

Borough of Oradell, NJ
Tuesday, September 29, 2020

Chapter 266. Towing and Storage Services

[HISTORY: Adopted by the Mayor and Council of the Borough of Oradell 1-2-2001 by Ord. No. 1122.^[1] Amendments noted where applicable.]

GENERAL REFERENCES

Abandoned vehicles — See Ch. 275.

Sale of vehicles — See Ch. 285.

[1] *Editor's Note: This ordinance superseded Ord. No. 1112, adopted 9-19-2000, regulating vehicle towing and storage services.*

§ 266-1. License required.

- A. No towing operator shall operate within the Borough of Oradell for police requested towing services and/or storage services unless the towing operator has obtained a license issued by the Borough.
- B. The requirement for a license shall commence as of January 1 following the adoption of this chapter and shall be required to be renewed each year thereafter on or before January 1 of that year.
- C. There shall not be more than five licenses issued under this chapter which shall be in effect at one time.

§ 266-2. Exceptions.

- A. Owner-requested service. No license shall be required for the on-site repair and/or towing or storage of any vehicle when the request is received by the towing operator from the owner prior to a police request or if the owner or operator of a vehicle requests the police contact a tow company of their choice.
- B. Towing from private property. No licensee shall be required by the police to tow any vehicle from private property without the consent of the owner except on the express instruction of the police in the event of an emergency.

§ 266-3. Term of license.

License shall be issued for one calendar year commencing January 1 or as an interim license for any unexpired term of a license, expiring the next succeeding January 1 at 12:00 midnight.

§ 266-4. Application for license.

- A. Form; required information. An application for a license shall be in writing, signed by the applicant, and shall contain all information necessary to evidence the applicant's identity and legal address, compliance with the requirements of this chapter and the ability to perform the towing services and storage services contemplated by this chapter.
- B. Filing. Application shall be filed with the Borough Clerk, together with a certified check for the application fee of \$250. The Borough Clerk shall give 30 days' public notice in an official newspaper of the Borough of the date on which the license applications are to be received pursuant to this chapter.
[Amended 5-23-2017 by Ord. No. 17-03]
- C. Rotating list. The Borough shall accept and place on its rotating list of towing operators the first five towing operators which submit completed application forms and which comply with all of the requirements of this chapter.
- D. The licensee must be of good business character and reputation.
- E. A licensee must have at least three years' experience, as a sole proprietor, partner or as an employee in the towing of vehicles, in order to be considered for the issuance of a license.
- F. The licensee shall submit proof of ownership by record title of the required tow truck and flatbed tow truck. A copy of the registration for each vehicle and copies of current and valid insurance policies and cards shall be submitted to the Borough Clerk.

§ 266-5. Investigation and licensing authority.

[Amended 5-23-2017 by Ord. No. 17-03]

- A. All applications shall be investigated and evaluated by the Borough Police Chief or his designee regarding the applicant's background and qualifications, and a report of the Police Chief's findings and recommendations shall be submitted to the governing body within 30 days of the receipt of said application. All applicants shall execute releases for information to be obtained by the Police Chief to complete the investigation and evaluation.
- B. All applications are subject to review and approval by the governing body of the Borough of Oradell. Only those applicants that are responsible and qualified pursuant to the provisions of this article shall be approved. All approved applicants shall be required to execute contracts with the Borough of Oradell to provide the towing and storage services referred to herein.
- C. All billings for towing and storage services shall be itemized for the services actually rendered pursuant to the fee schedule as set forth herein. A copy of the fee schedule shall be available to the public at the towing operator's place of business during normal business hours.
- D. The towing operator shall have the ability to apply for junk titles and to arrange and dispose of junk cars.

