

ORDINANCE NO. 12-21

**AN ORDINANCE AMENDING ARTICLE IXA,
TOWING AND STORAGE OF VEHICLES, OF
CHAPTER 84, VEHICLES AND TRAFFIC, OF THE
CODE OF THE BOROUGH OF KINNELON**

WHEREAS, pursuant to N.J.S.A. 40:48-2.49, the governing body of a municipality may regulate, by ordinance, the removal of motor vehicles from private or public property by operators engaged in such practice; and

WHEREAS, the Borough of Kinnelon (“Borough”) desires to amend Article IXA, Towing and Storage of Vehicles, of Chapter 84, Vehicles and Traffic, of the Code of the Borough of Kinnelon to update the current practices and fees in the Borough and to be consistent with the statutes, regulations and standards governing the towing industry in the State of New Jersey.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Kinnelon, County of Morris, State of New Jersey as follows:

SECTION ONE. Article IXA, Towing and Storage of Vehicles, of Chapter 84, Vehicles and Traffic, of the Code of the Borough of Kinnelon is hereby deleted in its entirety and is replaced by the following:

Section 84-26. PURPOSE.

The purpose of this Chapter is to establish the requirements and procedures for the licensing of towing operators to be utilized by the Borough of Kinnelon on a non-exclusionary, rotational basis for the towing of vehicles that are abandoned, illegally parked, involved in accidents or suspected of involvement with criminal activity within the Borough of Kinnelon and when otherwise requested by the Police Department of the Borough of Kinnelon.

Section 84-26.2. DEFINITIONS.

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

"Abandoned Vehicle" shall mean a motor vehicle that the owner or operator leaves on a public roadway, or other public property, or on private property without the consent of the owner or person in charge of that property, for more than 48 hours without notifying the

Police Department of the Borough of Kinnelon or attempting to repair and remove the same. A vehicle that remains on or along a highway or other public property for any period of time without current/valid license plates shall be presumed to be an abandoned vehicle. Vehicles used or to be used in the construction, operation or maintenance of public facilities and are left in a manner that does not interfere with the normal movement of traffic shall not be considered abandoned vehicles.

"Absorbent" shall mean a granulated or powder substance used to soak up fluids commonly found in the operation of motor vehicles. A bag or container of absorbent will be defined as weighing fifty (50) lbs.

"Administration fee" shall mean charges if a motor vehicle is released after normal hours of operation or on days the storage facility is closed (Sundays, holidays). The administration fee may also be charged when a Licensee has been contacted to tow a disabled vehicle by the Police Department and the owner or operator of that vehicle requests his/her own towing service, if the Licensee arrives prior to the owner's request for his/her own towing service.

"Basic towing service" shall mean the towing of a vehicle or the removal and transportation of a vehicle from a highway, street, or other public or private land.

"Borough" shall mean the Borough of Kinnelon.

"Chief of Police" shall mean the highest ranking sworn officer within the Borough of Kinnelon Police Department. Duties listed herein can be delegated to a designee approved by the Chief of Police.

"Cruising" shall mean the operation of a tow vehicle upon a roadway within the Borough of Kinnelon to solicit vehicle towing and other related towing services except in response to a Police request.

"Disabled vehicle" shall mean 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" shall mean repairs which can be performed at the scene of a tow, including, but not limited to, flat tire changing, jump starting and gasoline deliveries.

"Examination area" shall mean an unobstructed flat paved twenty-five (25) feet by fifteen (15) feet area where a vehicle can be placed when needed for inspection by the Police Department. Examination areas must be outlined by painted markings on the pavement.

"Borough storage facility" shall mean the Borough of Kinnelon secure yard located at

130 Kinnelon Road, Kinnelon, New Jersey.

"Heavy duty wrecker" shall mean a tow truck with dual rear wheels and air brakes capable of towing and wheel lifting large vehicles and shall meet the following minimum requirements:

- GVW - 30,000 lbs.
- GCWR - 80,000 lbs.
- Boom and winch rating - 50,000 lbs.
- Cable size - 5/8 inch
- Cable length - 200 feet
- Wheel lift retracted rating - 25,000 lbs.
- Wheel lift extended rating - 12,000 lbs.

