

## ORDINANCE NO. 2020-02

### AN ORDINANCE ADDING CHAPTER 181B TOWING – POLICE REQUESTED, WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

#### Chapter 181B Towing

##### §181 B. --1 Purpose.

The purpose of this chapter is to provide standards, regulations and rates for police-requested towing and storage services requiring a response thereto by the licensees. It is the further purpose of this chapter to regulate these services from both a public safety perspective that would result in the quickest response time in good and bad weather, thereby minimizing waiting time both for police officers on scene and the removal of motor vehicle cars from the roadway as a result of an accident and from an administrative perspective to ensure compliance with the requirements and specifications of this chapter.

##### § 181 B- 2 Definitions.

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

**CRUISING:** The operation of a tow truck in and upon a roadway within the Borough of Kenilworth to solicit vehicle towing and/or storage business except in response to a police request.

**DRIVER:** The person operating the tow truck for the licensee.

**HEAVYDUTY:** A tow truck with dual wheels, capable of towing large trucks and shall meet the following minimum requirements: gross vehicle weight (GVW): 30,000 pounds/gross combination weight rating (GCWR): 80,000 pounds/boom rating: 50,000 pounds/winch rating: 50,000 pounds/cable size and length: 5/8 inch and 200 feet/equipped with chassis lift/under-reach: retracted rating 30,000 pounds and extended rating 15,000 pounds.

**INSIDE BUILDING:** A vehicle storage facility that is completely indoors, having one or more openings in the wall, for storage and removal of vehicles and that is secured by a locking device on each opening. An inside building shall not include a trailer or container storage.

**LEASE:** A vehicle may be leased by the towing company. If the registration is such that the lessee is not listed, the licensee will be required to show a lease agreement and insurance naming both the licensee and lessor on the same policy as the other vehicles used by the licensee. In addition, the licensee's name and address must be affixed on the actual vehicle.

**LICENSE:** The document approved and issued by the Borough of Kenilworth granting the privilege to tow and store vehicles and perform other towing operations for the Borough of Kenilworth.

**LICENSEE;** A towing operator having a license granted by the Borough of Kenilworth pursuant to the provisions of this chapter.

**LIGHT DUTY:** A car carrier of the rollback and tilt type, with dual wheels, capable of removing and transporting passenger cars damage-free and shall meet the following minimum requirements: GVW: 14,500 pounds/GCWR: 13,500 pounds/winch rating: 8,000 pounds/cable size and length: 3/8 inch and 50 inch/bed length: 19 feet/wheel lift - retracted rating: 3,500 pounds and extended rating: 1,500 pounds.

**MEDIUM DUTY:** A tow truck with dual wheels, capable of towing small trucks and shall meet the following minimum requirements: GVW: 18,000 pounds/GCWR: 30,000 pounds/boom rating: - 24,000 pounds/winch rating: 30,000 pounds/cable size and length: 7/16 inch and 200 feet/wheel lift rating: 9,000 pounds and extended rating: 6,500 pounds.

**OUTDOOR SECURED:** An automobile storage facility that is not indoors and is secured by a fence, wall or other man- made barrier, that is at least eight feet high and is installed with a passive alarm system or other on- site security measures.

**OWNER:** An individual or entity who or which owns or leases, and/or operates, parks or abandons a vehicle within the Borough of Kenilworth

**POLICE:** The Police Department of the Borough of Kenilworth or of any jurisdiction having authority in the subject matter.

**PRINCIPAL LOCATION:** The business office of an applicant/licensee, where licensee shall conduct business associated with the towing and storage of vehicles under authority of the towing license issued by the Borough of Kenilworth.

**RESPONSE TIME:** The time from when the police call the licensee and then until the licensee arrives at the location to service the vehicle.

**ROUTINE CALLS FOR SERVICE:** A police request for road service of a disabled vehicle, i.e., dead batteries, flat tires, out of gas or other services that do not require towing.

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**TEMPORARY LICENSE:** A towing license, authorized by the Chief of Police, and issued by the Borough of Kenilworth for the purpose of replacing a current licensee, whether that replacement be due to the closing of the business or the revocation of the licensee's towing license for a violation of this chapter. This license is for emergency situations only, and the cost will be prorated on a monthly basis.

