

**Introduced: September 13, 2021**  
**Adopted: September 27, 2021**

**ORDINANCE NO. 2021-17**

**TOWNSHIP OF EASTAMPTON**  
**BURLINGTON COUNTY**

**AN ORDINANCE AMENDING CHAPTER 487 OF THE EASTAMPTON TOWNSHIP**  
**CODE TITLED TOWING AND STORAGE OF VEHICLES**

**BE IT ORDAINED**, by the Township Council of the Township of Eastampton, in the County of Burlington, and State of New Jersey, as follows:

**SECTION I.**

The Township Council hereby amends Chapter 487 of the Township Code regarding “Towing and Storage of Vehicles” to now read as follows.

**Chapter 487 Towing and Storage of Vehicles**

**§ 487-1 Purpose and scope.**

**§ 487-2 Definitions.**

**§ 487-3 License required; exceptions.**

**§ 487-4 Application for license; fee.**

**§ 487-5 Application review.**

**§ 487-6 Issuance of license; renewal; display; transferability.**

**§ 487-7 License revocation and suspension.**

**§ 487-8 Appeals.**

**§ 487-9 Insurance requirements.**

**§ 487-10 On-call towing list.**

**§ 487-11 Fees and Charges.**

**§ 487-12 Regulations and procedure.**

**§ 487-13 Enforcement.**

§ 487-1 **Purpose and scope.**

A. The purposes of this chapter are to:

- (1) Establish a requirement and procedure for the licensing of individuals and entities providing towing and storage services to the Township Police Department.
- (2) Establish, in the interest of public safety, a uniform policy for the towing and storage of motor vehicles towed and stored at the request of the Township Police Department.
- (3) Establish uniform fees for towing and storage services.

B. This chapter shall apply to all motor vehicle towing and storage operations performed at the request of the Township of Eastampton Police Department.

§ 487-2 **Definitions.**

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

**ABANDONED VEHICLE** – A motor vehicle of any type and in any condition that has been left on or along any highway or other public property or on private property without the consent of the owner or person in charge of the private property for a period of more than 48 hours or for any period without current license plates in violation of N.J.S.A. 39:4-56.5.

**AUTOMOBILE** - A private passenger motor vehicle or any vehicle included in the definition of "automobile" under N.J.S.A. 39:6A-2.

**BASIC TOWING SERVICE** - The removal and transportation of an automobile from a highway, street or other public or private road, or a parking area, or from a storage facility, and other services normally incidental thereto, but does not include recovery of an automobile from a position beyond the right-of-way or berm, or from being impaled upon any other object within the right-of-way or berm.

**MOTOR VEHICLE** - Includes all vehicles propelled otherwise than by muscular power, except such vehicles that run only upon rails or tracks or motorized bicycles.

**TOWNSHIP** - The Township of Eastampton Township.

**TOW OPERATOR** - A person engaged in the business of towing and storing motor vehicles or offering the services of a tow vehicle or tow truck and storage services.

**TOW VEHICLE OR TOW TRUCK** - Those vehicles equipped with a boom or booms, winches, slings, tilt beds, wheel lifts, or under-reach equipment specifically designed by their manufacturer for the removal or transport of motor vehicles, including flatbed vehicles, employed for the purpose

of towing, transporting, conveying and/or removing motor vehicles which are unable to be operated under their own power from one place to another for which a charge or fee is extracted.

**§ 487-3 License required; exceptions.**

No person shall engage in the business of towing or storing motor vehicles at the direction of the Township of Eastampton Township Police Department without first obtaining a tow operator's license thereof. Nothing herein shall require licensing for the rendering of road service or for the provision of towing and storage services within the Township other than at the request of the Township Police Department.