"Impoundment" shall mean the act of storing and confining a motor vehicle upon an order of the Police Department at either the towing operator's storage area or at a Borough facility as a result of abandonment, involvement in an accident, suspected criminal activity or other violation of the New Jersey Motor Vehicle Title 39 Statutes that the Police Department may act upon.

"Junk Vehicle" shall mean a motor vehicle incapable of being operated safely or of being put in safe operational condition except at a cost in excess of the value thereof.

"Licensee" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind issued a towing license by the Borough of Kinnelon pursuant to the provisions of this Chapter.

"Light duty wrecker" shall mean a tow truck with dual rear wheels capable of towing or wheel lifting vehicles and shall meet the following minimum standards:

- GVW - 14,000 lbs.
- Boom rating - 8,000 lbs.
- Winch rating - 8,000 lbs.
- Cable size - 3/8 inch
- Cable length - 100 feet
- Wheel lift retracted rating - 6,000 lbs
- Extended rating - 3,000 lbs.

"Medium duty flat bed" shall mean 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 shall meet the following minimum requirements:

- GVW - 18,000 lbs.
- Winch rating - 8,000 lbs.
- Cable size - 3/8 inch

Bed length - 19 feet
Bed width - 7 feet (inside side rails)
Wheel lift retracted rating - 6,000 lbs.
Wheel lift extended - 3,000 lbs.

"Medium duty wrecker" shall mean a tow truck with dual rear wheels capable of towing and wheel lifting small trucks and shall meet the following minimum requirements:

GVW - 18,000 lbs.
Boom rating - 16,000 lbs.
Winch rating - 16,000 lbs.
Cable size - 1/2 inch
Cable length - 200 feet
Wheel lift retracted rating - 10,500 lbs.
Extended rating - 8,500 lbs.

"Ordinary care" shall mean care that is normally given to protect a motor vehicle from further damage including but not limited to usage of tarps for environmental protection and security protection for storage areas.

"Outside secured storage facility" shall mean a motor vehicle storage facility that is not completely indoors and must meet the following minimum standards:

- A. Area completely secured by a fence, wall or other man-made barrier that is at least six (6) feet in height. Fencing must have vision obstruction material.
- B. All entry points shall have a locking device.
- C. Total area shall have adequate lighting to protect stored vehicles from vandalism.
- D. Area must be able to accommodate at least twenty-five (25) vehicles.

"Owner" shall mean a person, firm, corporation or partnership that owns and/or operates a motor vehicle on the roads and highways within the Borough of Kinnelon.

"Person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

"Police" shall mean the Borough of Kinnelon Police Department.

"Principal location" shall mean the business office of the Licensee where the Licensee shall conduct business associated with the towing and storage of vehicles under the authority of the towing license issued by the Borough of Kinnelon. A principal location must be staffed during business hours and shall maintain a clean, comfortable waiting area with toilet facilities and an accessible pay phone or business phone.

"Recovery" Recovery can be achieved by several actions that may include but are not limited to winching and rigging. A recovery is when 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.

"Storage services" shall mean the storage, housing or holding of vehicles indoors or outdoors by a Licensee under authority of this section.

"Towing operator" shall mean a person, firm, corporation or partnership engaged in the business of providing towing, road service and storage services for motor vehicles.

"Unclaimed vehicle" shall mean any vehicle towed by a Licensee under this Chapter that is left unclaimed for a period of two (2) weeks or more.

"Vehicle" shall mean every device in, upon or by which a person or property is or may be transported upon a highway except devices moved by human power.

"Vehicle removal charge" shall mean charge for a motor vehicle towed into the storage facility of a Licensee that is not movable and must be towed from the Licensee's storage facility to a public street for towing by a secondary tower.

"Waiting time" shall mean additional time a Licensee 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 EMS services which must be performed and/or police investigations.