- E. The towing operator shall agree to defend, indemnify and hold harmless the Borough of Oradell for any and all suits; judgments; costs; expenses, including attorney's fees and claims on account of breach of contract; damaged property; or personal injuries, including death, arising out of or in any way connected with the towing and storage services to be provided.
- F. The governing body hereby designates the Police Department, generally, and the Chief of Police, in particular, or his designee, as the supervising authorities to enforce the provisions of this article as well as the rules and regulations adopted hereunder.
- G. Refusal to tow an abandoned or stolen motor vehicle or at the scene of a motor vehicle accident may result in the disqualification of the towing operator, and a report of said refusal shall be furnished to the Chief of Police and the Borough Clerk by the investigating officer at the scene of the accident as soon as possible.
- H. If the licensee summoned is unable to respond within the time constraints specified in this chapter, he or it shall so notify the individual requesting the service and the Police Department and shall advise as to the reason for the delay and when the licensee will be able to respond.
- I. The towing operator operating pursuant to the license issued hereunder shall not employ, either directly or indirectly, any personnel or employees of the Borough of Oradell.
- J. The Borough of Oradell Police Department shall maintain a log record of calls to the licensed towing operator, and said record shall be available for inspection by any licensed tow operator upon reasonable notice.
- K. An individual whose motor vehicle has been towed and/or stored has the right to retrieve any of his or her personal possessions therefrom, even when said motor vehicle is within the possession of the towing operator. "Personal property" shall be defined to mean anything that is not permanently attached to the motor vehicle so as to be an integral part thereof. An individual seeking the retrieval of any personal items shall arrange with the towing operator to obtain said items and shall be required to execute a receipt therefor. The towing operator shall maintain copies of all such receipts.
- L. The Borough of Oradell reserves the right to review the qualifications of any personnel employed by the towing operator at any time.
- M. The towing operator and any of his or its employees are independent contractors, and they do not represent nor are they employed by the Borough of Oradell.
- N. The towing operator shall, at all times, be responsible for the conduct of his or its employees and shall be liable to the Borough of Oradell and the owners of any motor vehicles towed or stored by the towing operator for any injuries, damages or costs incurred as a result of the conduct of said employees.
- O. The towing operator shall comply with all state and federal laws and regulations concerning the hiring of employees, their wages, hours and terms of employment.
- P. The Borough of Oradell is not liable for any of the services performed by the contractor unless those services are performed for municipal vehicles. The contractor shall

proceed directly against the individual owner of the motor vehicle for all fees and charges incurred.

- Q. The towing operator shall maintain a record of all vehicles towed, including the date towed, where the vehicle was stored, when the vehicle was released and the fees charged, together with any and all other services rendered. Said records shall be maintained at the principal place of business of the towing operator as set forth on the application, and said records shall be maintained for a minimum of three years.

§ 266-6. Towing and Storage Services.

[Amended 10-27-2015 by Ord. No. 15-10]

- A. Each of the first five approved licensees shall be placed on a list of rotating basis by the Chief of Police. A calendar shall be prepared designating each day on the calendar as the day that a licensed tow truck operator is responsible. A licensed towing company may substitute another company for the date scheduled for the towing company if the substitute company is on the licensed towing list.

[Amended 5-23-2017 by Ord. No. 17-03]

- B. The licensed tow company must be available to tow cars on a twenty-four-hour-a-day basis. If the company on duty is not available on a particular day, then the next listed company will be called. Nonavailability on the date scheduled, without a substitute company, will be considered a violation of the license.
- C. A licensed towing company will be responsible for cleaning any debris left at the accident scene.
- D. A response time of 15 minutes will be expected from each licensed towing company called by the Police Department. If the towing company on duty fails to respond within the time period, the next listed licensed towing company will be called. Failure to respond within the stated time frame will be considered a violation of the license.
- E. All licensed towing companies will provide road service calls as required by the Police Department. Such calls shall include jump-starting vehicles, changing tires and opening locked vehicles. The fee for these services shall be at a fair rate.

§ 266-7. Revocation of license.

- A. General. The Chief of Police shall have the right to suspend any license issued under this chapter upon the determination that there have been two violations of the licensed towing company guidelines and regulations.
- B. The Chief of Police shall be the sole administrator of this list, and any violations or complaints concerning any licensed tow truck company shall be addressed to the Chief of Police.
- C. Any licensee suspended shall cause the company to be removed from the list for one year from the date of the suspension. The licensed tow company which has been suspended may reapply to be on the rotating list on January 1 of the year after the suspension has been lifted.

§ 266-8. Required equipment.

