

CITY OF ENGLEWOOD

ORDINANCE #25-38

AN ORDINANCE AMENDING CHAPTER 410 OF THE ENGLEWOOD CITY CODE ENTITLED THE NON-CONSENSUAL TOWING OF VEHICLES FROM PRIVATE PROPERTY

WHEREAS the City of Englewood wishes to implement appropriate procedures and processes to address non-consensual towing of vehicles from private property; and

WHEREAS the City of Englewood seeks to prevent predatory towing practices as well as to delineate fees for vehicles towed, insurance requirements and procedures pertaining to the storage, release and requirements in those regards; and

WHEREAS the City of Englewood seeks to adopt this Ordinance to provide transparency and clarity with respect to the rights, responsibilities and duties of both the Towers and private parties who are being towed;

NOW THEREFORE BE IT Ordained by the Governing Body of the City of Englewood as follows:

Definitions.

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

"Decoupling" means releasing a motor vehicle to its owner or operator when the motor vehicle has been, or is about to be, hooked to or lifted by a tow truck, but prior to the motor vehicle actually having been moved or removed from the property.

"Secure storage lot or facility" means a storage lot or facility that is either completely indoors or is surrounded by a fence, wall or other man-made barrier that is at least six feet high which is lighted from dusk to dawn and is in compliance with the City Towing ordinance.

"Private Tower(s)" means any towing firm, individual or company who is in the business of towing vehicles from private property in an agreement or contract with the owner or operator of a private lot, facility or property. This definition does not include towers who tow vehicles at the request of the vehicle's owner, such as a service station, garage or other like tower.

Minimum Requirements.

- A. Each private property tower must file an application with the City Clerk's Office. The application must contain, at minimum, the following information:
 1. The business name, phone number, and address of base of operations and secure storage facility/lot.
 2. The business owner name and 24/7 contact information.

3. Company vehicle information (registration, make, model and VIN) for any vehicle used for private property towing in the City.
4. Names of all employees who will be operating their vehicles, conducting non-consensual private property tows in the City.
5. Copies of any agreement between the private tower and the property owner to remove vehicles from private property in the City. This shall include the property owner's name and contact information.

A. Each private property tower shall apply for and maintain a valid mercantile license annually, from the Division of Licenses, which shall be prominently displayed at the storage lot or facility. Said mercantile license shall be issued for a year period from May 1 to April 30 of the next succeeding year.

B. A copy of the mercantile license shall be kept in the tow vehicle at all times and must be presented upon demand.

C. All private property tow companies operating in the City must possess valid certificates of insurance showing public liability insurance in the amount of one million dollars (\$1,000,000.00) and property damage insurance in the amount of one million dollars (\$1,000,000.00).

Storage facilities.

A. All private towers shall be required to maintain an authorized secure storage lot or facility for all vehicles towed, which shall be located with the City, or one of the following contiguous municipalities: Bergenfield, Tenafly, Englewood Cliffs, Fort Lee, Leonia or Teaneck.

B. Each tower shall maintain at the storage facility:

1. A log or entry book for recording each vehicle being towed.
2. A copy of each contract authorizing towing services.
3. A copy of the towed vehicle report.

C. Each storage facility shall be staffed by a responsible person twenty-four (24) hours every day while vehicles are being stored or have a responsible person on call.

D. Each tower shall be responsible for towing damages while providing towing services.

E. It shall be the responsibility of the tower, no later than least forty-eight (48) hours from the time that a vehicle has been impounded, to send a written request to the Motor Vehicle Commission (MVC) in the state where the vehicle is registered for a certified copy of the registration for the motor vehicle which has been towed.

F. Within forty-eight (48) hours after this information has been received from the MVC, it is the responsibility of the tower to notify the vehicle owner, lessor and lessee of the circumstances surrounding the towing and the charges and fees incurred. The fee for the

inquiry to the MVC may be added to the fees and charges already outstanding for the initial towing and storage.

Warning signs.

- A. The owner or operator of a private lot, facility, or property, shall be required to post the signs in accordance with New Jersey Revised Statutes Section 56:13-13.
- B. A minimum of two (2) signs as described in Section 56:13-13 shall be provided in each private parking lot from which towing will be done and shall be conspicuously located to be visible to any entrance to any parking lot.

Towed vehicle report; removal of vehicle.

- A. Each vehicle to be towed must be inspected by the tower prior to towing for existing damage and a towed vehicle report filled out before the vehicle is removed from its place. The report shall describe the existing damage to the vehicle and shall be kept at the towing storage facility for inspection by any interested party.
- B. Before a vehicle has been hooked and lifted and before it has been removed from its original place, notification shall be made with the City Police Department by the tower. The manner of notification shall be at the discretion of the Police Department and shall contain the following information:
 1. The make, year and color of the vehicle.
 2. The registration number.
 3. The exact address from where the vehicle is being towed, and the address of the storage facility to which the vehicle is being towed.
 4. A statement as to why the vehicle is being towed.
 5. The name of the tow truck operator and the tower.
- C. No vehicle shall be removed from its original place by any tower until it has been established by the police department that said vehicle is not a stolen vehicle or one which has been used in the commission of a crime.
 1. Should a vehicle be found to be stolen or wanted in connection with the commission of any crime, the Police Department shall be dispatched to the location and shall maintain control and custody of the vehicle and the location to ensure the preservation of evidence.
 2. Should the NCIC/SCIC computers be down, the Police Department shall authorize the towing of the vehicle and again check with NCIC/SCIC within twenty-four (24) hours. If the vehicle is found to be stolen or otherwise wanted, the tower shall surrender the vehicle to the care, custody, and control of the city police department at no charge.

