

MONROE TOWNSHIP, MIDDLESEX COUNTY

ORDINANCE NO.: O-5-2020-009

ORDINANCE OF THE MONROE TOWNSHIP COUNCIL
AMENDING CHAPTER 116 THE CODE OF THE TOWNSHIP OF MONROE
ENTITLED "TOWING AND STORING OF VEHICLES"

BE IT ORDAINED by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey that Chapter 116 of the Monroe Township Code entitled "Towing and Storing of Vehicles" be amended and supplemented as follows and shall become *effective on August 1, 2020*(new text is in red and underlined, text to be deleted is ~~struck~~):

§ 116-1. Purpose.

The purpose of this chapter is to provide criteria and standard operating procedures that are reasonably nonexclusionary and nondiscriminatory in the selection and use of towing operators, on a rotational basis, for providing towing, road services and the storage of vehicles, including but not limited to the towing of vehicles that are abandoned, disabled, illegally parked or stolen, involved in accidents and/or suspected or identified by the township as being involved in criminal activities.

§ 116-2. Definitions.

Absorbents – Any group of products used to soak up spills or vehicle fluids.
These would include oil dry, absorbent pads, socks, booms, etc.

Administration Charges – A one-time fee for services including but not limited to physical inspection, telephone, email and/or fax calls, copying of documentation and additional office paperwork beyond the initial towing bill.

After Hours Release – Releasing vehicles after normal business hours.

~~**CLEAN UP** - A chargeable line item for the clean-up of vehicle fluid spills— including antifreeze, oil, gasoline, diesel fuel, and transmission fluid of which the tow operator is required to apply an absorbent material to render the roadway safe. This charge is not applicable solely for the removal of vehicle debris such as plastics, glass, etc.~~

Clean Up – Removal and/or disposal of any debris left on roadway or property as result of a motor vehicle crash or recovery.

Collision Wrap/Tarping – Covering exposed areas from the weather elements or unauthorized access.

Extra Person/Laborer – Additional manpower needed to complete a recovery winching or towing of a vehicle, labor charged for additional manpower shall be based on a one (1) person per hour basis.

~~**Light Duty Tow Vehicle** – A tow vehicle outfitted with the following equipment:~~

- ~~(1) — Commercially manufactured chassis, rated capacity of not less than ten thousand (10,000) pounds GVWR, or equally rated by a certified rating company. [Amended 11-7-07 by Ord. No. O-11-2007-040]~~
- ~~(2) — Commercially manufactured lifting apparatus with a minimum capacity of four (4) tons, or equally rated by a certified rating company.~~
- ~~(3) — Dual rear wheels.~~
- ~~(4) — Universal tow sling or wheel lift with System 7 safety chains.~~
- ~~(5) — One (1) snatch block, three (3) ton rating.~~

Vehicle Access Charge - Owner and/or insurance representative must be accompanied into the secured storage yard facility to inspect, remove personal belongings, adjust and take photographs

§ 116-3. Permit required. (no changes)

§ 116-4. Application for permit.

~~(B) On or before November 1 of each and every calendar in which any person engages or will engage in the activity of towing or storing motor vehicles within the township at the direction of the township, such person shall file an application and pay fee in the manner and amount set forth herein for a permit for the following calendar year. Applications received after November 1 shall not be considered for the upcoming calendar year and shall be considered for the next year.~~

B Each towing permit shall run for a term of (3) three years, commencing on January 1 and terminating on December 31 of the third year. Applications for permit and permit renewal are to be completed and returned to the Township by November 1 of the third permit year. Licenses and renewals filed after November 1 will not be accepted for the permit period. Should the total number of towers fall below seven, the Township, at its sole discretion, may accept applications after November 1, but in no case shall the number of towers exceed seven.

C Upon expiration or revocation thereof, the license shall be null and void.

§ 116-5. Application requirements.

