reviewed and may be amended by the Township Committee by resolution, in conjunction with the three-year towing operator qualification schedule.

(8) Yard tow: \$25.

F. Outside secured storage:

- (1) Automobiles: \$40 per day, if not claimed within 12 hours, then based on each overnight period after the initial twelve-hour period.
- (2) Medium-/heavy-duty trucks (dual rear wheel): \$85 per day, if not claimed within 12 hours, then based on each overnight period after the initial twelve-hour period.
- (3) Tractor/ Dump Truck/ Tractor Trailer Combo/ Buses: \$125 per day, if not claimed within 12 hours, then based on each overnight period after the initial twelve-hour period.

G. Outside unsecured storage:

- (1) Medium-/heavy-duty trucks (dual rear wheel): \$60 per day, if not claimed within 12 hours, then based on each overnight period after the initial twelve-hour period.
- (2) Tractor/ Dump Truck/ Tractor Trailer Combo/ Buses: \$105 per day, if not claimed within 12 hours, then based on each overnight period after the initial twelve-hour period.

H. This fee schedule is in effect for any tow service called for by the Police Department.

SECTION 2. All Ordinances of the Township of Mount Olive that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.


SECTION 4. This Ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

Introduced: 1/11/2022

Adopted: 1/25/2022

Effective Date: 2/20/2022

TOWNSHIP OF MOUNT OLIVE


Joe Nicastro, Township Council President

Attest: 1/25/2022


Michelle Masser, Township Clerk