

## **BOROUGH OF EATONTOWN – NOTICE OF ORDINANCE ADOPTION**

NOTICE is hereby given that **Ordinance 32-2023** - Ordinance of the Borough of Eatontown Entitled “**AN ORDINANCE REVISING SECTION 303 OF THE BOROUGH CODE ENTITLED TOWING PURSUANT TO EATONTOWN POLICE DEPARTMENT RECOMMENDATIONS**” was passed after a public hearing at the regular meeting of November 9, 2023 by the Governing Body of the Borough of Eatontown, at 47 Broad Street, Eatontown, NJ 07724. Borough of Eatontown - Julie Martin, RMC, Borough Clerk

### **ORDINANCE 32-2023**

#### **BOROUGH OF EATONTOWN**

#### **COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

#### **AN ORDINANCE REVISING SECTION 303 OF THE BOROUGH CODE ENTITLED TOWING PURSUANT TO EATONTOWN POLICE DEPARTMENT RECOMMENDATIONS**

**WHEREAS**, the Traffic Safety Borough of the Eatontown Police Department has made recommendations to update and revise Chapter 303 of the Borough’s Municipal Code entitled “Towing;” and

**WHEREAS**, the Borough Council believes it is in the best interest of its residents to adopt the suggestions set forth by the Eatontown Police Department.

**NOW THEREFORE BE IT ORDANDED**, by the Borough Council of the Borough of Eatontown, County of Monmouth, and State of New Jersey, that Section 303 of the Borough Code is hereby amended as follows:

[additions are underlined, and deletions are marked as strike-out]

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#### **303-2. Definitions.**

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

##### **BASIC TOWING SERVICE**

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

##### **STORAGE FACILITY**

A storage area or lot owned and/or operated by a Towing Contractor or the Borough of Eatontown.

##### **TOWING OPERATOR**

A person, firm or corporation engaged in the business of providing wrecker services which are made available to the general public upon such rates, charges, fees as are determined by this chapter and applied for and are listed on the tow list of the Borough.

##### **TOW LISTS**

A list of towing and storage contractors maintained by the Eatontown Police Department containing the names and addresses of towing and storage contractors who will be called on a rotating basis when the Police Department determines that the assistance of such services are required within the Borough.

##### **TOW VEHICLE**

Only those vehicles equipped with a broom or brooms, winches, slings, tilt beds, wheel lifts or under-reach equipment specifically designed by its manufacturer for the removal or transport of private passenger automobiles. Tow vehicles shall include wreckers.

##### **WINCHING**

The process of moving a motor vehicle by use of additional chains, nylon slings and additional lengths of winch cable from a position that is not accessible for direct hook up by conventional means for towing and/or loading onto a tow vehicle. Winching is not pulling a vehicle onto a flatbed carrier or lifting a motor vehicle by conventional means (i.e. tow sling, wheel lift, standard tow vehicle winch, etc.).

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#### **303-3. Establishment of tow list.**

The Chief of Police, Traffic Safety Supervisor or a designee appointed by the Chief shall establish a list of towing contractors designated to provide towing and storage services required by the Eatontown Police Department. Any towing and storage operators qualifying pursuant to this chapter shall be included on the list and those on the list shall be called on a rotating basis to provide the required towing and storage services. The Eatontown Police Department shall have no less than three (3) towing companies and no more than six (6) towing companies on the established list. Nothing contained herein shall prevent the Chief of Police, Traffic Safety Supervisor or a designee appointed by the Chief from requesting additional towing services from others, if, in the judgment of such person, the size, nature or scope of the accident or crime conditions or the performance of the called towing service requires that assistance be rendered.

#### **303-4. Application.**

All towing and storage operators desiring to be included on the tow list shall file an application with the Eatontown Police Department on a form to be approved by the Chief of Police. By filing such application, the applicant shall agree to the conditions set forth on the application, including compliance with all provisions of this chapter. The application process shall open annually on October 1<sup>st</sup> and will close on November 1<sup>st</sup>. Under no circumstances will any application be accepted after November 1<sup>st</sup>.

### **303-6. Standards and Qualifications.**

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#### **D. Equipment Specifications.**

1. The towing and storage operator must have specialized towing equipment in good repair, which meets the following specifications:
  - a. Tow vehicle. The towing service must have available two professionally constructed tow vehicles, one of which being a flatbed type tow vehicle capable of removing damaged vehicles or those, which by design, cannot be removed by conventional wreckers without sustaining additional damage. ~~Operators approved under this chapter may arrange to cover for each other in emergent times. Operators approved under this chapter may arrange to cover for each other when necessary.~~ All towing vehicles used in performance of the contract must meet the standards specified by the State of New Jersey Motor Vehicle codes and this specification in all respects. Each applicant is required to list all equipment/vehicles to be used, including registered name, type and license number of each.

