

**TOWNSHIP OF VERONA
COUNTY OF ESSEX, NEW JERSEY
ORDINANCE #2017-25**

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE VEHICLE TOWING
ORDINANCES OF THE CODE OF THE TOWNSHIP OF VERONA**

BE IT ORDAINED by the Mayor and Council of the Township of Verona, County of Essex, New Jersey, as follows:

SECTION 1. Effective December 31, 2017, the language currently contained in Chapter 140, Article XV, of the Code of the Township of Verona, is hereby deleted in its entirety and all towing licenses approved under that ordinance are void and repealed. Until that time, all current towing licenses approved shall be subject to the terms and conditions of Chapter 140, Article XV, of the Code of the Township of Verona.

SECTION 2. Effective immediately for all new or renewed applications for towing licenses that shall become operative on or after January 1, 2018, Chapter 135 of the Code of the Township of Verona is hereby created and shall read as follows:

CHAPTER 135 TOWING AND STORAGE

§ 135-1. Purpose and scope.

- A. N.J.S.A. 40:48-2.49 authorizes the Township to regulate the business of removal and storage of motor vehicles and to set rates and charges for the same.
- B. The Township of Verona seeks to exercise the authority conferred by the aforementioned statute and adopts this chapter establishing minimum requirements for a towing contractor to provide services and/or vehicle removal and/or impoundment and/or storage of vehicles when determined necessary by the Township of Verona Police Department.
- C. The provisions of this chapter shall not apply to the towing of a motor vehicle from private property. Towing from private property is governed by regulations set forth in N.J.A.C. 13:45A-31.6.

§ 135-2. Definitions.

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

ABSORBENT - A granulated or powdered substance used to soak up fluids used in the operation of motor vehicles. A bag or container of absorbent will be defined as weighing 50 pounds.

ADMINISTRATIVE CHARGES - Charges for post-accident services, including but not limited to services such as physical inspection, telephone and/or fax calls, removal of personal items, additional paperwork and more than three trips to the motor vehicle in storage.

BASIC ENVIRONMENTAL CLEANUP - The cleanup and removal of small quantities of fluids used in the operation of a motor vehicle which leak onto the ground.

BASIC TOW - Arriving at the site from which a motor vehicle will be towed, hooking a motor vehicle to, or unloading a motor vehicle onto a tow truck, transporting a motor vehicle to a storage facility, unhooking or unloading a motor vehicle from a tow truck and situating the motor vehicle in the space in which it will be stored.

BASIC TOWING SERVICE - The towing of a vehicle or the removal and transportation of a vehicle from a highway, street or other public or private property.

CHIEF OF POLICE - The highest ranking sworn officer within the Verona Police Department.

CONSENSUAL TOWING - The towing of a motor vehicle, when the owner or operator of the motor vehicle has consented to have the towing operator tow the motor vehicle.

CRUISING - The operation of a tow truck within the Township of Verona to solicit vehicle towing, emergency road service and/or other related towing services unless in response to a police request.

DECOUPLING - Releasing a motor vehicle to its owner or operator when the motor vehicle has been, or is about to be, hooked to or lifted by a tow truck, but prior to the motor vehicle actually having been moved or removed from the property.

DISABLED VEHICLE - A motor vehicle which has been abandoned or rendered inoperable by mechanical failure or accident. Any motor vehicle, operable or inoperable, which constitutes a hazard to the motoring public by its location shall be deemed disabled for the purposes of this chapter.

EMERGENCY ROAD REPAIR SERVICE - Repairs which may be performed at the location of a disabled vehicle, including, but not limited to, flat tire changing, jump-starting, gasoline deliveries, etc.

EXAMINATION AREA - An unobstructed, flat, forty-foot-by-twenty-five-foot area where a vehicle can be placed when needed for inspection by the police.

HEAVY-DUTY WRECKER - A tow truck with dual rear wheels and air brakes capable of towing and wheel lifting large vehicles damage-free and which meets the following minimum requirements:

- A. Gross vehicle weight (GVW): 30,000 pounds.
- B. Gross vehicle weight rating (GVWR): 80,000 pounds.
- C. Boom and winch rating: 40,000 pounds.
- D. Cable size: 5/8 inch.
- E. Cable length: 200 feet.
- F. Wheel lift retracted rating: 25,000 pounds.
- G. Wheel lift extended rating: 12,000 pounds.

IMPOUNDMENT - The storage of a motor vehicle upon the order of the Police Department at either the towing operator's storage area or at a Township facility as a result of abandonment, involvement in an accident, suspected criminal activity and/or any violation of Title 39 of the New Jersey Statutes or municipal ordinances.

LICENSED WRECKER/TOW TRUCK - Any wrecker/tow vehicle licensed pursuant to the provisions of this chapter.

LICENSEE - Any person, firm, partnership, association, corporation, company or organization of any kind that has been issued a license by the Township, pursuant to this chapter, to provide wrecker/towing services to the Township.