**TOWING OPERATOR:** An individual or entity engaged in the business of providing towing and storage services.

**TOWING SERVICES:** The towing service and/or on-site vehicle repair of the following: tire changes, jump starts or gasoline rendered by a towing operator.

**VEHICLE:** Every device in, upon or by which a person or property is or may be transported upon a highway or street.

**WAITING TIME:** The time a licensee has equipment and personnel waiting at a scene to perform a towing operation.

**WINCHING CABLE FEE:** A one-time fee charged when a vehicle has left the roadway, overturned or become embedded, attached, or hitched to another vehicle, tree, pole, guardrail or other fixed object.

#### § 181 B -3. License required.

- A. No police-requested towing shall operate within the Borough of Kenilworth for police-requested towing services and/or storage services unless the towing operator has obtained a license issued by the Borough.
- B. Exemptions.
  - (1) Owner-requested service. No license shall be required for the on-site repair and/or towing or storage of any vehicle when the request therefore is received by the towing operator from the owner or the owner's agent prior to a police request therefore.
  - (2) Towing from private property. No license shall be required by the police to tow any vehicle from private property without the consent of the owner and private property owner except on the express instruction of the police in the *event* of an emergency.
  - (3) Private tow operations shall be done in a reasonable time period as determined by the Police Department.

#### § 181 B-4 Term of license.

License to tow shall be issued for a three year period. Three calendar years shall be referred to as a license period.

#### § 181 B-5 Application for license; awarding of contracts.

- A. Form; required information. An application for a license shall be in writing, typed, signed by the applicant on the form furnished by the Borough and shall contain all information necessary to evidence the applicant's identity and legal address, compliance with the requirements of this chapter and ability to perform the towing services and storage services contemplated by this chapter. If a partnership, corporation, LLC or any other entity, the application shall set forth the names and addresses of all officers, trustees, directors, together with the names, addresses, social security numbers and dates of birth of all persons holding more than a 10% interest. The application shall also contain the names of all tow truck drivers, his or her address, dates of birth, social security numbers and driver's license numbers. For both the applicant and tow truck drivers, each shall state whether or not he or she has ever been convicted of an offense. If he or she has been convicted of an offense, such offense shall be described on the application.

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Filing. Applications in triplicate shall be filed between April 1 and April 15 with the Borough Clerk, together with the application fee.

**§ 181 B-6. Review of application.**

- A. Reference to Chief of Police. Applications received by the Borough Clerk shall be referred to the Chief of Police for his review, along with a copy to the Borough Attorney.
- B. Inspection; recommendations; disputes.
  - (1) After such examination of the applications and such inspections by the Chief of Police, the Borough Attorney may consider it necessary to evaluate the applicant's compliance with and ability to continue to comply with the requirements of this section, the applications shall be returned to the Borough Clerk with the recommended approval or disapproval of each application by the these individuals based upon his examinations, inspections and evaluations.
  - (2) Applicants and licensees shall cooperate with any and all investigations conducted by the Chief of Police or his designee or other law enforcement agency working in conjunction with the Kenilworth Police. The requirement of cooperation shall continue throughout the period of application and the duration of the license and the storage of vehicles (even if a license is no longer in effect). A license may be denied for fraud, misrepresentation or false statement in the application, or having an owner, officer, director and/or driver been convicted of a crime involving moral turpitude within 10 years or any other crime within 10 years
- C. The Chief of Police may contact any law enforcement agency where the applicant has previously performed any service on a regular basis to verify the basis of any complaint or investigation within the prior license period.
- D. Visual on-site inspections of the premises and equipment shall be made and approved prior to the Chief of Police or his designee's recommendations.

**§ 181 B-7. Issuance of licenses.**

- A. Authorization. The Borough Council shall at a public meeting by resolution authorize the issuance of a license to those who satisfy the requirements of this chapter, after consideration of the applications and the recommendations of the Chief of Police and Borough Attorney. Minor irregularities in the application may be waived by the Borough Council.
- B. Licenses shall be reevaluated every three years, and each applicant who was a licensee during the prior license period must have substantially complied with the response times set forth under this chapter for which it was licensed within the Borough of Kenilworth. If the Chief of Police or his designee has advised the licensee that his or her response times do not materially conform with the best interests of the Borough as specified herein, then the Chief of Police may make a recommendation to the Borough Council that the licensee has not been responsible so as to deem the licensee unsuitable as a licensee during the following license period.
- C. Issuance. The authorized license or licenses shall be issued by the Borough Clerk in writing upon payment by the towing operator of the license fee specified in § 181B-8.