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~~F. Company Main Office & Disabled vehicle storage. The towing service must operate a suitable, fenced and secure vehicle storage area in an area zoned for such use. The lot must be able to store at least nine full size vehicles. Said storage yard must be within a five mile radius of the Borough of Eatontown. Upon request, authorized personnel of the Eatontown Police Department shall be able to have access to vehicles 24 hours per day within the storage area. The towing service must have a physical location and/or office, and must operate a fenced secure vehicle storage area, in an area zoned for such use. The lot must be able to store at least twelve full-sized vehicles. Said towing location and yard must be within a seven mile radius of the Borough of Eatontown. Upon request, authorized personnel of the Eatontown Police Department shall have access to vehicles 24 hours per day within the storage area.~~

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### **303-7. Standards and Qualifications.**

Strike entirety of 303-7 (a) and update to read as follows:

#### **A. No towing and storage operator shall charge fees in excess of those set forth below:**

1. Road Service:
  - a. Light Duty – up to 10,000 lbs. \$150.00 per hour plus parts.
  - b. Medium/Heavy Duty – 10,001 lbs. and up \$200.00 per hour plus parts.
2. Basic Towing:
  - a. Light Duty- up to 10,000 lbs. \$155.00.
  - b. Medium Duty – 10,001 - 16,000 lbs. \$300.00.
  - c. Heavy Duty - 16,001 lbs. and above \$500.00.
  - d. Decoupling Fee (if tow is not performed) ½ of basic rate.
3. On-Hook Mileage:
  - a. \$5.00 per loaded mile.
4. Recovery/Winching (in addition to towing per truck, including driver)
  - a. Light/Medium Duty – up to 16,000 lbs. \$250.00 per hour charged in ½ hour increments of \$125.00 per ½ hour.
  - b. Heavy Duty – 16,001 lbs and above - \$600.00 per hour.
5. Specialized Recovery Equipment – Must be an actual recovery event.
  - a. Rotator/Crane Recovery Unit - \$1,200.00 per hour.
  - b. Tractor with Landall Trailer or Detach Trailer - \$500.00 per hour.
  - c. Tractor/Transport Hauler Only - \$350.00 per hour.
  - d. Air Cushion Unit - \$1,000.00 per hour.
  - e. Pallet Jack - \$200.00 flat rate.
  - f. Rollers- \$200.00 flat rate.
  - g. Forklift- \$400.00 per hour.
  - h. Any other specialized equipment- \$300.00 per hour.
6. Labor – All labor, minimum of one (1) hour.
  - a. Minor accident clean-up and disposal of debris - \$25.00 per hour.

- b. Significant accident clean-up, disposal of debris, plus absorbent materials used - \$50.00 per hour.
- 7. Storage Fees – Not including the day of tow, day of release, weekends, or holidays.
  - a. Light Duty – up to 10,000 lbs. \$40.00 per day.
  - b. Medium Duty – 10,001 – 16,000 lbs. \$80.00 per day.
  - c. Heavy Duty - 16,001 lbs. and above \$120.00 per day.
- 8. Additional Services.
  - a. Fuel/Hazmat/Cargo Spills/Clean -Up and Disposal – Time and Materials.
    - i. Hazmat and trash recovery – Ten percent (10%) surcharge applied to total.
  - b. Certified Letter Fee - \$25.00 flat rate.
  - c. Tarping/wrapping vehicle - \$75.00 per car, \$150.00 per truck.
  - d. If additional services are required other than as set forth in 8 (a)-(c) above, before the towing storage operator quotes the vehicle owner/agent, such operator must request permission to do so in writing and submit same to the Eatontown Police Department Traffic Safety Bureau. Once the request is received, the towing storage operator shall answer the request to determine whether they may proceed with additional billing.

B. After-hours release fee. The towing/storage operator may charge an after-hours release fee if a vehicle owner asks to retrieve their vehicle outside of normal business hours. If a towing/storage operator has an employee stationed at the towing/storage facility 24 hours a day, they are not permitted to charge an after-hours release fee.

- 1. After-hours release fee - \$75.00 flat rate.

C. No towing or storage operator will be permitted to charge and individual for requesting access to their vehicle to retrieve personal items while it is located in their storage yard.

D. Towing and storage companies shall accept the following forms of payment.

- 1. Cash.
- 2. Check.
- 3. Credit Card.
- 4. Debit Card.

E. All towing/ storage companies shall keep proper records of towing and billing either by paper filing, or electronically. These records shall be made available to the Eatontown Police Department Traffic Safety Bureau upon request and at no cost.

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### **309-9. Removal from tow list.**

In the event that a person or entity shall fail to perform satisfactorily or performs in violation of this chapter, the Chief of Police or Traffic Safety Supervisor may immediately remove such person or entity from the tow list. As soon as practical after such removal, the Chief of Police shall cause written notice of such removal to be given to the person or entity removed. The notice shall set forth the reason(s) for such removal. The person or entity removed shall have the right to submit, in writing, such rebuttal as deemed appropriate and an explanation of the steps being implemented to correct any deficiencies. After review of such response, the Chief of Police, Traffic Safety Officer or a designee may continue the removal from the list, or may return the person or entity to the list either immediately or after ~~a specified period of time.~~ the following violation schedule:

- A. First violation – written warning.
- B. Second violation – six month suspension.
- C. Third violation – permanent removal from tow list and prohibited from submitting future applications to this agency.

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**BE IT FURTHER ORDAINED**, that this Ordinance shall become part of the Borough's Code, as though codified as set forth more fully herein.