LIGHT-DUTY WRECKER - A tow truck with dual rear wheels capable of towing or wheel lifting vehicles which meets the following minimum standards:

- A. GVW: 14,000 pounds.
- B. Boom rating: 8,000 pounds.

- C. Winch rating: 8,000 pounds.
- D. Cable size: 3/8 inch.
- E. Cable length: 100 feet.
- F. Wheel lift retracted rating: 6,000 pounds.
- G. Extended rating: 3,000 pounds.

LOADED MILE - Distance in miles that a tow vehicle travels while towing a vehicle.

MEDIUM-DUTY FLATBED - A vehicle carrier equipped with a wheel lift and roll back/tilt bed with dual wheels capable of removing and transporting small trucks, full-size vans or large passenger cars damage-free and which meets the following minimum requirements:

- A. GVW: 18,000 pounds.
- B. Winch rating: 8,000 pounds.
- C. Cable size: 3/8 inch.
- D. Bed length: 17 feet.
- E. Bed width: seven feet (inside side rails).
- F. Wheel lift retracted rating: 6,000 pounds.
- G. Wheel lift extended: 3,000 pounds.

MEDIUM-DUTY WRECKER - A tow truck with dual rear wheels capable of towing and wheel lifting small trucks damage-free and which meets the following minimum requirements:

- A. GVW: 18,000 pounds.
- B. Boom rating: 16,000 pounds.
- C. Winch rating: 16,000 pounds.
- D. Cable size: 3/8 inch.
- E. Cable length: 200 feet.
- F. Wheel lift retracted rating: 6,000 pounds.
- G. Extended rating: 3,000 pounds.

MOTOR VEHICLE — All vehicles propelled other than by muscular power, excepting such vehicles as run only upon rails and tracks and motorized bicycles, motorized scooters, motorized wheelchairs, and motorized skateboards.

NONCONSENSUAL TOWING - The towing of a motor vehicle without the consent of the owner or operator of the vehicle. Nonconsensual towing includes towing of a motor vehicle when law enforcement orders the motor vehicle to be towed, whether or not the owner or operator consents.

ORDINARY CARE — That care which is normally used to protect a motor vehicle from further damage, including but not limited to the use of tarps for environmental protection and security protection for storage areas.

OUTSIDE SECURED STORAGE FACILITY - Any motor vehicle storage facility that is not located within an enclosed structure and that conforms to the following minimum standards:

- A. The entire land area shall be enclosed by a fence of sturdy construction, a wall or other manmade barrier that is at least seven feet in height, with a minimum of one lockable gate for ingress and egress, in accordance with local zoning regulations.
- B. All entry points shall have a locking device.
- C. The area shall have adequate lighting to protect stored vehicles from vandalism.
- D. The towing operator shall submit proof that he owns or leases an area, for the storage of a minimum of 50 vehicles, within a 15-minute response time to any call for towing or service within the Township of Verona. Said proof shall include the deed or deeds to the property or the leases to the same. The towing operator shall submit proof of local zoning compliance for use of the storage facility.

OWNER - A person, firm, corporation or partnership who owns and/or operates a motor vehicle on the roads and highways within the Township of Verona.

PERSON - Any natural person, firm, partnership, association, corporation, company or organization of any kind.

POLICE - The Township of Verona Police Department.

PRINCIPAL LOCATION - The licensed place of business of each towing operator. Each towing operator shall maintain his/her own place of business where trucks, in response to police requests, are normally kept. Towing operators shall not share a principal location. The impound area shall be located adjacent to, or be part of, the principal location and shall comply with the local zoning ordinances. The principal location must be open to the public between 8:00 a.m. and 6:00 p.m. at least five days per week and the principal location shall contain a clean, comfortable waiting area with toilet facilities.

PRIVATE PROPERTY TOWING - The nonconsensual towing from private property or from a storage facility of a person's motor vehicle that is parked illegally, parked during a time at which such parking is not permitted, or otherwise park without authorization or immobilization of, or preparation for moving or removing of such motor vehicle to which a service charge is made, either directly or indirectly.

RECOVERY - The procedure in which the tow operator applies his knowledge in a skillful manner to preserve the condition of the motor vehicle while moving the vehicle to a towable position; can be achieved by several actions that may include but are not limited to winching and rigging.

ROADWAY CLEANUP - The sweeping and removal of all debris left on the roadway as a result of an accident or incident.

ROTATING LIST - The list of towers prepared by the Chief of Police from which the on-duty tower is designated.

SITE CLEANUP - The use of absorbents to soak up any liquids from a motor vehicle at the site from which the motor vehicle will be towed and sweeping and removal of all debris left on the roadway as a result of an accident or incident.

STORAGE DAY - Any twenty-four-hour day or any portion thereof, with a new day beginning at 12:00 midnight.

STORAGE SERVICES - The storage and/or holding of vehicles indoors or outdoors by a licensee under the authority of this chapter.

TARPING - Covering a motor vehicle to prevent weather damage.