**§ 181B-8. Application and license.**

The following schedule of nonrefundable fees is adopted for the obtaining of a towing license:

- A. Application fee: \$250.00 by certified or bank check with application.

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- B. License fee: \$1,000 by certified or bank check due and payable upon the granting of the license.

**§ 181B-9. Suspension or revocation; temporary licenses.**

A. General.

- (1) The Borough Council shall have the right to suspend or revoke any license issued under this chapter for good cause upon written complaint of the Chief of Police following his determination that there is probable cause for suspension or revocation based upon violation of this chapter.
- (2) A license may be denied, suspended or revoked for material and willful fraud, misrepresentation or false statement in the course of conducting the towing operation, for violation of this chapter, or for the conviction of the applicant, its officers or a person or entity holding a 10% or larger interest in the applicant of a crime involving moral turpitude or relating to the towing business or for any other crime. A license may also be denied if the applicant has had a towing license or contract revoked while working for any other municipal, county or state agency and due to his or her inability to meet response times or other conduct as specified in this section. Such revocation shall have occurred within a twelve-month period prior to making application to the Borough of Kenilworth.
- (3) Written notice of such complaint and the basis of the complaint shall be given to the licensee who shall be entitled to a hearing within 20 business days before the Borough Council prior to final determination of the complaint by the Borough Council, provided that the licensee requests the review in writing and serves it on the Borough Council Clerk and the Chief of Police within three business days of being served with the notice from the Chief of Police. If, after the hearing, a majority of the members of the Borough Council present and voting decide that there has been a violation, they may terminate or suspend the license.

- B. Emergency suspension. A license may be suspended by the Chief of Police whenever the Chief in his reasonable judgment considers such suspension necessary for reasons of safety, or has reason to believe that the licensee is not covered by the insurance required. Such suspension shall continue until terminated by the Chief, provided that if the suspension is not terminated within three business days the Chief shall file a complaint for suspension or revocation, and the suspension shall remain in effect pending a determination of the complaint.

C. Temporary license.

- (1) In the event of an emergency suspension or other failure of the licensee to perform its duties under this chapter, the Chief of Police may issue a temporary license to a towing operator to operate during any licensee's failure to perform, should the replacement of said licensee be deemed necessary. The issuance of a temporary license shall be reported to the Borough Council immediately upon issuance.
- (2) Temporary licenses may be issued for a thirty-day period, which may be extended for five additional thirty-day periods.

- D. Temporary suspension. Any tower shall be suspended for five days if he or she fails to respond to a request by the Borough of Kenilworth Police Department to tow a vehicle.

**§ 181B-10 Equipment.**

- A. Required equipment. A towing operator, when filing an application for 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 the following items of equipment:

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- (1) A total of two light duty wreckers or flatbeds, both types to be equipped with wheel lift.
  - (2) One medium duty wrecker with wheel lift.
  - (3) One heavy duty wrecker with wheel lifts.
  - (4) The above-mentioned equipment classes (light / medium / heavy) must meet or exceed the standards as stated herein).
  - (5) Safety equipment to be carried on all trucks shall include:
    - (a) Slim-Jim lock tool.
    - (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 tail light flashers).
    - (f) Rotating amber emergency lights mounted on top of truck (state-issued permit required, and must be in truck). If the tow operator has any towing equipment with red rotating light bar, then that vehicle will not be deemed acceptable for use in the Borough and may not be utilized when determining the required equipment for licensee.
    - (g) Two white work lights facing the rear of vehicle.
    - (h) Four safety cones with reflective strip (minimum height 18 inches).
    - (i) One shovel.
    - U) One broom.
    - (k) Steering wheel tie down.
    - (m) Two-way communication system, radio or cellular, with communication between the licensee's base and all of the required trucks and from truck to truck.
    - (n) Jumper cables or jump box.
    - (o) Toolbox with assorted hand tools.
    - (p) Flares
    - (q) Speedy dry.
    - (r) Trash bag and/or container.
- B. Additionally required equipment. Proof from vehicle and equipment manufacturer detailing specifications of requested equipment is required.
- C. 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 shall be used).
- D. Required communication. Licensee shall maintain a twenty-four-hour phone number which is manned by the licensee's personnel. Such personnel must have constant two-way communication, radio or cellular, with the licensee's vehicles. Phone calls may not be forwarded from the principal business location to a residence during night time hours.