"Winching" shall mean the process of moving a motor vehicle by the use of a cable from a position that is not accessible for direct hook up by conventional means for loading onto a tow vehicle. Winching is not pulling a vehicle onto a tilt bed or carrier, nor lifting a motor vehicle with a conventional tow sling.

"Tow vehicle" shall mean a wrecker and/or flat bed tow truck driven by mechanical power and employed for the purpose of towing, transporting, conveying, recovering or removing inoperable vehicles or any vehicles which the Police Department has ordered to be impounded. Tow vehicles must be manufactured by a tow truck manufacturer that is nationally recognized by the towing industry.

Section 84-26.3. LICENSE REQUIRED; APPLICATION FOR LICENSE.

A. No person, firm or corporation, while acting as an official tow service for the Borough of Kinnelon, shall operate a tow vehicle, upon or along any street in the Borough, until the owner thereof shall obtain a license therefore.

B. A maximum of three (3) licenses will be issued by the Borough. If the Borough receives in excess of three (3) applications that comply with all of the requirements of this Chapter and are approvable, the three (3) available licenses will be awarded to qualified

applicants in the order of receipt of complete applications.

C. Applications for towing licenses shall be obtained from and filed with the Chief of Police or his/her designee not later than October 31st of the pre-licensure year. Applications filed after October 31st will not be accepted. All applications must include the following information:

1. The complete legal business name, business address and business telephone number of the applicant;
2. If a sole proprietorship, the complete home address, home telephone number, date of birth and social security number of the applicant. If a corporation or partnership, the complete home addresses, home telephone numbers, dates of birth and social security numbers of the principal officers and partners;
3. The year, make, type, model number and serial number of every tow vehicle to be operated by the applicant;
4. Photocopies of the registrations of every tow vehicle to be operated by the applicant;
5. The name, address and telephone number of the applicant's insurance carrier(s), the policy numbers of all insurance policies issued for the business, the business premises and the tow vehicles and photocopies of all certificates of insurance issued by the carrier(s).
6. The names, addresses and telephone numbers of any persons or entities possessing any liens or encumbrances on any tow vehicle to be operated by the applicant;
7. Photocopies of current driver's licenses for every employee that operates tow vehicles;
8. The social security numbers of every employee that operates tow vehicles;
9. A separate background check on the applicant and every employee of the applicant, which shall be obtained from the Kinnelon Police Department. If a corporation or partnership, a background check shall be provided for each of the principal officers and partners;
10. Proof that the applicant can ensure a twenty (20) minute response time on all calls with exceptions for heavy or unusual traffic conditions.
11. Proof that the applicant owns, operates, controls and does not share its storage facility with another towing operator or company and that the location of the applicant's storage facility is within three (3) miles of the borders of the Borough of Kinnelon;

12. Proof that the applicant's storage facility can accommodate at least twenty-five (25) vehicles and that the security features of the storage lot are sufficient to safe-guard against vandalism and theft;

13. Proof that the applicant satisfies the insurance requirements set forth in Section 84-26.6.

14. A certification granting permission to the Police Department to conduct inspections of the applicant's tow vehicles and storage facility for the purpose of determining compliance with this Chapter; and

15. Such other information as the Borough shall deem appropriate and necessary.

D. Review of Application; Investigation of Applicants.

1. The Chief of Police or his/her designee shall conduct or cause to be conducted such investigation as he/she deems necessary to determine the truth and accuracy of the information contained in the application and the applicant's compliance with this Chapter, including a review of a driver's abstract for the applicant and all employees that operate tow vehicles. If a corporation or partnership, a driver's abstract will be reviewed for each principal officer and partner and all employees that operate tow vehicles.

2. The Borough recognizes that Licensees must be trustworthy in that they are safeguarding vehicles and personal property belonging to others and securing and protecting evidence when a vehicle is impounded by the Police Department due to an accident investigation or criminal activity. Therefore, to protect the public interest, the Chief of Police may disqualify an applicant if an employee, owner, principal, partner, agent and/or other officer of the applicant has been convicted of a crime or violation that would indicate that the applicant may not be responsible to perform in the best interest of others.