**§ 487-4 Application for license; fee.**

**A.** Applicants for a license under this chapter shall file with the Township Clerk a sworn application on a form to be furnished by the Clerk no later than December 1<sup>st</sup> of each year in which applications are being accepted, which shall include the following information and certification:

- (1) The full name and address of the applicant. If the application is made for a corporation, it shall state the names and addresses of the officers and directors thereof, its registered agent and the names and residential addresses of every stockholder owning more than 10% of the issued stock.
- (2) The year, make, and type of each tow vehicle used in said business, its vehicle identification number, registration number and registered owner.
- (3) The address where the tow vehicle or vehicles shall be regularly garaged, the telephone number or numbers and the hours during which service is available at those numbers and the names, addresses and New Jersey driver's license numbers of all operators.
- (4) The location, size and security features of the storage lot or space in which towed vehicles will be stored, including the number of spaces available. The storage lot shall be designated either as:
  - (a) "Inside building": a vehicle storage facility that is completely indoors, having one or more openings in the walls for storage and removal of vehicles that are secured by a locking device on each opening; or
  - (b) "Outside secured": a vehicle storage facility that is not indoors and is secured by a fence, walls or other man-made barrier that is at least six (6') feet high. The facility is to be lighted at night so that all vehicles may be plainly visible.
- (5) The name and address of the insurance carriers and the policy numbers of all insurance policies as required by § 487-9 of this chapter.
- (6) A copy of the operator's current fee schedule for towing and storage services, separately listing towing and storage for automobiles and other motor vehicles.

(7) A certification that on-call towing and storage services will be available 24 hours per day, every day of the year.

(8) A certification that the fees and procedures required by this chapter shall be complied with at all times.

(9) A statement that the Chief of Police or his designee may at any reasonable time conduct an inspection of the tow vehicles or storage facility of any applicant or licensee for the purpose of determining compliance with this chapter.

(10) Such other information as the Township Clerk or Chief of Police may reasonably prescribe.

B. All applications for a tow operator's license shall be accompanied by a fee of \$300.00 to cover the Township's costs in processing the application and renewal applications. This fee covers the costs to the Township for the three (3) year agreement. (An annual inspection will be conducted by the Eastampton Township Police Department. This inspector will obtain updated insurance information on all vehicles and personnel. A site inspection will also be performed to assure compliance. In addition, all mandatory local inspection certificates will be obtained.)

C. The Township shall appoint no more than five (5) tow companies to service the Township for the three (3) year contract. In the event that a company is removed from the list, the Township Clerk and/or Chief of Police shall advertise for the vacant spot for the duration of the contract. This shall be at the sole discretion of the above if the workload deems necessary.

**§ 487-5 Application review.**

A. The Township Clerk shall forward all complete applications to the Police Department, which shall conduct or cause to be conducted such investigation as it deems necessary to determine the truth and accuracy of the information contained in the application and whether the applicant meets the following minimum standards:

(1) Neither the applicant nor any tow vehicle operator has any criminal convictions or prior motor vehicle infractions which might adversely affect public safety or welfare.

(2) The applicant has the ability to respond to the scene in response to any request for assistance within 25 minutes after notification.

(3) The applicant can provide on-call towing services 24 hours per day, every day of the year.

(4) The tow trucks and equipment are in safe and sound condition and in compliance with all applicable laws, rules, and regulations. All applicants must meet minimum standards of operator performance, including but not limited to standards concerning the adequacy of the applicant's equipment and storage facilities and availability.

(5) The applicant owns or has a valid lease to a storage facility within three miles of the Township,

in an area legally zoned for such use.

(6) The applicant is in compliance with and/or has the ability to comply with all other requirements and standards set forth herein.

B. In addition to the minimum standards of performance referred to in the preceding subsection, all applicants are subject to disqualification if found deficient in any one of the following areas:

(1) The applicant provided false or inaccurate information on the application form.

(2) The applicant lacks experience and/or does not have good references from prior customers of the applicant's towing and storage services.

C. The Police Department shall endorse its approval or disapproval of the application within 30 days of receipt. If the application is disapproved, the reasons therefor shall be set forth in writing. The Township Clerk shall notify the applicant in writing that the application has been granted or denied. If the application is denied, the reasons for such denial shall be set forth in the notice, along with the applicant's right to appeal the denial to the Township Manager pursuant to § 487-8.

#### **§ 487-6 Issuance of license; renewal; display; transferability.**

A. A tow operator's license shall be issued by the Township Clerk to an approved applicant upon provision of insurance certification pursuant to § 487-10 and approval by the Police Department. The Township Clerk shall send a copy of the license to the Police Department for filing and shall keep a permanent record of all licenses issued.