**§ 181B-11. Purposely Omitted.**

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**§ 181B-12. Continued compliance.**

Licensee shall at all times maintain the equipment and storage and garage facilities required by this chapter throughout the term of the license period. Failure to maintain the required equipment and storage and garage facilities throughout the license period may subject the licensee to a suspension or revocation. The Police Chief or his designee may from time to time inspect the licensee's equipment and storage and garage facilities to ensure continued compliance with this chapter throughout the license period.

**§181B-13. Licensee's personnel.**

- A. All tow truck drivers must have an appropriate, valid New Jersey driver's license with no restrictions or conditional endorsements, except conditions requiring glasses. Each driver/employee shall be of good moral character, mentally alert and present a neat appearance at all times. Drivers and employees shall behave in a professional and courteous manner at all times when dealing with the Police Department and the public. Possession of a commercial license with appropriate endorsements, when required by law, shall be a minimum mandatory requirement of this chapter.
- B. Light and medium duty drivers must obtain Level 1 driver certification from a tow truck operators training course within six months of the licensee obtaining a license to tow in Kenilworth. New hires must obtain certification within nine months from start of employment.
- C. Heavy duty drivers must obtain Level 2 driver certification from a tow truck operators training course within six months of the licensee obtaining a license to tow in Kenilworth. New hires must obtain certification within nine months from start of employment. Heavy duty drivers must have CDL endorsement on their license.
- D. A heavy duty *recovery* supervisor must obtain Level 3 driver certification from a tow truck operators training course (within nine months of availability) and/or have training from an industry recognized recovery course. On the *recovery* scene, not all personnel need to be recovery qualified, but a responsible *recovery* supervisor must have the listed requirements.
- E. At the time of the application or at any time a new tow truck driver is assigned, the licensee shall submit to the Borough Clerk the name, driver's license number, social security number and date of birth of the tow truck driver prior to the driver's operation of any tow truck pursuant to a Police Department request.
- F. No licensee shall employ directly or indirectly nor any party owning 10% or more of the licensee shall employ any officers of the Police Department, nor shall they employ directly or indirectly any member of the Borough Council and/or his/her immediate family.
- G. No licensee shall knowingly purchase equipment or services from any business which is owned or controlled by any person who resides in the same household as an officer of the Police Department and/or member of the Borough Council.

**§ 181B-14. Towing and storage services.**

Towing and storage services shall be governed by the following provisions:

- A. The schedule when a licensee will be on duty will be set by the Police Department's Traffic Bureau and approved by the Chief of Police. Towers will be responsible to have equipment available 24 hours a day, seven days a week, while on rotation of all licensed towers. Towers will be responsible to have equipment available 24 hours a day seven days a week.

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- B. Licensee shall respond to all police requests for towing and/or road service, when requested by a police dispatcher or any other police officer expressly authorized to communicate such a request. Licensee will respond with the number of tow trucks requested to the scene within a reasonable time. Such reasonable time shall be deemed to be 16 minutes under normal atmospheric conditions and within 30 minutes in inclement weather. This may be extended in emergency situations, such as floods or blizzards.
- C. If a licensee is wholly or partially unable to respond due to failure of any equipment or personnel insufficiencies, the licensee will immediately notify the Police Department who will contact another eligible towing company. If such an incident occurs, the licensee will furnish, in writing, within five business days, the details of the circumstances which caused the failure to respond to the Police Department's Traffic Bureau which will make a determination if a follow-up investigation and/or inspection of the licensee's facility is required.
- D. Tow trucks of a licensee shall not cruise roadways within the Borough for business and shall not respond to any scene where towing may be required except upon request of the Kenilworth Police Department or any other Police Department.
- E. No rotating or flashing lights or sirens shall be used on a tow truck except as permitted by New Jersey Division of Motor Vehicles (DMV)/Department of Transportation (DOT) (N.J.S.A. 39:3-50), and all vehicles operated by the licensee shall have a current permit for said lights issued by the DOT along with all other required vehicle documents. Unless specifically licensed to have red rotating and flashing lights, any vehicle so equipped will not be considered for use in the Borough of Kenilworth.
- F. All tow trucks shall be operated in accordance with all existing traffic regulations and in a safe and prudent manner. Tow truck drivers will request police assistance when they find it necessary to turn around, back up, tow in a direction opposite the flow of traffic, cross a median or other hazardous situation during the course of providing service or towing.
- G. Each licensee will be responsible for all vehicles and visible contents in their custody that are towed off the roads under direction of the police and shall assist officers in making an inventory at the scene to note such contents of each vehicle.
- H. No vehicle will be removed from any roadway within the Borough without proper authorization from the police at the scene, or the vehicle owner or operator as the case may be.
- I. No licensee shall be required to tow to an area further than the licensed storage area between the hours of 6:00 p.m. and 8:00 a.m. unless said licensee agrees to tow farther. If licensee agrees to tow farther than the licensed storage area between 6:00 p.m. and 8:00 a.m., he/she will only do so if adequate towing coverage will be available to the Borough.
- J. The investigating officer and/or supervisor at the incident scene is in complete charge of the incident scene (excluding actual towing operations), and all tow truck drivers shall comply with the officer/supervisor's instructions.
- K. Each licensee, prior to departing from the scene of towing services, shall be required to clean and clear the roadway of any debris resulting from any accident at such scene when rendering towing services, and at all times carry the necessary equipment to perform such cleaning services. Such equipment shall minimally include, but is not limited to, a broom and shovel. The licensee may charge the owner or his insurance company for the services rendered.