Fees and charges.

- A. Any vehicle which has been towed from the parking lot, regardless of how far, before the owner's arrival may be assessed the full amount of the authorized towing fee, as listed in subsection C. below.
- B. A private property towing company which has hooked or lifted a vehicle for removal from the property but has not yet left the property shall not refuse to release the vehicle to the owner or operator. The private property towing company may charge a decoupling fee, as set in the City Tow fee schedule; it shall not charge any additional fees.
- C. The maximum tow fee which can be charged for the towing of any vehicle from private property by a tow truck shall be as follows:
 - 1. For cars, vans, other passenger vehicles, including pickup trucks, and other light-weight trucks having a gross vehicle weight under ten thousand (10,000) pounds, the maximum allowable shall be one hundred fifty-five dollars (\$155.00).
 - 2. For trucks, mobile homes and other vehicles between ten thousand and one (10,001) pounds and sixteen thousand (16,000) pounds, the maximum allowable shall be three hundred dollars (\$300.00).
 - 3. For trucks, mobile homes and other vehicles sixteen thousand and one (16,001) pounds or greater, the maximum allowable shall be five hundred dollars (\$500.00).
 - 4. The decoupling fee is one-half of the maximum respective tow fee.
- D. Storage Charges. Charges for the storage of towed vehicles shall follow the fee schedule outlined in the City Tow Ordinance.
- E. For services rendered, or to recover a motor vehicle from storage, the private property tow company shall accept in payment either cash, a check issued by an insurance company, a valid debit card, or a valid major credit card or charge card subject to the following:

The private property tow company may request additional identification, as determined by the Director of the Division of Consumer Affairs, before accepting payment for services rendered. Unless the motorist is unable to produce such identification, or the private property tow company has a bona fide reason to believe the card or other identification is fictitious, altered, stolen, expired or revoked or not valid for any other cause or is clearly offered with intent to defraud the issuer, the debit card, charge card or credit card shall be deemed an acceptable form of payment in lieu of cash if the operator ordinarily accepts the card at his place of business. Nothing in this act shall preclude payment by a motorist in the form of check or money order, if this form of payment is acceptable to the private property tow company.

Release of vehicle.

- A. No vehicle shall be released from the storage facility without the tower first obtaining proper identification from the person claiming the towed vehicle.
- B. A receipt for the towing service shall be provided, which shall show the following:
 1. The towing service's name, address and telephone number.
 2. The signature of the person releasing the vehicle.
 3. The signature of the person claiming the vehicle.
 4. An itemized list of all fees and charges.
- C. If a vehicle is towed in violation of any section of this article, the vehicle is to be released at no cost for towing or storage.
- D. All vehicles shall be released only between the hours of 7:00 a.m. and 11:59 p.m.

Tow truck markings and equipment.

- A. All tow trucks shall have the name of the registered owner/business name, address and telephone number painted or permanently attached to both sides of the vehicle.
- B. All tow trucks shall be equipped with a rotary or flashing amber light, approved-type fire extinguishers and road flares.

Miscellaneous

- A. Private towers must follow guidelines established within the Predatory Towing Prevention Act.
- B. Private property towers are prohibited from monitoring, patrolling, or otherwise surveilling private property for the purposes of identifying vehicles parked for unauthorized purposes and towing a motor vehicle parked for an unauthorized purpose from such private property without having been specifically requested to tow such vehicle by the owner of the property.

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Violations and penalties.

When a violation of this article occurs, the violator may be fined and/or have his mercantile/license suspended or revoked, according to the penalties set forth in this article.

For the purpose of determining suspension or revocation of the mercantile license of any tower, the chief license inspector shall hear all such cases. The chief license inspector shall be responsible for the notification of the tower of such recommendation and notice of charges against him. The tower shall be afforded an opportunity to be heard before the chief license inspector and to respond to all charges before the decision of the chief license inspector is made.

Within a calendar year, any official tower who violates any of the provisions of this chapter shall, upon revocation, be punished in accordance with the following schedule:

- A. First offense: Maximum fine of \$250.
- B. Second offense: Maximum fine of \$500.
- C. Third offense and up: Maximum fine of \$750

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies. All other Ordinances or parts of Ordinances shall otherwise remain in full force and effect.

If any Article, Sections, Subsection, paragraph, phrase or sentence is for any reason held to be unconstitutional or invalid said Article, Section, Subsection, paragraph, phrase or sentence shall be deemed severable.

This Ordinance shall take effect immediately upon final publication as provided by law.

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ENTITLED THE NON-CONSENSUAL TOWING OF VEHICLES FROM PRIVATE
PROPERTY**

RECORD OF VOTE

FIRST READING DATE: October 21, 2025

COUNCIL	MOTION	VOTE
David		Y
Rosenzweig		Y
Tokayer		Y
Wilson	X	Y
Wisotsky		Y

DATE PUBLISHED IN THE RECORD: October 27, 2025

DATES PUBLIC HEARINGS HELD: November 12, 2025

DATE SECOND READING HELD: November 12, 2025

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
David						
Rosenzweig						
Tokayer						
Wilson						
Wisotsky						

Y=YES

N=OPPOSED

A=ABSTAINED

AB=ABSENT

PRESENTED TO MAYOR:

APPROVED _____

REJECTED _____ (VETO)

DATE: _____

MAYOR MICHAEL WILDES

I do hereby certify that the foregoing is a true and exact copy of
an Ordinance adopted and approved by the Mayor and
Council of the City of Englewood.

Yancy Wazirmas, RMC
City Clerk