B. All licenses under this chapter shall expire at the end of the third calendar year in which issued. Applications for renewal, certifying any changes to the original application or certifying no change, shall be filed with the Clerk at least 30 days before expiration on forms provided by the Clerk. Renewal applications will be forwarded to the Police Department for review and any necessary investigation in accordance with the procedures and standards set forth in § 487-5. If approved, a renewal license shall be issued.

C. All licenses issued under this chapter, or certified copies thereof, shall be displayed prominently on all tow vehicles and at the tow operator's principal place of business.

D. All licenses issued under this chapter are non-transferable and non-assignable.

#### **§ 487-7 License revocation and suspension.**

A. Licenses issued under this chapter may be revoked by the Police Department after reasonable notice and hearing pursuant to § 487-8 for any of the following reasons:

(1) False or materially inaccurate information in the application or a change of circumstances which would have caused disapproval of the application if existing at the time of approval.

(2) Failure to comply with any of the requirements of this chapter, any additional regulations promulgated by the Chief of Police or any state, federal, or local law relating to motor vehicle operation or storage.

(3) Unsatisfactory service which jeopardizes public safety. More than three unexcused failures to respond and/or valid complaints (as determined by the Police Department after investigation) within a twelve (12) month period shall be considered grounds for suspension and/or revocation.

B. Any complaint relative to service, overcharging, theft of parts, damage, discourteous treatment, or the like, notice of suspension and/or revocation shall be in writing and shall include the reasons therefor and notice of the licensee's right to appeal to the Township Manager pursuant to § 487-8.

C. The Police Department may temporarily suspend a license for just cause, including conviction of a crime or disorderly persons offenses involving moral turpitude.

D. If a license has been revoked, the licensee shall be disqualified from re-applying for a period of one (1) successive three-year licensing period.

#### **§ 487-8 Appeals.**

Any person aggrieved by the action of the Police Department or the Township Clerk in the denial of an application for a license or in revocation thereof or in the suspension from the Township's on-call towing list may appeal to the Township Manager by filing with the Municipal Clerk, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written request for a hearing, setting forth fully the grounds for the appeal. The Manager will set a time and place for a hearing on such appeal, and notice shall be served on or mailed to the applicant or licensee at least five (5) days prior to the hearing. The Township Manager's appeal decision shall be final and binding on the applicant, and no appeal thereof may be taken.

#### **§ 487-9 Insurance requirements.**

A. Every licensee shall carry insurance as follows:

(1) Comprehensive automobile liability in an amount not less than \$1,000,000 combined single limits;

(2) Workers' compensation coverage as required by state law;

(3) Garage keeper's liability in an amount not less than \$60,000 per location;

- (4) Garage liability in an amount not less than \$500,000 combined single limits;
- (5) Comprehensive general liability coverage in an amount not less than \$500,000 for each person and \$500,000 for each accident;
- (6) Endorsements providing for collision coverage for vehicles in tow;
- (7) Endorsements incorporating the indemnification provision set forth in § 487-9B.
- (8) Endorsement naming the Township as an additional insured in all insurance policies (except workers' compensation policies) for licensees on the Township's on-call towing list.

**B.** All licensees shall hold harmless and indemnify the Township, its officers, employees, elected and non-elected officials and professionals, and agents from any and all liability claims, losses, or damage arising, or alleged to arise, from the performance of the towing services requested of, or rendered by the licensee. The foregoing indemnification language shall be incorporated in the general comprehensive liability policy required by § 487-9A.

**C.** All insurance policies shall be written by insurance companies acceptable to the Township and authorized to do business in the State of New Jersey.

**D.** No license shall be issued or renewed until the applicant has filed with the Township Clerk certificates of insurance evidencing the insurance coverage and endorsements required in § 487-9A. All certificates must provide for 30 days' prior written notice to the Township of policy cancellation or material change.

**E.** Any license issued under this chapter will be automatically revoked upon expiration or cancellation of the required insurance or material change in coverage which renders that coverage not in compliance with the requirements of § 487-9A.

#### **§ 487-10 On-call towing list.**

**A.** The Police Department shall maintain a list of those tow operators licensed by the Township to respond to calls from the Township Police Department. In order to be included on the on-call towing list, an applicant must meet all of the requirements of this chapter and shall enter into an agreement with the Township for a term of three (3) years.