- A. A licensed tow truck company, when filing an application for and at all times while holding a license under this chapter, shall own or lease and have available for use in the performing of the services required by this license the following equipment:
 - (1) Tow truck.
 - (2) Flatbed tow truck.
- B. Tow truck lettering. All tow trucks shall be properly lettered on both sides in accordance with law.
- C. Maintenance. All equipment used by the licensee in performing its obligation under the license shall be maintained in good and safe condition and may be inspected for such condition by the police at any time, wherever located. Any deficiency in such condition reported by the police to the licensee shall be promptly corrected, and any failure to correct may be cited as a violation of the license pursuant to this chapter.

§ 266-9. Storage and garage facilities.

- A. Each licensee shall provide, at a minimum, indoor storage for three vehicles and outdoor secure storage for a minimum of five vehicles.
- B. The required storage area shall be located within 2.5 miles of the Borough's boundaries. The hours of recovery of vehicles shall be from 8:00 a.m. to 6:00 p.m., weekdays, and 8:00 a.m. to 12:00 p.m., Saturdays and holidays. Facilities shall be kept clean and in good order to accommodate persons who may enter facilities with respect to any vehicles stored therein.

§ 266-10. Licensee personnel.

- A. Each tow truck driver of a licensee must have an appropriate valid New Jersey driver's license with no restrictions or conditional endorsements, except conditions requiring glasses. Each driver shall be of good moral character, mentally alert, and present a neat appearance at all times.
- B. All tow truck drivers and other personnel of a licensee shall be fully trained and knowledgeable in tow truck and storage operations and equipment.

§ 266-11. Tow truck and storage charges.

The Borough and its police shall not be liable to a licensee with respect to services rendered to any owner pursuant to the license or otherwise. The licensee shall look only to the owner of such vehicle for payment of service charges or any other compensation.

§ 266-12. Insurance requirements.

- A. The licensee shall have in effect, prior to application, and at all times during the term of the license, the following insurance:
- (1) Automobile. Bodily injury, liability, property damage combined single limit: \$500,000.
 - (2) Premises liability. Bodily injury, liability, property damage combined single limit: \$500,000.
 - (3) Umbrella (excess third-party liability): \$1,000,000.
 - (4) Garage keeper/legal liability per location: \$1,000,000.
 - (5) Garage keeper's liability: \$1,000,000.
 - (6) Worker's compensation: in accordance with New Jersey State Requirements.
- B. The licensee shall supply a certificate of insurance to the Borough Clerk describing every policy of insurance identifying the Borough as additional insured. Each such certificate of insurance shall contain a provision that no cancellation of the policy shall become effective until after the expiration of 15 days' written notice of such proposed cancellation is forwarded by the insurance company to the Borough Clerk.

§ 266-13. Indemnity.

The application of a towing operator for a license pursuant to this chapter shall include an agreement by the towing operator that, upon the issuance of a license, the licensee shall indemnify the Borough against all claims of third parties relating to towing services, storage services or any other roadside services provided by the licensee.

§ 266-14. Supplementary rules and regulations.

The Chief of Police may issue rules and regulations from time to time on the operation of the towing services and storage facilities to implement but not exceed the purposes of this chapter.

§ 266-15. Transfer or assignment of license.

The license required by this chapter shall not be transferred or assigned without prior written consent of the Chief of Police.

§ 266-16. Rates.

- A. The maximum rates chargeable under this chapter are as follows:
- (1) Towing charges.
[Amended 5-23-2017 by Ord. No. 17-03]
 - (a) Days.

[1] First mile or less is \$100.

[2] Each additional mile is \$3.

(b) Nights, weekends and New Jersey State holidays.

[1] First mile or less is \$125.

[2] Each additional mile is \$3.

(2) Storage charges.

(a) Inside building storage facility charges shall be \$40 per day, per space.

(b) Outside secured storage facility charges shall be \$25 per day, per space.

(c) Outside unsecured storage facility charges shall be \$15 per day, per space.

- B. The licensee shall charge only one-day storage for each twenty-four-hour period to commence from the time on the ticket tow sheet.
- C. The above charges are subject to the New Jersey State sales tax, and the same shall be added to said amounts.
- D. The above charges shall be on file with the Borough Clerk's office.