TOWING OPERATOR - A person, firm, corporation or partnership engaged in the business of providing towing, road service and storage services for motor vehicles.

UNCLAIMED VEHICLE - Any vehicle towed by a licensed tower pursuant to this chapter that is left unclaimed for a period in excess of seven calendar days.

UNLOADED MILE - Distance in miles traveled by a tow vehicle to a disabled vehicle or the distance in miles traveled by a tow vehicle after dropping off a vehicle out of town at the customer's request.

VEHICLE - Every device in or upon or by which a person or property is or may be transported upon a highway, except devices moved by human power.

WAITING TIME - Additional time that a tow operator spends at the scene, other than the time required for the actual tow and/or recovery. Examples of waiting time may include but are not limited to emergency medical services (EMS) which must be performed and/or police investigations.

WINCHING - The process of moving a motor vehicle, by the use of chains, nylon slings or additional links of winch cable, from a position that is not accessible for direct hookup for towing a motor vehicle. Winching also includes recovering a motor vehicle that is not on the road, and righting a motor vehicle that is on its side or upside down, but does not include pulling a vehicle onto a flat bed tow truck.

WINDOW WRAP - Any material used to cover motor vehicle windows that have been damaged.

WRECKER/TOW TRUCK - A vehicle driven by mechanical power and employed for the purpose of towing, transporting, conveying, recovering or removing any and all kinds of motor vehicles which are unable to be and actually are not operated under their own power from the place where they are disabled to some other place, or any vehicle(s) which the Police Department has ordered to be impounded. A tow vehicle must be manufactured by a tow-truck manufacturer that is nationally recognized by the towing industry.

YARD CHARGE - A charge for a motor vehicle, towed into the storage facility of the licensed tower, that is inoperable and must be towed from the licensed tower's storage facility to a public street for towing by a secondary tower.

§ 135-3. Licensing.

- A. Towing operators meeting the qualifications set forth below shall submit an application, in writing, to the Township Clerk to be considered for placement on a rotating list of towing operators. There shall be a maximum of four towers on the list per year.
- B. All applicants for a towing license, in order for the application to be deemed complete, must provide the following:
 - (1) The complete legal business name, business address, principal location address and Department of Transportation (DOT) number.
 - (2) The complete home address, home telephone number, date of birth and social security number of the applicant, if a sole proprietorship, or the complete home addresses, home telephone numbers, dates of birth and social security numbers of the principal officers and partners if the licensee is a corporation or partnership.

- (3) Photocopies of all registrations of every tow vehicle to be operated by the applicant. If the tow vehicle is leased, the applicant is required to submit a copy of the lease agreement.
- (4) The names, addresses and telephone numbers of any persons possessing any liens and/or encumbrances on the principal location.
- (5) The name, address and telephone number of the applicant's insurance carrier and photocopies of each certificate of insurance issued by the carrier.
- (6) Photocopies of all towing vehicle operators' current driver's licenses, along with their social security numbers.
- (7) Evidence demonstrating that the applicant has at least five years of personal experience in the field of towing and storing of vehicles.
- (8) Proof that the applicant has a principal location within a 15-minute response time to any call for towing or service within the Township of Verona.
- (9) Proof that the applicant's principal location meets all zoning requirements applicable to the jurisdiction in which it is located.
- (10) Proof that the applicant can guarantee a fifteen-minute response time on all calls with the exception of delays caused by unexpected traffic or unusual conditions.
- (11) The applicant shall provide an affidavit that the information given in the application is true and correct.
- (12) The applicant shall provide an agreement that, upon issuance of a license, the licensee shall indemnify and hold harmless the Township of Verona, its agents, servants and/or employees from and against all claims of a third party relating to the towing and/or storage service of the licensee.
- (13) Applications will be processed according to the order in which they were filed with the Township Clerk. In the event there are more than four (4) qualified applicants, the four (4) applicants whose principal place of business is closest to the center point of the intersection of Bloomfield Avenue and Gould Street shall be selected. The distance shall be determined by a straight line between the center point of the intersection and the center point of the applicant's principal place of business as indicated on the Township's mapping software.

§ 135-4. Application fee.

All initial applications shall be accompanied by a nonrefundable fee of \$500 payable to the Township of Verona. A renewal application shall be accompanied by a nonrefundable application fee of \$500 payable to the Township of Verona. The application fees are in addition to any fee for criminal background checks or fingerprinting required in § 135-5 as well as any other fees required by this chapter. Said fees are in addition to the license fees as set forth in § 135-6.

§ 135-5. Background investigation and fee dispute resolution.

- A. Upon filing an application with the Township Clerk's Office, the applicant, including all persons listed on the application, shall respond to the Police Department's Records Bureau with a current driver's license or other government issued photo identification. Each person shall be photographed and be provided with a fingerprint form from a fingerprint vendor authorized by the State of New Jersey. Each person shall, at their own

expense, respond to the authorized fingerprint vendor's location for a fingerprint check. In addition, a driver's abstract will be obtained for all persons listed in the application.