**B.** Calls to tow operators on the on-call list shall be made on a non-discriminatory rotating basis pursuant to procedures established by the Police Department. Nothing herein shall prohibit the Police Department from calling a tow operator out of sequence or seeking the services of a tow operator not on the on-call list if the circumstances require specialized equipment or if the interests of public safety so require. If the tow operator selected does not respond to the scene within the 25 minutes after notification, the Police Department shall be permitted to summon the next available tow operator. The Police Department may summon another tow operator prior to the

expiration of 25 minutes if circumstances so warrant. When any unusual situation occurs which may be dangerous to the safety of the public, such as a spill of toxic material or other dangerous cargo, the Township Police Department may select any qualified tow operator.

C. The fees to be charged for the towing and storage services of automobiles shall be as set forth in § 487-11. The Township shall not be liable for the cost of any towing and/or storage services unless those services are performed on a municipal vehicle.

D. Inclusion on the on-call towing list shall be automatically revoked upon expiration or revocation of the tow operator's license. The Police Department may also suspend a licensed tow operator's inclusion on the on-call towing list for such period of time as it considers appropriate for violations of this chapter, after a hearing on such violations. Suspensions may be appealed pursuant to the procedures set forth in § 487-8.

E. Nothing in this section shall prohibit a motorist or motor vehicle owner from summoning a tow operator of his or her own choosing, except that any Township police officer at the scene of an incident requiring towing services shall be responsible for making the final determination as to when towing shall take place and which tow operator shall be called.

F. All vehicles towed at the request of the Township Police Department must be removed to an approved storage facility unless the owner or operator of the vehicle specifically requests that it be towed to another destination. Any Township police officer at the scene shall be responsible for making the final determination as to the towing destination.

G. No vehicle shall be released by the tow operator until the owner or agent of the vehicle produces a release form from the Police Department. No verbal releases are to be accepted. The Township is not responsible for any costs, compensation, or damage which a tow operator may suffer by the Township agreeing for a vehicle to be released. Vehicles may only be retrieved during the normal working hours of the tow operator.

H. No tow operator shall dispose, destroy, remove, sell, or otherwise transfer any vehicle towed at the request of the Township Police Department without first complying with all applicable laws of the State of New Jersey and notifying the Township Police Department of its intention to do so, in writing, at least fourteen (14) days prior to effectuating the same.

I. Prior to commencing any tow, the tow operator shall sign the tow report prepared by the officer on location acknowledging receipt of the vehicle.

J. Upon request by the Township Police Department, the tow operator shall store a motor vehicle in an inside building as defined in § 487-4(A)(4)(a). Vehicles designated by the police as being suspected as being used in criminal activity shall be stored in a separate space for the exclusive use of the Police Department and shall not be released without the written permission of the Chief of Police or detective in charge of the investigation.



**K.** In addition to any requirements set forth elsewhere in this chapter, all approved towing services must provide, in writing, an employment nondiscrimination statement prior to the issuance of said approval and must agree to comply with all state and federal laws and regulations concerning wages, hours, and terms of employment.

**L.** Employees of an approved towing service shall in no way be deemed to represent or be employed by this municipality, and all such towing services shall be responsible for the conduct of their employees.

**M.** All towing and storage fees shall be disclosed in an appropriate notice on the front or top page of all invoices and receipts. Additionally, adequate public postings of such fees must be made at the storage area, in easy view of the public.

#### **§ 487-11 Fees and Charges.**

##### **A. Generally.**

(1) Towing and storage charges and fees shall be in accordance with N.J.S.A.40:48-2.50, as well as the provisions of this chapter. The Township shall not be responsible for the collection or payment of any charges for the towing or storage of vehicles. The charges and fees and rates applicable to services performed pursuant to this chapter shall be posted in a conspicuous place visible to the public at the tower's storage area and shall be presented to the owner of a vehicle to be towed at the time of service. The tower shall prepare an itemized bill in detail as to the actual services rendered and present the bill to the claimant of a vehicle. Each bill shall contain a statement that the claimant may file a complaint with the Township with respect to charges. The Township will not be responsible for charges due and owing from a claimant of a vehicle, nor will it assist the tower in collecting such charges. Vehicles impounded as a result of police investigations involving stolen vehicles or fatal accidents will not result in storage charges; however, the Township reserves the right to store such vehicles at a location of its choosing.