3. The Chief of Police shall, following review of the application, endorse his approval or disapproval of the application. If the application is disapproved, the reasons therefore shall be set forth in writing.

4. If an application is denied, the tow operator denied a license is prohibited from responding to service calls from the Police Department within the Borough.

Section 84-26.4. ISSUANCE OF LICENSE; TERM.

A. Licenses shall be issued no later than December 31 of the pre-licensure year by the Chief of Police to be effective on January 1st for the next succeeding year.

B. Licenses issued pursuant to this Chapter shall be effective on January 1st and expire on December 31st of the calendar year for which the license is issued.

C. Licenses issued under this Chapter shall be prominently displayed on all tow vehicles and at the Licensee's principal location and/or storage facilities.

D. Licenses are the property of the Borough and cannot be assigned, leased, shared, transferred or sold to another person, corporation or proprietorship under any circumstances.

E. Licensees shall notify the Chief of Police in writing of any criminal charges, motor vehicles offenses and ordinance violations issued against any employee, owner, principal, partner, agent and/or other officer during the term of the license. Failure to make prompt notification to the Police Department may result in revocation of the license.

F. If a Licensee wishes to hire a new employee to operate tow vehicles, the Licensee shall provide the Chief of Police with all of the information required by Section 84-26.3 including a background check from the Kinnelon Police Department for the new employee. The new employee cannot operate a tow vehicle under a license granted by the Borough until the Chief of Police approves the addition of the new employee to the license.

Section 84-26.5. REVOCATION; APPEALS.

A. Licenses issued under this Chapter may be revoked by the Chief of Police, after reasonable notice and an informal review, for any of the following reasons:

1. Materially false or inaccurate information in the application or a change of circumstance which would have caused disapproval of the application, if the circumstances had existed at the time of application.

2. Failure of the Licensee to comply with any of the requirements of this Chapter or any additional regulations promulgated by the Chief of Police.

B. Any applicant or Licensee aggrieved by action taken by the Chief of Police in the denial of an application for a license or revocation thereof, may appeal to the Borough Administrator by filing with the Borough Clerk, within fourteen (14) days after notice of the action complained of, a written request for an informal review setting forth the grounds for the appeal. The Borough Clerk will set a time and place for a review on such appeal and notice of the time and place shall be served upon the applicant or Licensee, at least five (5) days prior to the date of the informal review. The Borough Administrator will issue a determination on the appeal within fourteen (14) days of the review.

Section 84-26.6. INSURANCE; INDEMNITY.

A. All Licensees shall maintain, during the term of the license, the following minimum insurance coverage, naming the Borough as an additional insured:

1. **Automobile Liability Insurance**, including Uninsured Motorists Liability, in an amount not less than one million (\$1,000,000.00) dollars combined single limit, covering all owned, non-owned and hired vehicles utilized by the Licensee.

2. **Statutory Workers Compensation Insurance**, including Employers Liability Insurance, as required by the State of New Jersey in an amount not less than five hundred thousand (\$500,000) dollars for Bodily Injury by Accident, five hundred thousand (\$500,000) dollars for Bodily Injury by Disease and five hundred thousand (\$500,000) dollars for Bodily Injury for each employee.

3. **Garage Liability Insurance**, including Premises and Completed Operations Insurance, in an amount of not less than one million (\$1,000,000) dollars for each occurrence and two million (\$2,000,000) dollars in the general aggregate.

4. **Garage Keepers Insurance**, in an amount not less than one hundred thousand (\$100,000.00) dollars providing comprehensive and collision insurance for all non-owned vehicles in the care, custody or control of the Licensee. Coverage must include "on hook" while vehicles are in tow.

B. All policies of insurance shall contain an endorsement requiring that at least ten (10) days notice shall be given to the Chief of Police or his/her designee in the event of any material change in or cancellation of the policy.

C. Licensees shall indemnify and hold harmless the Borough from all damages and claims for damages which may be made by any person for bodily injury or property damage arising out of, or in any way related to, the operation of any tow vehicle or storage facility pursuant to this Chapter. Licensees shall further defend the Borough, at the Licensees' expense, against any claim, suit or action brought against the Borough that arises out of the operation of any tow vehicle or storage facility pursuant to this Chapter.