~~I. The applicant will provide proof of proper zoning and land use approval for base of service.~~

I. Storage facilities must be in compliance with all applicable codes, municipal ordinances and be properly zoned for the use of towing and storage of vehicles

~~J. Any person(s) responding to calls of service when requested by the Monroe Township Police are required to have a minimum training and certification for light and medium duty towing and recovery. The certification shall be from a nationally recognized organization. The applicant is required to provide proof for those certified and furnish a copy of the valid certification with the application.~~

J. All towing operators and their drivers shall be fully trained, knowledgeable in the operation of all required equipment and necessary tools to perform all facets of the safe and efficient removal of all types of motor vehicles regardless of the physical condition of the vehicle.

K. All wrecker operators and their agents and/or employees are required to wear reflectorized traffic safety vests when working at the scene.

§ 116-6. Application fee. (no changes)

§ 116-7. Application review.

A. The Township clerk shall forward all completed applications to the Chief of Police, who shall conduct or cause to be conducted such investigation as he deems necessary to determine the truth and accuracy of the information contained in the application and whether the applicant meets the following minimum standards:

(2) The applicant has the ability to respond to any request for assistance within ~~thirty (30) minutes~~ the allotted time allowed.

§ 116-8. Issuance of permit.

A. Upon approval of the application by the Township Council, a permit, valid for a duration of ~~one (1) calendar year~~ (3) calendar years, shall be issued by the Township Clerk.

B. Each permit shall be valid for a duration of ~~one (1) calendar year~~ three (3) calendar years and shall not be transferrable to any other person.

- C. The permit holder shall be solely responsible for the renewing the permit prior to ~~the termination of the calendar year~~ its termination in accordance with the provisions of this chapter.
- D. Within ten (10) days of the issuance of the permit, the Township Clerk shall send a copy of the permit to the Police Department. Within five (5) days of receipt of a copy of the permit, the permit holder shall be placed on the on-call tow list established in Section 116-11 of this chapter.
- E. At the time of the initial permit period a maximum number of seven (7) permits shall be issued. The permit holders who are currently on the list shall remain on said list at the time of implementation of this recently adopted ordinance so long as they adhere to all of the requirements of the towing ordinance in its entirety. If in the event there are more qualified towers than the seven permits to be issued, a review of the applications will be conducted by the Chief of Police and the Traffic Safety Division to determine the best qualified applicant to fill the remaining openings on the list for the permit period.

§ 116-9. Insurance. (no changes)

§ 116.10. Equipment specifications.

- A. The tow operator shall have specialized towing equipment in good repair which meets the following specifications:
 - (9) ~~At least one (1) conventional tow truck.~~

§ 116-11. On-call tow list. (no changes)

§ 116-12. Performance standards.

- A. Maintenance of place of business. Light and medium duty tow operators shall maintain a principal place of operation within the township as a property tax payer or holder of a valid lease. ~~The existing operators who maintain a principal place of operation outside the township boundaries, at the time this section is enacted, shall have one (1) calendar year from the date of enactment to comply with this requirement.~~ A heavy duty tow operator shall maintain a principal place of operation within fifteen (15) miles of the township boundaries. Tow operators shall comply fully with all of the zoning, land use and property maintenance codes of the township in which the tow operator's business is located.

- (1) Each place of business will provide and maintain the following:
 - a. ~~One (1) tow operator allowed per base of service or storage facility. Those existing operators who lease and share storage facilities with another tow operator, at the time this section is enacted, shall have one (1) calendar year from the date of enactment to comply with this requirement.~~
 - (b) (a) A store front including signage displaying the business name, address and phone number.
 - (e) (b) A person in the office to greet customers rendering service.
 - (d) (c) A waiting area for patrons' use.
 - (e) (d) A properly maintained and working restroom for patrons.