(2) In the event the Township conducts an auction of unclaimed abandoned vehicles pursuant to Title 39, the tower's bill for towing and storage shall be an expense of possession and sale and shall be paid from the proceeds of such auction. Each vehicle auctioned shall be a separate item for purposes of this subsection. The title fee for which the Township must pay to the State of New Jersey for title certificates shall be paid by the purchaser at the auction even if the tower is the purchaser and shall be in addition to the bid price of each vehicle. In the event the Township determines to utilize the provisions of Title 39 with respect to unclaimed vehicles, the tower shall receive no compensation for its services.

(3) The fee for towing a vehicle shall include the service rendered from the scene where the vehicle is located to the storage area and from the storage area to the curb line of the property on which is located the storage area. There shall be no additional charge for towing a vehicle from the storage area to the curb line for the purpose of an owner of a vehicle towing the vehicle to a service station or other repair shop or the person's home or other location. The charge for towing includes any incidental and related costs such as disconnecting and reconnecting a transmission.

There shall be no additional charges for any other services, including but not limited to waiting time, winching, and additional labor when basic towing services as provided for by this chapter are performed. The tower shall be responsible for the cleanup and disposal of motor vehicle fluids, in accordance with state law and accepted standards. The tower may charge the owner/operator for material used in the cleanup of motor vehicle fluids. The tower may charge a fee for lockout service as well as roadside assistance such as jump-starts, tire changes, and providing gasoline for vehicles that have run out of fuel.

**B.** Fee schedule enumerated; restrictions. A tow operator may charge fees for the following services:

- (1) Basic tow, which shall be charged per the following schedule:
  - (a) Light-duty vehicle: flat rate not to exceed \$150.00.
  - (b) Medium-duty vehicle: hourly rate not to exceed \$250.00 per hour.
  - (c) Heavy-duty vehicle: hourly rate not to exceed \$500.00 per hour.
- (2) Decoupling (if tow is not performed), which shall be a flat fee not to exceed \$75.00 as to all types of motor vehicles.
- (3) Winching, which shall be based upon each hour spent performing winching (charges for winching services in the case of a light/medium-duty vehicle shall not exceed \$350.00 per hour; charges for winching services in the case of a heavy-duty vehicle shall not exceed \$600.00 per hour).
- (4) Specialized recovery equipment:
  - (a) Rotator/crane recovery unit: rate not to exceed \$1,200.00 per hour.
  - (b) Tractor with landoll trailer or detach trailer: rate not to exceed \$450.00 per hour.
  - (c) Tractor/transport hauler only: rate not to exceed \$250.00 per hour.
  - (d) Refrigerated trailer with tractor: rate not to exceed \$450.00 per hour.
  - (e) Box trailer with tractor: rate not to exceed \$400.00 per hour.
  - (f) Air cushion unit: rate not to exceed \$1,000.00 per hour.
  - (g) Light tower: rate not to exceed \$250.00 per hour.
  - (h) Pallet jack: flat rate not to exceed \$200.00.
  - (i) Rollers: flat rate not to exceed \$200.00.
  - (j) Loader/backhoe/telescopic handler/bulldozer/bobcat: rate not to exceed \$300.00 per hour each.
  - (k) Forklift: rate not to exceed \$300.00 per hour.
  - (l) Dump truck/dump trailer with tractor: rate not to exceed \$350.00 per hour.
  - (m) Roll-off with container: rate not to exceed \$350.00 per hour plus disposal.
  - (n) Recovery supervisor vehicle: rate not to exceed \$150.00 per hour.
  - (o) Traffic management equipment: rate not to exceed \$250.00 per hour.
  - (p) Recovery support vehicle/trailer: rate not to exceed \$350.00 per hour.

(q) Any other specialized equipment: rate not to exceed \$250.00 per hour.

Labor (Minimum charge of one hour; after the first hour all hourly billable rates will be charged in half-hour increments).

(r) Accident clean-up and disposal of debris; rate not to exceed \$75.00 per hour, plus the cost of absorbent material used.

(s) Recovery supervisor: rate not to exceed \$200.00 per hour.