D. All policies of insurance shall be issued by insurance companies authorized to do business in the State of New Jersey, with an AM Best Rating of "A-" or better, and shall remain in full force and effect during the entire term of the license.

The Borough of Kinnelon shall be named as Additional Insured on all liability insurance policies including Premises and Completed Operations Insurance. Additional Insured coverage shall be primary and non-contributory.

Section 84-26.7. ROTATING CALL LIST.

A. Licensees shall be placed on a rotating list to respond to service calls from the Police Department (rotating list).

B. Calls to Licensees on the rotating list shall be made on a non-discriminatory, monthly rotating basis. Licensees shall be responsible for the towing of automobiles twenty-four

(24) hour basis, seven (7) days a week during their monthly rotations, which will begin at 0000 hours on the first day of the month and continue to 2359 hours on the last day of the month. The Chief of Police will set up and monitor the monthly rotation list and any Licensee that wishes to change its assigned month due to vacation, conflict or other reason may do so with the approval of the Chief of Police.

C. A Licensee shall respond within twenty (20) minutes to all requests for towing service by the Borough during their monthly rotation unless heavy or unusual traffic conditions within the Borough prevent the Licensee from arriving within the allotted time. In that event, the Licensee shall arrive in a reasonable time given allowance for said traffic conditions. If a Licensee fails to arrive promptly, the Police Department may call the next Licensee on the rotating list. Repeated late arrivals without satisfactory cause shall constitute grounds for the Chief of Police to revoke the license issued to a Licensee.

D. Licensees shall conduct vehicle inventories for every vehicle towed under this Chapter. Towed Vehicle Reports will be completed by the Police Department before vehicles enter a Licensee's storage facility.

E. Licensees shall provide all towing, storage and related services free of charge for all Borough motor vehicles and shall change tires on Borough vehicles free of charge. Licensees shall not charge the Borough for any bags of absorbent used at the scene of an accident involving Borough motor vehicles.

F. Nothing in this Chapter shall prevent the owner or operator of a vehicle from contacting a towing operator of their own choice to remove their vehicle from the public streets of the Borough after it has become disabled or otherwise inoperable, unless the vehicle is involved in a police investigation or the Police Officer on the scene determines that public safety requires that the vehicle be immediately removed from the scene.

G. The owner or operator of a disabled vehicle retains the right to direct a Licensee to remove the disabled vehicle to a garage or workshop of their own choosing.

H. Licensees shall be responsible for the towing of vehicles from public streets, public alleys, public rights-of-way, public easements, avenues, thoroughfares, public or quasi-public places, including parks and playgrounds, or any other Borough, County or State owned lots, as directed by the Police Department.

J. Licensees shall remove and tow vehicles for storage to either the Licensees' storage yard or a Borough facility, as directed by the Police Department, according to the following categories of vehicles for tow:

1. Vehicles to be towed to the Licensees' storage facility include, but are not limited to, abandoned vehicles, illegally parked vehicles, disabled vehicles, vehicles involved in accidents, unregistered/uninsured vehicles or vehicles involved in a violation of N.J.S.A. Title 39 such that the Police Department is authorized to remove the vehicle from the roadway.

2. Vehicles to be towed to the Borough storage facility include, but are not limited to, vehicles suspected of involvement in criminal activity, vehicles confiscated or seized pursuant to the Forfeiture Statute and vehicles which may be involved in any fatal accident. After investigation is completed, the Licensee will be directed to remove the vehicle to its storage lot. A vehicle removal charge shall be paid by the vehicle owner for this service and the Licensee may begin storage when the vehicle enters its lot. In cases where the Licensee is directed to tow a vehicle to the Borough storage facility, the Police Department shall direct the Licensee where to place the towed vehicle upon arrival.