C. Response Time

- (1) The tow operator must meet the following response times within the Township of Monroe:
 - (a) ~~Days. Between the hours of 8:00 a.m. and 4:30 p.m., seven (7) days a week, the tow operator must respond to a call within twenty-five (25) minutes.~~

- (a) Light Duty
 - (1) Days: Between the hours of 8:00 a.m. and 4:30 p.m., seven (7) days a week the tow operator must respond to a call within twenty-five (25) minutes.
 - (2) Nights: Between the hours of 4:30 p.m. and 8:00 a.m., seven (7) days a week the tow operator must respond to a call within thirty-five (35) minutes.
 - (b) ~~Nights. Between the hours of 4:30 p.m. and 8:00 p.m., seven (7) days a week, the tow operator must respond to a call within thirty-five (35) minutes.~~
 - (b) Medium/Heavy Duty
 - (1) Medium/Heavy duty tow operator must respond to a call within forty-five (45) minutes
- D. Registered towing personnel. The tow operator must register all personnel who are authorized by the tow operator to provide services on behalf of the tow operator. This registration must include for each person:
- ~~(6) A valid certification from a nationally recognized organization — indicating the qualification level.~~
- ~~E. Cleanup of Debris. The tow operator shall be responsible for the cleanup of debris, including glass, plastic, etc. and vehicle fluids including engine oil, anti-freeze, fuel, etc.~~
- E. Cleanup of Debris. Each towing operator, prior to the departure from the scene where it performed towing services, shall clean and clear the streets of any customary debris resulting from any accident at such scene and shall at all times carry the necessary equipment to perform such cleaning services to the satisfaction of the police officer on scene.
- F. Storage. Storage shall be provided for all vehicles towed until claimed by the owner or disposed of in accordance with applicable law. The tow operator shall provide adequate land areas sufficient to store a minimum of ten (10) vehicles. Those existing operators who lease storage facilities from another tow operator shall lease a land area sufficient to store a minimum of ten (10) additional vehicles in excess of the ten (10) spaces required for the towing operations of the leasing tow operator. The lease agreement shall not exceed the ~~one (1)~~ three (3) year period set forth in Section 116-12(A)(1) of this chapter. Each storage area must either be an indoor secured storage facility or an outdoor secured storage facility. The storage facility must be located within the township.
- ~~I. Certification. Any new hires have a grace period of six (6) months from the date of hire to get certified with the minimum standards delineated in section 116-5J. The applicant is responsible to keep all employees updated and current on their certification, if certification lapses and becomes expired that person is suspended from performing his duties as an operator until made current. There is not a grace period for lapsed certification and lack of knowledge of the expiration of the certification shall not be an affirmative defense in any enforcement action to this section. There must be at least one (1) representative on scene that is qualified to perform the required duties. (i.e. for a medium duty recovery job, the applicant must have a representative who is certified in medium duty recovery to oversee the operation).~~

§ 116-13. Standard Towing Rates/ Road Service Fee Schedule

- A. Standard Towing.
 - (1) Standard Towing Rates (up to ~~6,000~~ 8,000 lbs.) The maximum rates and charges that may be charged by the permit holder for basic towing services rendered to a motor vehicle under this chapter are as follows:

- (a) Mon.-Fri. 6:00am-6:00pm: ~~\$125.00~~\$150.00
- (b) Mon.-Fri. 6:00pm-5:59am: ~~\$150.00~~\$175.00
- (c) Weekends and Holidays: ~~\$150.00~~\$175.00
- (d) Clean up Fee: ~~\$50.00~~ \$75.00 plus \$ 22.00 per bag of oil absorbent
- (e) Wait Time: ~~\$ 75.00~~\$100.00 per hour after ~~60~~ 30 minutes on scene
- (f) Recovering/Winching: ~~\$100.00~~ \$125.00 per hour plus, tow fee
- (g) Extra person: ~~\$ 75.00~~\$100.00 per person per hour

(4) The rates delineated in Section 116-13A(1) apply only to basic towing services. Recovery charges ~~involving~~ and serious motor vehicle accident charges will be based upon individual requirements for equipment, personnel and conditions encountered.

