

AN ORDINANCE AMENDING CHAPTER 5, SECTIONS 32.1, and 32.11 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE (Police-Requested Towing and Storage Services)

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 5 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to revised the municipal code provision governing the towing of vehicles within the Township of West Orange by licensed tow companies to: (i) updated the definition of vehicles to include construction equipment which are required to be registered with the State of New Jersey; (ii) to eliminate the table for maximum towing and storage rates to incorporate the maximum rates set by the New Jersey State Police for towing and storage rates; and (iii) to allow towing licensees to charge the Township for towing vehicles owned by the Township to designated repair facilities when those transportation facilities are located more than one hundred (100) miles from the vehicle location.

II. CHAPTER 5, SECTION 32.1 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

5-32.1 Definitions.

As used in this section:

CRUISING

Shall mean the operation of a tow truck in and upon a Township street to solicit vehicle towing and storage business except in response to a Police request.

LICENSEE

Shall mean a towing operator having a license granted by the Township pursuant to the provisions of this section.

OWNER

Shall mean any individual or entity who, or which, owns or leases, and/or operates, parks or abandons a vehicle within the Township.

POLICE

Shall mean the Police Department of the Township.

STORAGE SERVICES

Shall mean the storage or housing of vehicles by a towing operator.

TOWING OPERATOR

Shall mean any entity lawfully engaged in the business of providing towing and storage services for vehicles towed, which services are made available to the general public upon such rates, charges and fees as determined by Township ordinance.

TOWING SERVICES

Shall mean the towing and/or removing of vehicles by the holder of a license issued pursuant to the provisions of this section.

VEHICLE

Shall mean: (i) every device in, upon or by which a person or property is or may be transported upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks; and (ii) construction equipment which are required to be registered with the State of New Jersey.-

III. CHAPTER 5, SECTION 32.11 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

5-32.11 Towing and Storage Charges.

- a. The maximum rate for towing and storage of vehicles pursuant to this section shall be consistent with the maximum rates set by the New Jersey State Police for the towing and storage of vehicles on state roadways.-as follows:
- b. *Reserved.*
- c. *Reserved.*
- d. An administrative fee of twenty (\$20.00) dollars shall be paid to the Township for each vehicle towed by the licensee in accordance with this section. This fee is to be paid by the licensee on a monthly basis upon the filing of monthly reports in form satisfactory to the Township's Chief Financial Officer. All reports and payments must be received by the fifteenth of the next month.
- e. The Township and its Police shall not be liable to a licensee with respect to service rendered to any owner pursuant to the licensee or otherwise. The licensee shall look only to the owner of such vehicle for payment of service charges or any other compensation.
- f. Any vehicle towed will only be released upon presentation of a duly authorized and executed release from the Police Department authorizing such release.
- g. Licensee shall not charge a storage or towing fee when it tows a vehicle registered to a resident of the Township designated to be impounded or stored as part of a criminal investigation by the West Orange Police Department or other law enforcement agency operating within the Township of West Orange, except that this provision shall not prevent Licensee from seeking restitution including storage or towing fees in a criminal prosecution resulting from the criminal investigation.
- h. Licensee shall not charge a storage or towing fee for the transport or storage of any vehicle owned by the Township being transported or stored en route to a designated automobile

repair facility, except that a Licensee shall be allowed to charge the Township for transportation of a vehicle owned by the Township to or from a designated repair facility that is more than one hundred (100) miles from location of the vehicle within the Township at a rate of \$3.50 per mile for the miles that exceed one hundred (100) miles from the location of the vehicle within the Township.

- i. Licensee shall not charge a storage or tow fee when a vehicle is towed or impounded in error, whether by error on the part of Licensee or by error on the part of the West Orange Police Department in misidentifying a vehicle for towing or impounding. Licensee shall refund to the owner of the vehicle any storage or tow fee already paid for a vehicle towed or stored in error.
- j. All fees charged pursuant to this ordinance shall be due and payable prior to the tow operator being required to return the vehicle to the owner or other person authorized by the owner to obtain possession of the towed vehicle.

IV. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

V. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

VI. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

Karen J. Carnevale, R.M.C.

Susan McCartney, Mayor

Tammy Williams, Council President

Introduced: June 13, 2023

Adopted: June 27, 2023

Legislative History

The purpose of this ordinance is to revised the municipal code provision governing the towing of vehicles within the Township of West Orange by licensed tow companies to: (i) updated the definition of vehicles to include construction equipment which are required to be registered with the State of New Jersey; (ii) to eliminate the table for maximum towing and storage rates to incorporate the maximum rates set by the New Jersey State Police for towing and storage rates; and (iii) to allow towing licensees to charge the Township for towing vehicles owned by the Township to designated repair facilities when those transportation facilities are located more than one hundred (100) miles from the vehicle location.