K. When a Licensee has been contacted to tow a disabled vehicle by the Police Department and the owner or operator of that vehicle appears prior to the Licensee's arrival and requests his own towing service, the Licensee may not charge for the response. However, if the Licensee arrives prior to the owner's request for his/her own towing service, the Licensee will be allowed to charge the administration fee set forth in the Borough's Tow Fees Schedule (Section 84-26.9).

L. Licensees shall be responsible to clean up and remove all broken glass and debris at the scene of accidents as per N.J.S.A 39:4-56.8.b. Licensees may charge the vehicle owner the fee set forth in the Borough's Tow Fees Schedule (Section 84-26.9) for such clean-up and for absorbent used at the accident scene. Licensees shall also be responsible for replacing any bags of absorbent that the Borough Department of Public Works or other emergency responders use at an accident scene and may charge the vehicle owner the fee set forth in the Borough's Tow Fees Schedule (Section 84-26.9) for bags of absorbent given as a replacement to the Borough Department of Public Works or other emergency responders.

M. In the event that an emergency arises and the on-call Licensee cannot provide adequate service when requested, the Police Department may at its discretion contact other Licensees to respond.

N. Licensees may not charge a vehicle owner for damage to their tow equipment or storage facilities resulting from a request for towing service initiated by the Borough.

O. Before towing a vehicle, Licensees shall remove or secure anything that may fall from the vehicle while being towed.

P. Licensees are prohibited from cruising for potential towing or servicing of vehicles on Borough roadways.

Q. Licensees are prohibiting from soliciting, demanding or receiving from any person any pay, commission or tip except the fees and/or rates set forth in the Borough's Tow Fees Schedule (Section 84-26.9).

R. Licensees are prohibited from paying any gratuity, tip or commission to any third party to obtain a license or receive work from the Borough pursuant to this Chapter.

S. In all underwater recoveries of a non-emergent nature (threats to life or public safety), it shall be the responsibility of the Licensee to be either certified or assisted by a N.J. certified underwater specialist for the proper towing of such vehicles.

T. Licensees shall prepare bills for towing, storage and related charges for each vehicle towed consistent with this Chapter. Prior to the release of any vehicle, the vehicle owner shall obtain authorization for the release said vehicle from the Police Department.

U. The Licensee will maintain a written log of all towing, storage and related services provided at the request of the Police Department. The log shall identify the type of service provided, date and time the service was provided, the location where the service was provided and the employee that provided the service. The log shall also indicate whether any bags of absorbent were utilized or provided as a replacement to the Borough Department of Public Works or other emergency responders.

Section 84-26.8. MINIMUM STANDARDS.

A. Tow Vehicles

Tow vehicles must meet all of the requirements of N.J.S.A. Title 39, "Motor Vehicle Rules and Regulations."

1. Licensees when filing an application, and at all times while holding a license under this section, shall own or lease, at a minimum, one (1) medium duty wrecker/flatbed and one (1) light duty wrecker. Licensees when filing an application, and at all times while holding a license under this Section, must also be able to obtain and provide a heavy duty wrecker if necessary.
2. The following safety equipment must be carried on all tow vehicles:
 - a. Chains and tie-downs to secure vehicles.
 - b. Snatch block.
 - c. Auxiliary safety light kit to be placed on rear of towed vehicle that does not have functioning tail light flashers.
 - d. Amber emergency lights mounted on top of truck (State issued permit required and must be in truck).
 - e. One (1) shovel and one (1) broom.
 - f. Fifty (50) pounds of absorbent.

- g. Jumper cables or jump box.
- h. Steering wheel tie-down.
- i. Toolbox with assorted hand tools normally used to conduct emergency roadwork and towing.
- j. A reflectorized traffic vest for each employee on the scene.
- k. One (1) five-pound A-B-C rated dry powder fire extinguisher.
- l. One (1) flashlight.