B. Standard Storage.

(1) Standard Storage (up to ~~6000~~ 8,000 lbs.) - The maximum rates and charges that may be charged by the permit holder for basic towing services rendered to a motor vehicle under this chapter are as follows:

- (a) Outdoor: ~~\$40.00~~ \$50.00 per day
- (b) Indoor: ~~\$60.00~~ \$90.00 per day
- (c) Administration Fee ~~\$35.00~~ \$50.00 (~~one time charge~~) (Accidents Only)
- (d) ~~Yard Fee:~~ Vehicle Access Fee \$75.00 (Accidents only)
- (e) Covering/tarping ~~\$50.00~~\$90.00(~~one-time charge~~)
- (f) After Hours Release \$75.00

(2) Storage fees are for each twenty-four (24) hour period or fraction thereof. The first day of storage commences ~~twenty-four (24)~~ twelve (12) hours after the vehicle is towed to the storage facility

(5) Prior to hook-up or flat bedding of a motor vehicle, the tow operator shall present a ~~copy of its rate schedule~~ business card to the owner or operator of the vehicle. The ~~rate schedule shall also~~ business card must contain the name, address and telephone number of the tow company operator ~~operator and statement of the hours when the motor vehicle may be claimed~~

C. Standard Service Calls.

(1) Standard Road Service - The maximum rates and charges that may be charged by any permit holder for a service call are as follows:

- (a) ~~Monday-Friday 6:00am-6:00pm~~ \$ 85.00 plus cost of consumables
- (b) ~~Night/Weekend/Holidays~~ \$100.00 plus cost of consumables

- (a) Passenger cars, tire change, jump start - \$125.00 per hour plus parts
- (b) Trucks (medium/heavy duty) - \$175.00 per hour plus parts

§ 116-14. **Police impounds.** *(no changes)*

§ 116-15. **Unclaimed vehicles.** *(no changes)*

§ 116-15.1. **Junk Title Certificate.** *(no changes)*

§ 116-15.2. **Standard Title Certificate.** *(no changes)*

§ 116-16. **Arrangements by persons responsible for automobile.** *(no changes)*

§ 116-17. **Administration and enforcement.** *(no changes)*

§ 116-18. **Regulations and procedures.** *(no changes)*

§ 116-19. **Revocation and suspension of permit.**

(C) Service calls [Added 11-7-07 by Ord No. O-11-2007-040]

- (+) (a) ~~Seventy five dollars (\$75.) plus cost of consumables between 8:00a.m. and 6:00 p.m.~~
- (b) ~~Eighty five dollars (\$85.) plus cost of consumables between 6:01 p.m. and 7:59 a.m.~~
- (c) ~~A charge of seventy five dollars (\$75.) will be added to any service call which involves winching.~~

§ 116-20. **Violations and penalties.** *(no changes)*

§ 116-21. **Appeals.** *(no changes)*

§ 116-22. **Severability.** *(no changes)*

§ 116-23. **Heavy duty towing and heavy duty recovery.**

In addition to Sections 116-1 through 116-22, the following shall apply to any Tow Operator providing heavy duty towing and/or heavy-duty recovery services in the township:

- A. **Heavy duty recovery equipment.** *(no changes)*
 - (4) ~~One (1) three stage hydraulic crane with a minimum lifting capacity of forty five(45) tons.~~
- B. **Subcontractors.** *(no changes)*
- C. ~~Driver certification. A tow operator responding to a heavy duty tow must hold a current level 2 National Driver Certification. A tow operator responding to a heavy recovery must have a designated recovery supervisor who holds a current level 3 National Driver Certification.~~
- D.C. **On-call list.** *(no changes)*
- E.D. **Heavy duty towing.**