- B. Upon receipt of the results of the fingerprint check and subsequent criminal history check, as well as review of each applicant's driver's abstract, the Police Department shall notify the Township Clerk's Office of those results with a recommendation on whether or not the applicant should be approved or denied, and if any person listed should be disqualified. The Township Clerk shall then notify the applicant of said results.
- C. The licensee and all employees must be trustworthy in that the licensee must safeguard vehicles and personal property belonging to others as well as secure and protect evidence when a vehicle is impounded by the police due to an accident investigation or criminal activity. Therefore, to protect the public interest, the Township may disqualify any applicant wherein an employee, owner, principal, agent and/or officer has been convicted of a crime involving moral turpitude or excessive moving violations or a substantial violation under this chapter.
- D. Once a license is granted, the licensee shall notify the Township Clerk in writing of any criminal charges, motor vehicle offenses or ordinance violations that are issued against the licensee or its employees during the term of the license. Failure to make the proper notification to the Township Clerk may result in the revocation of the license.
- E. If a towing company charges a consumer a fee for a private property or other nonconsensual towing service that is disputed by the consumer, the parties shall make a good faith effort to resolve the dispute with the Police Department. If the parties are unable to resolve the dispute, the complaint may be forwarded to the Director of the New Jersey Division of Consumer Affairs, who shall make a determination as to whether or not the fee is unreasonable under N.J.A.C. 13:45A- 31.5. The Director may order the towing company to reimburse the consumer for an amount equal to the difference between the charged fee and a reasonable fee, plus interest.

§ 135-6. Issuance of licenses; fees; term of license.

- A. Upon written notification by the Chief of Police to the Township Clerk that an application has been reviewed and the Police investigation has been completed, the Mayor and Council shall at a public meeting, approve the issuance of a license.
- B. In addition to the application or renewal application fees set forth in § 135-4, the yearly license fee shall be \$75, payable to the Township of Verona. Any tow operator that previously was granted a license under Chapter 140, Article XV, of the Code of the Township of Verona, and said license was, or is becoming, void because of the repeal of that ordinance, shall not be required to the \$75 application fee for calendar year 2018. Everyone must pay this and all other required fees thereafter.
- C. Upon approval by the Mayor and Council, the Township Clerk of the Township of Verona shall issue a license to the licensee pursuant to this chapter, as well as individual stickers for each wrecker that has been inspected and approved by the Chief of Police to be operated during the term of the license.
- D. All towing licenses will be issued for a period of one year beginning January 1 of each year and expiring on December 31. Applications for license and license renewal are to be completed and returned to the Township Clerk by September 1 of each year for a license for the following calendar year, except for 2017 where applications shall be completed and returned to the Township Clerk no later than November 1. Licenses or renewals filed after the deadline

will not be accepted for the following calendar year. Should the number of towers fall below four, the Township, at its sole discretion, may accept applications after the deadline, but in no case shall the number of towers exceed four.

- E. Licenses are the property of the Township of Verona and may not under any circumstances be assigned, leased, shared, transferred or sold to another person, corporation or proprietorship.
- F. Upon the issuance of the license, the licensee may during the term of the license advertise and place on his equipment that the licensee is an authorized police tower for the Township of Verona.
- G. The licensee shall pay to the Township of Verona \$12 for each vehicle towed under this chapter. Said charge is for administrative costs incurred by the Township. The Administrative fee shall be included in the fees charged pursuant to 135-12 and shall not be charged to the owner/operator as an additional fee. The licensee shall pay the above fee on a monthly basis to the Township Clerk of the Township of Verona, and said payment is due on the 15th of every month for all vehicles towed during the previous month. If payment is not made on a timely basis, the license may be suspended or terminated after a hearing by the Mayor and Council. No administrative fee shall be charged for Township vehicles.
- H. The licensee shall pay a vehicle inspection fee of \$75 for each tow truck that the licensee adds to his fleet during the year that provides service under this chapter. The licensee shall also pay a fee of \$35 in addition to any fees for criminal history checks, for each towing vehicle operator he adds during the year that provides service under this chapter.

§ 135-7. Rotating list; cruising prohibited.

- A. The towing operator must be able to provide, 24 hours a day, seven days a week, towing services for the Township, on a rotating basis, at the direction of the Chief of Police or his designee.
- B. The Chief of Police or his designee shall assign call-out weeks from the rotating list. A tower that wishes to change his assigned week due to vacation or conflict must submit a request in writing to the Chief of Police or his designee for approval. Change requests must be submitted at least fourteen calendar days prior to the date of the change in order to ensure a substitute tower can be arranged. Only the Verona Police Department is permitted to make changes to the rotating list.
- C. The Chief of Police or his designee shall prepare two lists:
 - (1) Light-duty/medium-duty towing and recovery;
 - (2) Heavy-duty towing and heavy recovery.
- D. The on-duty tower shall be called for the removal and storage of the disabled vehicle. In the event that the on-duty tower is unable to respond to calls or to respond in a timely manner due to unusual conditions then the next tower on the rotating list shall be called. Towers are not permitted to make their own callouts. Only the Verona Police Department is permitted to make callouts.
- E. Cruising by a towing company's vehicles is not permitted.