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- L. In the event a licensee refuses to tow or render services at the scene of an accident or disabled vehicle (except when a heavy duty tow truck is required) when requested by the police or vehicle owner/operator, the officer assigned to the incident shall report the refusal to his supervisor with all pertinent details.
- M. Each licensee shall be required to keep up-to-date records of all vehicles towed in conjunction with this license. Each licensee shall provide the Kenilworth Police Traffic Bureau with a list of all vehicles towed by order of the police (impounded) that remain unclaimed in storage every Friday by 12:00 noon.
- N. Vehicles impounded or confiscated by the police and stored by the licensee shall not be released or disposed of by the licensee without written authorization by the Kenilworth Police Department.
- O. The towing operator upon receiving a vehicle, shall immediately contact the owner of the vehicle by telephone and in writing within one (1) business day, inform the owner that: The towing operator is in possession of the vehicle; the cost the owner has incurred; the procedure for obtaining a release of the vehicle; the consequences for failure to retrieve the vehicle within the proper time frame. The towing operator must maintain accurate records of owner notification(s) and attempted notifications.
- P. The towing operator must handle removal of all abandoned and junk vehicles for the Kenilworth Police. The towing operator must have the capability of towing/removing abandoned vehicles and trailers without wheels, locked (including steering), or any/all other conditions. The towing operator must have the capability of towing/removing of all heavy equipment regardless of size and weight. The towing operator shall remove any vehicle which the Kenilworth Police Department may lawfully direct them to do so and shall store same at their lot(s) until said vehicle(s) is reclaimed by the lawful owner, or is otherwise disposed of according to law.
- Q. The towing operator shall be responsible for any vehicle and the contents thereof towed off the roadway under the direction of the police and after receiving said vehicles in their custody and control, and shall reimburse the owner of such vehicle removed for any such damage or loss sustained to any vehicle or its contents while the said vehicle is in the towing service company's custody and control.
- R. The towing operator must, in addition to the removal of all debris from an accident scene, which includes sweeping the roadway, preserve any evidence the Kenilworth Police determines necessary for potential criminal and civil cases.
- S. Licensee shall not charge a storage or towing fee to the Borough when it *tows and stores* a vehicle, designated by the Police Department, to be impounded and/or stored as part of a criminal investigation (i.e. vehicle seizure) by the Kenilworth Police Department or other law enforcement agency operating within the Borough of Kenilworth, except that this provision shall not prevent the licensee from seeking restitution, including storage or towing fees, in a criminal prosecution resulting from the criminal investigation.

#### **§ 181B-15. Towing and storage charges.**

Towing and storage charges shall be paid by the owner of a vehicle towed and/or stored by a licensee at police request, and pursuant to N.J.S.A. 40:48-2.49, such charges shall be as follows:

- A. Towing services. The following is the fee schedule for towing services:
  - (1) Daytime.