(1) **Heavy Duty Towing Rates (6,001-8,001 lbs. and up)**
The maximum rates and charges that may be charged by the permit holder for basic towing services rendered to a motor vehicle under this chapter are as follows:

- (a) Medium Duty 6,001- 8,001– 18,000lbs: \$250.00 per hour
- (b) Heavy Duty 18,001 – 26,001 lbs: \$350.00 per hour
- (c) 26,001 – 80,000 lbs and above: \$500.00 per hour

(d) <u>Tractor with Landoll/Lowboy Trailer Service:</u>	\$350.00 <u>450.00</u> per hour
(e) <u>Rotator/Crane Service:</u>	\$875.00 <u>1,200.00</u> per hour
(f) <u>Clean up Fee:</u>	\$50.00 <u>75.00</u> plus \$22.00 per bag of oil absorbent
(g) <u>Wait Time:</u>	\$100.00 per hour after 60 <u>30</u> minutes on scene
(h) <u>Recovery/Winching up to 18,000lbs:</u>	\$450.00 <u>350.00</u> per hour/per truck/plus tow fee
(i) <u>Recovery/Winching over 18,001lbs:</u>	\$600.00 per hour /per truck/plus tow fee
(j) <u>Extra person:</u>	\$85.00 <u>100.00</u> per person/ per hour
(k) <u>Tractor/Transport Hauler Only</u>	<u>\$250.00 per hour</u>
(l) <u>Refrigerated Trailer w/ Tractor</u>	<u>\$450.00 per hour</u>
(m) <u>Box Trailer w/ Tractor</u>	<u>\$400.00 per hour</u>
(n) <u>Air Cushion Unit</u>	<u>\$1,000.00 per hour</u>
(o) <u>Light Tower</u>	<u>\$250.00 flat rate</u>
(p) <u>Pallet Jack</u>	<u>\$200.00 flat rate</u>
(q) <u>Rollers</u>	<u>\$200.00 flat rate</u>
(r) <u>Any Other Specialized Equipment</u>	<u>\$250.00 per hour</u>
(s) <u>Loader/Backhoe/Bulldozer/ Telescopic Handler/Bobcat</u>	<u>\$300.00 per hour each</u>
(t) <u>Forklift</u>	<u>\$300.00 per hour</u>
(u) <u>Dump Truck/Dump Trailer w/ Tractor</u>	<u>\$350.00 per hour</u>
(v) <u>Roll Off w/ Container disposal</u>	<u>\$350.00 per hour plus disposal</u>
(w) <u>Recovery Supervisor Vehicle</u>	<u>\$150.00 per hour</u>
(x) <u>Recovery Support Vehicle/Trailer</u>	<u>\$350.00 per hour</u>
(y) <u>Scene Safety Equipment, Communication Equipment, Traffic Management Equipment, etc.</u>	<u>\$250.00 per hour each type used</u>
(z) <u>Additional Recovery Equipment</u>	<u>\$350.00 per hour</u>

Recovery charges involving serious motor vehicle accidents and recoveries will be based upon Individual requirements for equipment, personnel and conditions encountered. After the first hour, all hourly billable rates will be charged in half hour increments. Charges for all trucks/recovery equipment are inclusive of the operator. You may not separately charge for an operator that drives/operates the truck/recovery equipment
In the event that it is necessary to unload a vehicle's cargo prior to or after towing, an agreement shall be reached between the contractor and the owner of the vehicle or the owner's agent or

representative as to the charge for said service. No written agreement is necessary in an emergency situation. The Chief of Police or his designee shall determine when an emergency exists.

FE. Heavy Duty Road Service.

Monday – Friday/Nights/Weekends/Holidays:
~~\$125.00~~ 175.00 per hour plus cost of consumables

~~Recovery charges involving serious motor vehicle accidents and recoveries will be based upon individual requirements for equipment, personnel and conditions encountered.~~

(1) Mileage Rates.