§ 135-8. Insurance requirements.

- A. The towing operator shall provide and maintain the following types of insurance coverage to be obtained from insurance companies licensed to do business in the State of New Jersey and shall provide the Township with

certificates of insurance evidencing proof of the following required coverages:

- (1) Automobile liability in an amount not less than \$1,000,000 for bodily injury per person, \$3,000,000 for bodily injury per accident and \$500,000 for property damage per accident.
 - (2) Workers' compensation as required by statute.
 - (3) Garagekeeper's liability in an amount not less than \$500,000 per claimant and \$1,000,000 for more than one claimant.
 - (4) Garage liability in an amount not less than \$2,000,000 combined single limit.
 - (5) Comprehensive general liability in an amount not less than \$2,000,000
- B. Policies shall be endorsed to provide collision coverage for vehicles in tow.
- C. On all policies except workers' compensation, the Township shall be named as an additional insured.
- D. All policies must contain a provision requiring notification to the Township of any policy cancellation or revision at least 30 days prior to either cancellation or revision.
- E. The towing operator shall provide an excess or umbrella liability insurance policy in the amount of \$2,000,000.

§ 135-9. Equipment requirements.

- A. The equipment to be used by the towing operator shall meet the following requirements:
- (1) All equipment must be of the type, condition and design to efficiently perform the work required by the Township of Verona.
 - (2) A licensee, when filing an application 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 pieces of equipment:
 - (a) Regular wrecker service: a minimum of two (2) trucks (one flatbed tow truck and one wrecker);
 - (b) Heavy-duty wrecker service: a minimum of one heavy-duty wrecker. It shall not be a requirement that each operator maintain a heavy-duty wrecker. Only those operators that maintain a heavy-duty wrecker in addition to the regular wrecker service equipment shall be placed on the heavy-duty wrecker call out list.
- B. The following safety equipment shall be carried on all towing trucks:
- (1) Chains and tie-downs to secure vehicles.
 - (2) A snatch block.
 - (3) An auxiliary safety light kit to be placed on the rear of a towed vehicle that does not have functioning taillight flashers.
 - (4) Rotating amber emergency lights mounted on top of truck. (A state-issued permit is required and must be in the truck.)

- (5) Two white work lights facing from the rear of the truck.
 - (6) One shovel and broom.
 - (7) Fifty pounds of absorbent.
 - (8) Jumper cables or a jump box.
 - (9) A steering wheel tie down.
 - (10) A toolbox with assorted hand tools normally used to conduct emergency roadwork and towing.
 - (11) Two reflectorized traffic safety vests.
 - (12) One five-pound A-B-C-rated dry powder fire extinguisher.
 - (13) One flashlight.
- C. A reflectorized traffic safety vest shall be properly worn as the outside garment by all employees performing work while on a roadway, 24 hours a day.
 - D. The towing operator shall provide all trucks with a shovel, broom and other equipment necessary to clean up broken glass and debris from the scene of any accident to which they are summoned. The towing operator shall be responsible for the subsequent cleanup. Each truck shall have a minimum of 50 pounds of absorbent for oil and/or any other liquid, except gasoline, that might be spilled onto a roadway as a result of an accident. If gasoline is spilled as a result of any accident, it shall be the responsibility of the Police Department to notify the Fire Department for immediate removal. Absorbed liquids, other than gasoline, shall be removed from the roadway by the towor, placed in plastic bags and then placed in the towed vehicle by the towing operator and shall be disposed of by the owner of said vehicle. The towing operator may charge a fee as set forth in § 135-12e(3).
 - E. All trucks used by the towing operator shall be kept in a clean, good-working condition. The towing operator shall have displayed on all of his trucks in such a manner and of such lettering as conforms to the provisions of N.J.S.A. 39:4-46.
 - F. Each towing operator shall furnish the following information with respect to the aforementioned trucks: the make, model, year and registration number of each truck and the DOT number. A photostatic copy of each registration and insurance card shall also be included. For leased trucks, the towing operator shall be required to furnish a copy of each lease. Only trucks listed on the application shall be used by the towing operator. This list may be updated during the year. All newly added vehicles are subject to inspection.

§ 135-10. Storage area requirements.

The towing operator shall have a storage area that meets the following requirements:

- A. The outside storage facility used for storage of vehicles shall be paved or stoned.
- B. The outside storage facility shall provide a minimum of 3,000 square feet of storage space.
- C. All storage facilities shall be located within five (5) miles radius of the Township of Verona Municipal Building located at 600 Bloomfield Avenue, Verona, NJ.