B. Storage Facilities

1. Licensees, when filing an application, and at all times while holding a license under this section, shall have sufficient space to accommodate at least twenty-five (25) vehicles, adequately safe-guarded against vandalism, theft and further damage, and to hold towed vehicles until such time as said vehicles are claimed or are disposed of in accordance with the law.
2. Storage facilities shall be owned, operated and controlled by the Licensee and the storage facilities shall not be shared with another towing operator or company. Storage Facilities shall be located within three (3) miles of the borders of the Borough of Kinnelon.
3. There shall be no unescorted access to storage facilities by the general public. Storage facilities shall be visibly posted in accordance with Police Department requirements.
4. The Police Department shall have access to any part of a storage facility, twenty-four (24) hours a day, seven (7) days a week, for the purpose of inspection or investigation. Access, under this provision, means an emergency contact person must be available to the Police Department to provide entry to the storage facility.
5. No vehicles towed by Licensees under the authority of Licenses granted pursuant to this Chapter shall be stored outside a secured area.
6. Licensees shall maintain the following hours for release of vehicles from storage facilities - Monday through Friday 8:00 a.m. to 5:00 p.m. and Saturday 8:00 a.m. to 12:00 p.m. Licensees may close on Sundays and New Jersey State holidays. Licensees cannot charge storage fees during times that their storage facilities are closed. Licensees or their designees must be available during normal business hours to handle complaints and business transactions.
7. The Borough reserves the right during any emergency to designate temporary areas owned or leased by the Borough for the storage of vehicles at the direction of the

Chief of Police. During said emergency, Licensees shall not be entitled to charge the owners of the vehicles for storage of vehicles so removed to those temporary storage areas.

8. Licensees must provide an area within their storage facilities for Police Department examination of towed vehicles. Within a reasonable amount of time after a request from the Police Department, Licensees are required to move towed vehicles into said examination areas.

C. Required Communications

Licensees must maintain twenty-four (24) hour telephone service for the Police Department to contact Licensees and/or their employees. The use of answering machines or similar equipment or services is not permitted. Licensees or their employees must have constant two (2) way communication, radio or cellular, with their towing vehicles.

D. Abandoned Vehicles

1. **Junk Vehicles.** If a vehicle is unclaimed by the owner or other person having legal right thereto for a period of 15 business days, Licensees shall notify the Police Department that the vehicle has been held for the statutory time and that the vehicle is ready for sale. The Police Department shall supply title for abandoned junk vehicles in accordance with N.J.S.A. 39:10A-1 et seq.

2. **Abandoned Vehicles.** If a vehicle that is not a junk vehicle is unclaimed by the owner or other person having legal right thereto for a period of 20 business days, Licensees shall notify the Police Department that the vehicle has been held for the statutory time and that the vehicle is ready for sale in accordance with N.J.S.A. 39:10A-1 et seq. After notification from Licensees and the expiration of the 20 business day time period, the Police Department shall submit an application for title with the New Jersey Motor Vehicle Commission.

3. The public auction of abandoned vehicles shall be conducted in accordance with N.J.S.A. 39:10A-1 et seq.

4. **Distribution of Proceeds from Sale.** In the event a vehicle is sold at auction, the Licensee shall receive from the proceeds of the sale all outstanding towing and storage charges due up to and including the date of the sale. In no event shall the proceeds to the Licensee exceed the total towing and storage charges. The Borough shall retain all proceeds received in excess of the total outstanding towing and storage charges, if any.

5. **Vehicles Not Sold at Public Auction.** In the event a vehicle is not sold at auction, the Borough shall have the option of either submitting payment to the Licensee for the outstanding towing and storage charges, but not to exceed a total of four hundred (\$400.00) dollars, and retaining the vehicle for Borough use, or in lieu of payment of the outstanding towing and storage charges, convey title transferring the vehicle to the Licensee so that the Licensee may dispose of the vehicle. The Licensee shall reimburse the

Borough for the cost of the Borough acquiring title upon receipt of the same.

Section 84-26.9. FEES.

A. Storage Charges to be paid by the Municipality. Pursuant to N.J.S.A. 40:48-2.50, all fees to be paid to an operator by a municipality for the storage of removed motor vehicles, if storage fees have not been paid by the registered owner of the vehicle, shall not exceed the following:

1. A limit of \$3.00 per day for the first 30 days of storage per vehicle;
2. A limit of \$2.00 per day for the 31st day of storage and any day thereafter;
3. A limit of \$400.00 per vehicle stored regardless of the duration of the storage.