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	<b>Light Duty</b>	<b>Medium Duty</b>	<b>Heavy Duty</b>
First two miles or less	\$55	\$75	\$400*
(wrecker)			
First two miles or less (flatbed)	\$75	\$85	N/A
Each additional mile or any portion thereof	\$2.50	\$4.50	

\*NOTE: Per hour or fraction

- (2) No towing operator will be required to tow any vehicle in excess of the towing area.
- (3) Daytime fee will be applied as follows:
  - (a) Basic tow: daytime fees apply between 8:00 a.m. and 4:30 p.m., Monday through Friday, except New Jersey state holidays.
  - (b) Accident tow: daytime fees apply between 8:00 a.m. and 4:30 p.m., Monday through Friday except New Jersey state holidays.
- (4) Nights, weekends, and New Jersey state holidays. There shall be an additional surcharge per tow of \$10 in addition to daytime rates.

**B. Storage services. The following is the fee for per-day storage services:**

- (1) Storage charges.
  - (a) Inside building secured storage facility:
 

<u>TYPE OF VEHICLE</u>	<u>FEE</u>
Autos	\$30
Pickups/Vans/SUV Trucks	\$35
Tractor Trailers/Buses	\$50
Outside Secured	N/A
  - (b) Outside unsecured storage fees are not permitted. If a licensee stores any vehicle in an unsecured location, he or she will have waived his or her right to collect any fee for the towing of said vehicle.
  - (c) Storage charges start to accrue after the vehicle has been stored for at least one hour. Storage charges are to be calculated on a per-calendar-day basis starting on the date of the initial tow to yard.
  - (d) Vehicles seized for forfeiture must be maintained inside the building of a secured facility. Towing and storage fees shall be waived when a plea agreement court order/document or other valid reason is determined by the county prosecutor’s office and or Kenilworth Police Chief or his designee.

**C. Yard charges.**

- (1) Administrative fee: \$10 car cover fee: \$20; car photograph fee: \$20.
- (2) Placing any vehicle on a public street adjacent to it for the vehicle's removal: \$30.
- (3) Vehicle estimate requested by the owner or third-party insurance carrier (includes time with appraiser): \$70.
- (4) Removal of personal property from the subject vehicle:
  - (a) First time (up to 15 minutes): no charge.
  - (b) All additional times: \$20.

**D. Cleanup charges: Clean debris at accident scene: \$20 minimum, and an additional \$15 per each 15 minutes for the cleanup charged to each vehicle damaged. Speedy dry is an additional \$15, charged to the vehicle leaking fluid.**

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- E. Waiting time charges. If, once the towing operator arrives at the scene of the accident, he is required by the police, fire, or other emergency staff to wait more than 15 minutes to obtain the vehicle, he may charge \$15 per each 15 minutes after the initial 15 minutes has lapsed.

The licensee shall accept a minimum of two major credit cards 24 hours a day and must be able to do so both at the principal location and by drivers on the road at the time service or tow is performed. The licensee will only have to accept credit cards from the vehicle owner or operator.

- F. The Borough and its Police Department shall not be liable to a licensee with respect to towing and/or service rendered to any owner pursuant to the licensee or otherwise. The licensee shall look to the registered owner and/or operator of such vehicle for payment of towing and/or storage service charges or any other compensation. If the vehicle is unclaimed by the registered owner and/or operator and the finance company and/or lien holder claims the right to retrieve said vehicle, then the licensee may seek compensation for the towing of the vehicle and its storage from the date the finance company and/or lien holder reasonably has notice of the location of the subject vehicle.
- G. If a crime victim's vehicle is towed by a licensee to premises controlled by the Police Department solely for the purpose of utilizing the vehicle or its contents as evidence or in an ongoing criminal investigation, the Borough shall be charged \$1 per tow. If this vehicle cannot be removed from the premises controlled by the Police Department in a timely manner by the crime victim or an authorized agent, then the licensee may be requested by the Police Department to remove and store said vehicle where the owner or agent shall be responsible for these charges only not the original tow.
- H. Borough motor vehicles shall also be towed at the rate of \$1 per tow. If the licensee refuses or fails to respond to a request for a Borough tow, the licensee who refuses or fails to respond shall reimburse the Borough for any fees associated with said tow within 10 days of receiving an invoice for the cost of the tow and the licensee shall also be suspended from towing for the Borough of Kenilworth for a period of five days. Charging of time or roadside assistance for borough vehicles shall be \$1.00 per vehicle.
- I. Winch cable fee: \$125. A one-time fee charged when the vehicle has left the roadway, overturned or become embedded into, attached, or hitched to another vehicle, tree, pole, guardrail or other fixed object.
- J. Changing of tires or roadside assistance for Borough vehicles shall be at the charge of \$1.00 per vehicle.