- D. Signs which readily identify the storage facility and which comply with all applicable laws and local zoning regulations shall be installed.
- E. No towed vehicle shall be parked upon a public or private street or sidewalk. Said vehicle shall be stored by the towing operator within the licensed storage area so provided.
- F. The entire outside storage area shall be enclosed by a fence or sturdy construction, a wall or other manmade barrier that is at least seven feet high which may include one foot of barbed wire, with at least one lockable gate for ingress and egress, in accordance with local zoning regulations.
- G. The impound area shall be properly lighted from dusk to dawn and must be properly safeguarded from vandalism and/or theft.
- H. The Township of Verona Police Department shall be granted access to any part of the impound area at any time, day or night, for the purpose of inspection and/or investigation. This shall include indoor and outdoor areas.
- I. There shall be no unescorted access to the aforementioned impound area by the public. Said area shall be posted in accordance with Verona Police Department regulations.
- J. A small storage area shall be set aside for vehicles that may be involved in a police incident. In addition, an indoor secured area shall be provided for at least one vehicle, when requested by the police.
- K. Unless required by Township of Verona Police Department, all vehicles shall be stored in the outside storage area.
- L. The towing operator shall conspicuously post at his place of business the fee schedule for storage and towing of vehicles.
- M. There shall be no piling of vehicles.
- N. The storage area shall be located adjacent to, or be part of, said licensed principal location and shall comply with the local zoning ordinances. Use of satellite storage facilities by the towing operator is prohibited.
- O. All wreckers owned or leased by the towing operator shall be stored and registered at the principal location as listed on the application.
- P. The towing operator shall provide reasonable accommodations for after- hours release of stored motor vehicle and shall not charge a release fee or other charge for the release of motor vehicle to their owners during their normal business hours or on weekends.

§ 135-11. Towing operator personnel.

The employees of the towing operator shall meet the following requirements:

- A. An employee of the towing operator shall under no circumstances be deemed an agent, servant and/or employee of the Township or represent to the public that he/she is an employee of the Township of Verona.
- B. No person shall be employed by the towing operator unless he/she has obtained a record check and has been approved by the Township of Verona Police Department. Any towing operator with a record of a felony criminal conviction shall not be qualified to receive a license under this Chapter. Any of its employees with a felony conviction may not perform any serviced under this Ordinance.

- C. The towing operator and his employees are prohibited from collecting or attempting to collect a fee, commission, pay or charge other than as provided for in this chapter.
 - D. The name of the individual tow truck employee shall be listed on the towing ticket/receipt.
 - E. The towing operator shall indicate the number of employees to maintain the requirements of this Ordinance.
 - F. The towing operator shall provide the Police Department with a list of said personnel and copies of each operator's driver license (CDL if applicable) and social security number.
 - G. No towing operator shall employ, directly or indirectly, any employee of the Township of Verona Police Department.
 - H. No cruising by personnel shall be permitted.
 - I. The licensee shall be responsible for basic environmental cleanup and may charge the owner of the vehicle involved in the actual spill a fee as outlined in § 135-12e(3).
 - J. The licensee shall be responsible for roadway cleanup, which shall include but not be limited to removing broken glass and debris at the scene of an accident, as per N.J.S.A. 39:4-56.8b, and may charge the owner of the vehicle that created the debris a fee as outlined in § 135-12e(3).
 - K. The police officer at the scene of an accident or disabled vehicle shall be in complete charge and shall be responsible to guarantee that the scene is properly cleared and safe for traffic to resume safely.
- § 135-12. Fees; methods of payment; heavy-duty vehicle recovery.
- A. The following is the fee schedule for basic automobile, motorcycles, motorized bikes, towing services and heavy-duty vehicle recovery:
 - (1) Basic towing service (two-axle vehicle) under 8,000 pounds.
 - (a) Rate: \$125.
 - (b) Additional axles: \$35 each.
 - (2) Basic towing service (two-axle vehicle) over 8,001 pounds to 16,000 pounds.
 - (a) Rate: \$295.
 - (b) Additional axles: \$35 each.
 - (3) Basic flatbed rate: \$125.
 - (a) The basic flatbed rate applies to vehicles that cannot be towed by another means.
 - (b) Flatbed towing of a vehicle with wheel lift does not qualify for the flatbed rate.
 - (4) Motorcycles and motorized bikes. Rate: \$125.
 - (5) Heavy-duty towing (over 16,001 pounds).

