

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 28-2023

**AMENDING CHAPTER 168 OF THE CODE OF THE TOWNSHIP OF MOORESTOWN
ENTITLED VEHICLES AND TRAFFIC,
ARTICLE IX, MOTOR VEHICLE TOWING AND STORAGE**

WHEREAS, the Director of Police has recommended certain amendments to Chapter 168 of the Code of the Township of Moorestown entitled Vehicles And Traffic, Article IX, Motor Vehicle Towing and Storage.

NOW, THEREFORE, BE IT ORDAINED by the Township Council, of the Township of Moorestown, in the County of Burlington, State of New Jersey, that:

Section 1: Chapter 168, Section 79 “Tow list,” Paragraph A is hereby amended as follows:

- A. A list of qualified and eligible tow companies shall be compiled and maintained by the Chief of Police and/or Director of Police.

Section 2: Chapter 168, Section 80 “Application process,” Paragraphs B, C.(1), C.(2)(f), C.(2)(j)[3], C.(2)(k) and D. are hereby amended as follows:

- B. All applications shall be submitted to the Chief of Police and/or Director of Police for review and processing.
- C.(1) Satisfactory background check by Township Police Department of all tow operators. The tow company shall submit a proposed operators list to the ~~Police~~ Chief of Police and/or Director of Police with the application and shall update said list as necessary.
- C.(2)(f) Does not have available the type of tow vehicle needed for the services required. An applicant shall have at least one ~~boom type~~ heavy duty rotator truck and ~~one flat bed type truck~~ two flatbed tow trucks.
- C.(2)(j)[3] Storage area location shall be within a ~~four mile radius of the township~~ twenty-minute drive time from Moorestown Police Department Headquarters.
- C.(2)(k) Criminal convictions involving the operator or tow company unless waived for cause by the Chief of Police and/or Director of Police.
- D. All recommendations for approval or disapproval by the Chief of Police and/or Director of Police shall be made to the Township Manager, who shall make the final decision with regard to inclusion on the authorized towing list.

Language with a ~~strike through~~ shall be deleted.
Language with an underline shall be added.

Section 3: Chapter 168, Section 81 “Approval/inclusion on list,” Paragraph B. is hereby amended as follows:

- B. Inclusion on the tow list shall run for ~~one year and shall be renewable each succeeding year~~ a two-year period and may be renewable in a third year. The initial annual fee is due at the time of application. Subsequent annual fees are due on or before January 10 of each year. A prorated amount shall be charged for partial year licenses. All fees are nonrefundable.

Section 4: Chapter 168, Section 84 “Additional rules and regulations,” Paragraphs A., C., C.(3)(a) are hereby amended as follows:

- A. The Chief of Police and/or Director of Police is the municipal officer designated to enforce the provisions of this article.
- C. All facilities and equipment used by a towing company hereunder shall be subject to Township approval and shall be made available for periodic inspection by the Chief of Police and/or Director of Police or his designee at all reasonable times.

C.(3)(a) Located within a ~~four~~ ten-mile radius of the Township of Moorestown.

Section 5. Chapter 168, Section 84 “Additional rules and regulations,” shall be amended to add the following paragraphs after Paragraph C.(3)(e):

(f) Township Vehicles. Contractors will provide to Moorestown Township or the owner/operator of a vehicle the following services at no charge:

[1] Towing of Township-owned vehicles. Light duty tows will be called for vehicles up to 2.5 tons and heavy-duty tows will be called for vehicles over 2.5 tons, provided that the same is located within a ten-mile radius of Moorestown Township Complex located at 111 West Second Street. The contractor will be selected in rotation from the next in list, and contractor will be utilized without losing their position on the next in line list.

[2] Towing and storage of vehicles under investigation by the Moorestown Police Department, until such time the vehicle is no longer being held for investigation and release is authorized by the Police Department.

[3] Towing vehicles for seizure.

[4] If the contractor is called out and responds but performs no service.

Language with a ~~strike through~~ shall be deleted.

Language with an underline shall be added.

Section 6: Chapter 168, Section 84 “Additional rules and regulations,” Paragraphs E., E.(1), E.(3), and H. are hereby amended as follows:

- E. Anyone having a complaint about a towing company, including, but not limited to, excessive charges, damage to vehicles, etc., shall reduce said complaint to writing and submit the same to the Township Manager through the Chief of Police and/or Director of Police not later than 30 days after the occurrence of the event complained of.
- E.(3) After reviewing the ~~Chief~~s of Police and/or Director of Police's report and any response submitted by the tow company, the Township Manager shall determine what action is appropriate under the circumstances. The Township Manager shall not revoke a tow company's eligibility to be on the list without first holding a hearing and affording both the complainant and the towing company an opportunity to be heard.
- H. Vehicles suspected of being used in criminal activity shall be considered impounded by the police and shall be stored in a separate space for the exclusive use of the Police Department. Impounded vehicles shall not be released to or made accessible to anyone without the written permission of the Chief of Police and/or Director of Police or his designee.

Section 7: Chapter 168, Section 85 “Towing and storage fees,” Paragraphs B. and C. are hereby amended as follows:

- B. Fees for other types of vehicles and services, including winching service, shall be reasonable and placed on file with the ~~Police~~ Chief of Police and/or Director of Police.
- C. 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 and/or Director of Police or his designee shall determine when an emergency exists.

Section 8: Chapter 168, Section 85 “Towing and storage fees,” shall be amended to add the following paragraph after Paragraph C.:

- D. There will be no charge for storage for any vehicle held for an investigation.

Language with a ~~strike through~~ shall be deleted.

Language with an underline shall be added.

Section 9: Chapter 168, Section 87 “Standard application form” is hereby amended as follows:

The Chief of Police and/or Director of Police is hereby authorized to prepare a standard application form setting forth the areas of information required by this article.

Section 10. All other sections of Chapter 168 shall remain as written.

Section 11. Repealer. Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistencies.

Section 12. Severability. In the event that any section paragraph, clause phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

Section 13. Effective Date. This ordinance shall take effect 20 days after adoption.

Section 14. Short Title. This Ordinance shall be known as Ordinance 28-2023.

CERTIFICATION

I, Patricia L. Hunt, Township Clerk, hereby certify that the attached is a true and correct copy of Ordinance No. 28-2023 which was introduced and adopted on first reading on November 27, 2023 and heard on second reading and was duly adopted by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey at a meeting of the Township Council held on December 18, 2023.

<u>VOTE:</u>	
GILLESPIE	YES
LAW	YES
KEATING	ABSTAIN
MAMMARELLA	YES
ZIPIN	ABSENT

Patricia L. Hunt, RMC
Township Clerk

Language with a ~~strickthrough~~ shall be deleted.
Language with an underline shall be added.