~~Towing service outside the Township subject to a mutual agreement between the Tow Operator and the Owner/Operator of vehicle is covered in the per hour service charge.~~

(2) Scene Supervisor.

~~\$150.00~~ 200.00 per hour (only for Serious Accidents or Major Recoveries)

GF. Heavy Duty Storage Fees (~~6,001~~ 8,001 lbs and up):

The maximum rates and charges that may be charged by the permit holder for heavy duty towing services to a motor vehicle under this chapter are as follows:

(a) — 6,001 — 18,000 lbs:	\$50.00 per day
(b) — 18,001 — 26,001 lbs:	\$75.00 per day
(c) — 26,001 — 80,000 lbs:	\$85.00 per day
(d) — Administrative Fee:	\$75.00(one-time charge)
(e) — Yard Fee:	\$50.00(one-time charge)
(f) — Covering/Tarping:	\$50.00(one-time charge)
(a) <u>Medium Duty 8,001 - 18,000 lbs</u>	<u>\$90.00 per day</u>
(b) <u>Heavy Duty 18,001 – 26,000 lbs</u>	<u>\$100.00 per day</u>
(c) <u>Heavy Duty 26,001 – 80,000 lbs</u>	<u>\$125.00 per day</u>
(d) <u>Roll-Off</u>	<u>\$125.00 per day each</u>
(e) <u>Cargo/Accident/Load Storage/ Vehicle Components</u>	<u>\$45.00 per space used per day</u>
(f) <u>Rental of any tow company supplied trailer post incident</u>	<u>\$500.00 per day</u>
(g) <u>Administrative Fee (Medium/Heavy Duty)</u>	<u>\$100.00</u>
(h) <u>Tarping/Covering</u>	<u>\$250.00 per truck</u>
(i) <u>After Hours Release</u>	<u>\$75.00</u>
(j) <u>Fuel/Hazmat/Cargo Spills/Trash Recovery</u>	<u>Surcharged 10%</u>
(k) <u>Vehicle Access Charge</u>	<u>\$100.00</u>

SECTION 2. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance shall be and the same are hereby repealed.

SECTION 3. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

SECTION 4. This ordinance shall take effect twenty days after final passage, adoption and publication as provided by law.


SO ORDAINED, as aforesaid.


 MIRIAM COHEN, Council President

RECORDED VOTE – INTRODUCTION – May 18, 2020						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilman Baskin		X	X			
Councilman Dalina			X			
Councilman Dipierro			X			
Council V. President Schneider	X		X			
Council President Cohen			X			

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Monroe Township Council held on May 18, 2020. Said Ordinance will again be read and considered for final passage at the next scheduled meeting of the Monroe Township Council to be held on June 22, 2020 at 6:30 p.m. at the Monroe Township Municipal Building, 1 Municipal Plaza, Monroe Township, New Jersey 08831. At said time and place all persons having an interest in the foregoing Ordinance will be granted an opportunity to be heard concerning the same prior to consideration for final passage by the Council.


 CHRISTINE ROBBINS, Deputy Township Clerk


RECORDED VOTE – SECOND READING & FINAL ADOPTION – June 22, 2020						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilman Baskin			X			
Councilman Dalina			X			
Councilman Dipierro		X	X			
Council V. President Schneider	X		X			
Council President Cohen			X			

ORDINANCE NO.: O-5-2020-009

**ORDINANCE OF THE MONROE TOWNSHIP COUNCIL
 AMENDING CHAPTER 116 THE CODE OF THE TOWNSHIP OF MONROE
 ENTITLED “TOWING AND STORING OF VEHICLES”**

MAYORAL APPROVAL

By virtue of the Optional Municipal Charter Law of 1950 and Chapter 3, Section 19 of the Code of the Township of Monroe, my approval of this Ordinance is effected by the affixing of my signature hereto.


 GERALD W. TAMBURRO, Mayor

Date signed: 6/23/2020