- (a) Rate: \$325 per hour (one-hour minimum), billed in thirty-minute increments.
 - (b) Shaft removal: \$45.
 - (c) Brake release: \$45.
 - (d) No mileage fee from the point of tow to the licensee's storage yard.
- (6) Air cushion device in heavy-duty vehicle recovery.
 - (a) Rate: \$550 per hour.
- B. The following is the fee schedule for storage services for all types of vehicles while stored at the towing operator's storage facility:
 - (1) Inside building, storage facility capacity:
 - (a) Under 10,000 pounds: \$45 per day.
 - (b) Each additional axle: \$20 per day.
 - (2) Outside secured, storage facility capacity:
 - (a) Under 10,000 pounds: \$35 per day.
 - (b) Additional axle: \$20 each per day.
 - (c) Over 10,000 pounds: \$75 per day.
 - (d) Over 10,000 pounds, tandem axle: \$100 per day.
 - (e) Tractor-trailer combination: \$140 per day.
- C. Emergency road service: \$70.
 - (1) Emergency road service: jump start, bringing up to two gallons of fuel, tire change.
 - (2) If a tow results, there will be no charge for road service, except cost of emergency gas if placed into the vehicle's tank.
- D. Rates for vehicle recovery and/or winching:
 - (1) Wreckers and personnel.
 - (a) Medium-duty wrecker: \$150 per hour, to be charged in thirty-minute increments with a one-half-hour minimum.
 - (b) Heavy-duty wrecker: \$300 per hour to be charged in thirty-minute increments with a one-hour minimum.
 - (c) Additional manpower: \$60 per hour per man.
 - (d) Level 3 Recovery Supervisor: \$90 per hour.
 - (2) Licensees may, however, charge additional fees for extraordinary recovery and/or winching. All services must be itemized on the statement for services.
- E. Additional services that may be required:

- (1) Axle pull/ drive shaft/ transmission disconnect: \$40 flat rate.
 - (2) Hookup air: \$25 flat rate.
 - (3) Roadway cleanup: \$50 per hour, to be charged in 30 minute increments with a one-half- hour minimum.
 - (a) When basic environmental cleanup is required, a charge of \$25 for each fifty-pound bag of absorbent and plastic bags for removal may be charged.
 - (b) Cleanup services, including time and absorbent, must be itemized on the statement.
 - (4) Administrative charges:
 - (a) Maximum of \$25.
 - (b) Services must be itemized on the statement.
 - (5) No yard charge may be billed.
 - (6) Waiting time: \$40 per hour, in excess of 15 minutes, which shall be calculated based upon each 15 minutes spent at the site from which a motor vehicle will be towed, with fewer than 15 minutes, rounded up to 15.
 - (7) The use of window wrap or tarping is \$25.
 - (8) The licensee shall prepare an itemized billing invoice for all services rendered.
 - (9) A tow company cannot charge to move a vehicle outside of their lot for police tows.
- F. A towing company that engages in private property towing or other nonconsensual towing shall calculate storage fees based upon full 24-hour periods a motor vehicle is in the storage facility. For example, if a motor vehicle is towed to a storage facility at 7:00 p.m. on one day and the owner of the motor vehicle picks up the motor vehicle before 7:00 p.m. the next day, the towing company shall charge the owner of the motor vehicle only for one day of storage. If a motor vehicle is stored for more than 24 hours, but less than 48 hours, the towing company may charge for two days of storage.
- G. Customers must be able to use cash, insurance company check, debit card, charge card or credit card to pay for services. The Township will not be held liable for, or assist the towing operator in the collection of any unpaid fees that are incurred for performing towing or storage services.
- H. The rates on the "Township of Verona Towing and Storage Rate Schedule" represent the maximum rates permitted under this chapter. It shall be unlawful for any licensee to charge a rate in excess of the rates prescribed or for any service not specifically covered in this chapter.
- I. Mileage rates. There shall be no mileage charge, for any vehicle towed under this chapter, to respond to the service call or from the point of service back to the licensee's principal location. If the owner or operator designates the vehicle to be towed to another location other than the licensee's principal location, then the licensee may charge for loaded mileage outside the boundaries of the Township of Verona. Mileage charges per mile outside of Verona shall be \$4 per mile or part thereof.
- J. Heavy vehicle recovery (over 16,000 pounds).

- (1) To perform heavy vehicle recovery, the Township requires that the licensee have on-scene a recovery supervisor with a Level 3 certification from the Towing and Recovery Association of America (TRAA) or other nationally recognized certification.
- (2) To perform heavy vehicle recovery under this chapter, the licensee must:
 - (a) Visually document the recovery scene through photos or videotape.
 - (b) Prepare a written report of all procedures employed, actions taken, equipment used and manpower requirements to complete the recovery process in the safest manner and provide a copy to the vehicle owner with the statement for services.
 - (c) Prepare an itemized billing invoice for all services rendered.
- (3) If the licensee finds it necessary, due to the nature of the recovery, to contract additional recovery services to supplement its equipment and manpower recovery, the contracted service providers must work under the supervision of the licensee. The licensee may not subcontract the entire recovery. In the event that the heavy-duty wrecker operator is unable to handle the recovery, then the next heavy-duty wrecker on the rotating list shall be called.

§ 135-13. Records and inspections.