B. Towing Services to be Paid by the Registered Owner of the Vehicle

1. Standard Towing (up to 8,000 GVM)	\$150.00 for wrecker and \$6.00 a mile after "hook up"
2. Medium Duty Towing (8,001 - 1800 lbs GVW)	\$250.00
3. Heavy Duty Towing (18,001 – 80,000 GVM)	\$500.00
4. Recovery/Winching/Upright Rates	
(i) Under 8,000 GVM	\$350.00 per hour (billable in ½ hour increments)
(ii) Over 8,001 GVM	\$600.00 per hour (billable in ½ hour increments)
5. Crash Wrap	\$90 per call/\$250 per truck
6. Administration Fee	\$50.00
7. Storage (up to 8,000 GVM)	\$45.00 per day

Storage fees shall be calculated based upon the full 24 hour periods that a motor vehicle is in the storage facility starting at the time of the tow and including days that the storage facility is open during normal hours of operation for the release of vehicles.

For example, if a motor vehicle is towed to a storage facility at 7:00 pm on one day and the owner of the motor vehicle picks up the motor vehicle before 7:00 pm the next day, the Licensee 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.

C. Specialized Recovery Equipment.

1. Rotator/Crane Recovery Unit	\$1200.00 per hour (billable in ½ hour increments)
2. Tractor with Landoll Trailer/ Detach Trailer	\$450.00 per hour
3. Tractor/Transport Hauler Only	\$250.00 per hour
4. Refrigerated Trailer with Tractor	\$450.00 per hour
5. Box Trailer with Tractor	\$400.00 per hour
6. Dump Truck/Dump Trailer with Tractor	\$350.00 per hour
7. Air Cushion Unit	\$1000.00 per hour
8. Light Tower	\$250.00 per hour
9. Pallet Jack	\$200.00 flat fee
10. Rollers	\$200.00 flat fee
11. Loader/Backhoe/Forklift	\$300.00 per hour each
12. Roll-off with Container	\$350.00 per hour plus disposal
13. Any other Specialized Equipment	\$250.00 per hour

D. Violation of Towing Fee Limits. Pursuant to N.J.S.A. 40:48-2.51, an operator engaged in the removal of motor vehicles, or an employee, officer or agent thereof, who engages in a pattern or practice of knowingly violating the fee limits set forth above, may be liable to the municipality for a civil penalty of not less than \$25.00 or more than \$50.00 for each motor vehicle stored with the operator.

E. Motor Vehicle Crash Clean-Up. \$75.00 (if applicable)
(Including brush, debris, bag of 50 lb. absorbent)

F. Vehicle Removal Charge.

Prohibited

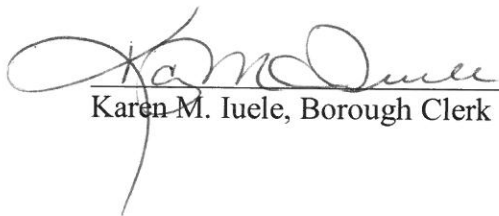
SECTION TWO. All Ordinances of the Borough of Kinnelon which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

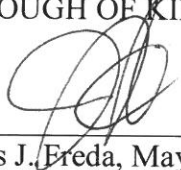
SECTION THREE. If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION FOUR. This Ordinance shall take effect as provided by law.

ATTEST:

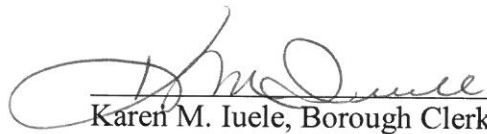
BOROUGH OF KINNELON


Karen M. Iuele, Borough Clerk


James J. Freda, Mayor

CERTIFICATION

I, Karen M. Iuele, Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at the regular meeting of the Borough held on August 26, 2021 and adopted by the Governing Body at a regular meeting of the Borough held on September 16, 2021.


Karen M. Iuele, Borough Clerk