#### **§ 181B-16. Insurance.**

- A. The licensee shall have in effect, prior to application and at all times during the term of the license, the following insurance:
- (1) Garage keepers' liability policy in the amount of \$500,000 for any one claimant, and \$1,000,000 for more than one claimant with \$500,000 coverage for property damage for any one event.
  - (2) Automobile liability insurance issued by a financially sound insurance corporation of, or authorized to transact business in, the state, insuring the licensee and every tow truck operator against liability imposed by law for damages because of bodily injury, including death, sustained by any person and injury to or destruction of property, including the loss of use thereof, caused by accident and arising out of the ownership, maintenance or use of the tow trucks of the licensee.
  - (3) The amount of the limits of liability coverage to be offered by such policy shall be

## ORDINANCE NO. 2020-02

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\$500,000 for bodily injury to each person, \$1,000,000 for bodily injuries in each accident and \$500,000 for property damage in each accident.

- (4) The licensee shall supply a certificate of insurance to the Borough Clerk describing every policy of insurance and identifying the Borough as an insured party. 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 forwarded by the insurance company to the Borough Clerk and Police Chief.
- B. Indemnity. The application of any 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 and/or storage service of the licensee.
- C. Motor vehicle information. The Police Department shall within five business days attempt to provide, when requested, towing operators with Department of Motor Vehicles information regarding registered owners and lien holders. The information requested and given shall be in conformance with N.J.S.A. 39:10A et seq. and shall not in any way violate the confidentiality that is reposed in the Police Department.

#### **§ 181B-17. Supplementary rules and regulations.**

- A. Ordinance. The Borough Council may from time to time adopt an ordinance changing any fees charged and/or associated with the towing and storage of motor vehicles.
- B. Enforcement. The Chief of Police is hereby designated to enforce the provisions of this chapter in accordance with due process of law.
- C. Copies of regulations and fees. Copies of this chapter, the fee schedules of the licensees, the fee schedule for towing and storage shall be made available to the public at the either Town Hall or police headquarters during normal business hours.
- D. Objections to the fees and services by the public.
  - (1) It shall be deemed a theft of services to issue payment by check or credit card for the towing services under this chapter and thereafter stopping payment or having insufficient funds to pay for the services provided.
  - (2) Any complaint as to services rendered by the tower or as to fees charged are to be addressed in writing to both the Chief of Police and the Clerk within 10 days of paying for said services. The Chief may dismiss the complaint or recommend a refund (in whole or in part). If no objection is given, the proposed resolution by either party within seven days shall be deemed acceptable to all.
- E. Every invoice for service generated by the license holder shall use the terminology and language contained in this chapter so as to avoid or minimize confusion as to allowable charges.
- F. Other than the fees specifically enumerated in § 181B-15 no other charges may be collected by the license holder.
- G. The license holder must conspicuously display the list of allowable charges where payment is made, and if payment is not made at the license holder's facility, the license holder must provide the list to the individual at the time payment is tendered. In addition, said notice shall also contain the following:

Any complaint as to services rendered by the license holder or as to fees charge is to be addressed in writing to both the Chief of Police and the Borough Clerk within 10 days of paying for said services:

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**KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY**

Chief of Police  
 Kenilworth Police Department  
 567 Boulevard  
 Kenilworth, NJ 07033

Borough Clerk  
 Kenilworth Municipal Building  
 567 Boulevard  
 Kenilworth, NJ 07033

\_\_\_\_\_  
 Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
		X				<b>KAY CECERI</b>						
X		X				<b>LAWRENCE CLEMENTI</b>						
	X	X				<b>MARK DAVID</b>						
		X				<b>DANIEL LOPEZ</b>						
		X				<b>GERRY LAUDATI</b>						
		X				<b>ROBERT SCHIELKE</b>						
Introduced: February 12, 2020						I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.						
Final Adoption: March 11, 2020												
						_____ Laura Reinertsen, Borough Clerk						