- A. The towing operator shall maintain records of all vehicles towed, stored and released by it. Records shall be kept for a three-year period. These records shall include the name of the responding police officer, name of towing employee, the date and time of tow-in, destination towed, vehicle tag number and state, vehicle identification number, make, model, color and year of vehicle, itemized charges to the owner of the vehicle and the disposition of the vehicle and date thereof.
- B. The towing operator shall maintain a record of all property found anywhere in the towed vehicle, including the trunk and glove compartment when open and where a key is available.
- C. The Township of Verona shall, upon request have access to any and all of these records. The Verona Police Department shall conduct a quarterly audit of each tower's records and provide a written report to the Township Clerk's office.
- D. The licensee shall notify the Verona Police Department, in writing, of any vehicle that is left unclaimed for a period in excess of seven calendar days.
- E. The licensee shall prepare and issue to the owner/operator a written itemized invoice for all services rendered under this chapter. The invoice shall reflect the date, time, location and the employee that performed the service and that the service performed was at the request of the Township of Verona Police Department. A copy of the invoice shall be retained by the licensee and filed in a manner that coincides with the licensee's current filing methods that will allow immediate access to such record when requested by the Township of Verona Police Department.
- F. The licensee shall incur the cost of preparing a payment rate circular for fees listed under this chapter and shall distribute this rate circular at the time of tow to all customers, at no cost, which also includes directions to the storage

location, business hours, phone numbers, major credit cards accepted and other methods of payment accepted.

§ 135-14. Education of drivers.

- A. Tow-truck drivers shall have and maintain a valid driver's license for the tow vehicle that they operate. Drivers that operate heavy duty wreckers shall have the following endorsements on their commercial driver's license:
 - (1) Hazardous materials endorsement.
 - (2) Double- and triple-trailer endorsement.
- B. Within two years of the effective date of this chapter, all tow-truck drivers that operate tow vehicles must obtain the Towing and Recovery Association of America (TRAA) National Driver Certification Level 1 or other nationally recognized certification. Drivers that operate the heavy-duty tow truck must obtain the Level 2 certification.
- C. New employees shall have one year from their date of hire to obtain the TRAA Level 1 certification or other nationally recognized certification. During the initial year of employment, they may perform services as listed under the provisions of this chapter, provided that the licensee documents that he has trained the employee in the proper use of the equipment he will operate.
- D. To perform any recovery operation, the licensee must have at least one employee certified as a TRAA Level 3 or other nationally recognized certification.

§ 135-15. Enforcement.

- A. All complaints received by the Township regarding a towing operator's performance under the provisions of this chapter shall be investigated by the Chief of Police or his designee and resolved to the satisfaction of all parties. In the event that the complaint cannot be resolved to the mutual satisfaction of the parties, the matter shall be submitted to the Township Manager or his designee. The decision of the Township Manager or his designee shall be final. For complaints/disputes involving fees for nonconsensual towing services that cannot be resolved by the Police Department, see section 135-5.
- B. The towing operator shall at all times comply with this chapter, or the Township shall remove the towing operator from the rotating list after written notification from the Police Department and an opportunity for a hearing conducted by the Mayor and Council.
- C. The Chief of Police is hereby designated to enforce the provisions of this chapter in accordance with due process of law.
- D. The Chief of Police shall investigate and keep, and maintain for a period of five years, a record of all complaints that are received regarding the provisions set forth in this chapter.
- E. The Chief of Police has the authority to suspend any license at any time for criminal activity, Title 39 violations or any violation(s) of this chapter. When a license is suspended, the Chief of Police shall forward a full report to the Township Manager within 15 business days after said suspension. If the licensee objects to the determination of the Chief of Police, the licensee may request a hearing before the Mayor and Council. The licensee must notify the Township Clerk in writing of a request for a hearing within 20 days of the suspension notice issued by the Chief of Police. The Mayor and Council, at the conclusion of the hearing, may affirm or reverse the decision of the Chief of Police.

- F. The Chief of Police shall oversee all licensed wreckers to ensure that they are kept in a safe condition. The Chief of Police may inspect any or all licensed wreckers at any time. If at any time the Chief of Police finds the equipment inadequate or unsafe, the Chief of Police may demand immediate correction and suspend the wrecker license until such time as the violation is corrected. Once a wrecker license is suspended, all identifiers listing the wrecker as a Township of Verona police wrecker shall be removed from the wrecker by the licensee.

§ 135-16. Violations and penalties.

- A. Any person or towing operator who violates the provisions of this chapter shall, upon conviction, be fined as follows:
- (1) First offense: not less than \$100 nor more than \$500.
 - (2) Second offense within a one-year period: not less than \$500 nor more than \$1,000.
 - (3) Third offense within a one-year period: not less than \$1,000 and a one-year license suspension.
- B. In addition to any penalties that may be imposed by the Municipal Court, the Mayor and Council may, after conducting a hearing regarding the violation(s), terminate the license issued pursuant to this chapter for repeated violations of this chapter.

SECTION 4. If any section, sub-section, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 5. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.



ATTEST:


JENNIFER KIERNAN
MUNICIPAL CLERK

NOTICE

I hereby certify that the aforementioned ordinance was published in the Verona-Cedar Grove Times, a newspaper published in the County of Essex and circulated in the Township of Verona, in the issue of September 28, 2017 and October 19, 2017.

JENNIFER KIERNAN
MUNICIPAL CLERK