(t) Certified towing operator: rate not to exceed \$125.00 per hour per operator.

(u) Manual laborers: rate not to exceed \$100.00 per hour per laborer.

(5) Storage at a tow operator's storage facility (per calendar day or any part thereof):

(a) Light-duty vehicles (including motorcycles, motor scooters and mopeds): rate not to exceed \$45.00 per day.

(b) Medium-duty vehicles: rate not to exceed \$90.00 per day.

(c) Heavy-duty vehicles: rate not to exceed \$125.00 per day.

(6) Additional services:

(a) More than three trips to the motor vehicle in storage, which may be invoiced as an administrative fee, which shall be a flat fee not to exceed \$50.00 for light-duty vehicles and shall not exceed \$200.00 for medium or heavy-duty vehicles.

(b) Releasing a motor vehicle from a towing company's storage facility after normal business hours or on weekends, which shall be a flat fee not to exceed \$75.00.

(c) Tarping, which shall be a flat fee not to exceed \$75.00 for a light-duty vehicle, and a flat fee not to exceed \$200.00 for a medium or heavy-duty vehicle.

(7) No person shall be liable to any tow operator who tows or stores an automobile, including but not limited to any automobile which was damaged in an accident or recovered after being reported stolen, for any fees in excess of the following:

(a) Basic towing service fees.

[1] Days, nights, weekends, and holidays (fee includes towing mileage, 24 hours of storage, on-site cleanup after an accident, and administrative fees): \$150.00.

(b) Storage fees.

[1] Inside or outside (begins after vehicle has been held for 24 hours): \$45.00 per day.

(8) It shall be the responsibility of the tow operators to comply with all applicable Department of Insurance rules and fee regulations.

(9) Towers are required to submit monthly, to the Police Department, a copy of impound reports and invoices for each vehicle towed that month.

C. No person shall be liable to any tow operator for any other towing or storages services for any fees in excess of the licensee's approved fee schedule. Current fee schedules shall be submitted for approval on an annual basis at the time of application for license renewal.

D. Tow vehicles transporting multiple vehicles at one time may charge the applicable fee for each vehicle transported.

E. Any rates charged to a municipality must be limited in accordance with N.J.S.A. 40:48-2.50.

F. If a vehicle is towed by the Township of Eastampton or stored at the Eastampton Township Police Department, the Township shall collect the fee(s) pursuant to § 487-11.

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#### § 487-12 **Regulations and procedure.**

The Police Department shall promulgate such rules, regulations, and procedures, not inconsistent with this chapter, as may be reasonable and necessary to carry out the provisions of this chapter. Copies thereof shall be provided to all licensed tow operators and shall be made available to the public, along with copies of current fee schedules, during normal business hours. Failure to comply with applicable rules, regulations and procedures may be cause for revocation of a tow operator's license.

#### § 487-13 **Enforcement.**

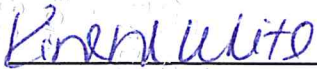
The Police Department is hereby designated to enforce the provisions of this chapter and any applicable rules and regulations.

### **SECTION II. Repealer, Severability and Effective Date.**

1. **Repealer.** Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
2. **Severability.** In the event that any clause, section, paragraph, or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Council hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
3. **Effective Date.** This Ordinance shall take effect upon proper passage in accordance with the law.

Adoption: September 27, 2021

ATTEST:



Kim-Marie White,  
Municipal Clerk



Dominic F. Santillo,  
Mayor

Introduction: September 13, 2021

Council	Motion	2 <sup>nd</sup>	Ayes	Nays	Abstain	Absent
Councilman Apgar			✓			
Councilman Besko	✓		✓			
Councilman Springer		✓	✓			
Councilman Zeno			✓			
Mayor Santillo			✓			
		<b>VOTE</b>	<b>5</b>	<b>0</b>		

Adoption: September 27, 2021

Council	Motion	2 <sup>nd</sup>	Ayes	Nays	Abstain	Absent
Councilman Apgar			✓			
Councilman Besko	✓		✓			
Councilman Springer			✓			
Councilman Zeno		✓	✓			
Mayor Santillo			✓			
		<b>VOTE</b>	<b>5</b>	<b>0</b>		