

CITY OF ENGLEWOOD

ORDINANCE #25-37

AN ORDINANCE AMENDING CHAPTER 410 OF THE CODE OF THE CITY OF ENGLEWOOD TO PROVIDE STANDARDS, REGULATIONS AND RATES FOR THE TOWING AND STORING OF MOTOR VEHICLES

WHEREAS, the Governing Body of the City of Englewood seeks to amend Chapter 410 of the Code of the City of Englewood entitled Towing; and

WHEREAS, the Governing Body of the City of Englewood seeks to update the standards, regulations and rates regarding City initiated tows within the City of Englewood;

NOW THEREFORE, BE ORDAINED by the Governing Body of the City of Englewood as follows:

§ 410-1.	Definitions.	§ 410-9.	Utilization of official tower list.
§ 410-2.	Appointment of official towers.	§ 410-10.	Hold-harmless agreement.
§ 410-3.	Services to be furnished; subcontracting; tower responsibilities.	§ 410-11.	Insurance.
§ 410-4.	Application process.	§ 410-12.	Towing and storage fee schedule.
§ 410-5.	Issuance of license; fee; grounds for revocation.	§ 410-13.	License not transferable or assignable without consent.
§ 410-6.	Disqualification of applicant through conflict of interest.	§ 410-14.	Dispute resolution and license revocation.
§ 410-7.	Minimum standards of performance.	§ 410-15.	Appeals.
§ 410-8.	Compliance with other regulations.	§ 410-16.	Violations and penalties.
§ 410-9.	Utilization of official tower list.	§ 410-17.	Miscellaneous provisions.
		§ 410-18.	Authorized Service Provider
		§ 410-19.	Processing of documents
		§ 410-20.	Auction of vehicles

[HISTORY: Adopted by the City Council of the City of Englewood 6-8-1978 by Ord. No. 23-16 (§§ 10-62 to 10-82 of the 1978 Revised General Ordinances); amended in its entirety 12-20-2016 by Ord. No. 16-17. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Impounding of vehicles — See Ch. 25, Art. 2.

Property maintenance — See Ch. 317.

Fee Schedule — See Ch. 191.

Abandoned vehicles — See Ch. 431.

Land use — See Ch. 250.

§ 410-1. Definitions.

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

AUTHORIZED SERVICE PROVIDER (ASP) — Authorized company that provides contracted administrative services and/or software for impound management and unclaimed and abandoned vehicle disposition on behalf of the municipal police agency for tows initiated by the agency and in the possession of the agency or tow vendors for the agency.

BASIC TOWING SERVICE — The Police directed removal and transportation of an automobile or solid debris resulting from an accident, motor vehicle crash, or otherwise 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. The Police Department shall have the authority to direct that the vehicles be towed to a location in the City of Englewood other than the towing contractors yard.

COMMERCIAL VEHICLE — A motor vehicle of any type used in the conduct of any business of professional conveyance, or used as a public or livery means, for the paid conveyance of passengers.

INSIDE BUILDING — A vehicle storage facility that is completely indoors, having one or more openings in the wall, for storage and removal of vehicles and that is secured by a locking device on each opening.

MOTOR VEHICLE CRASH — An occurrence in which a motor vehicle of any type comes into contact with any other object for which the private passenger vehicle must be towed or removed for the placement in a storage facility. This includes all situations which are accidental as to the owner or operator of the motor vehicle even if they were caused by the intentional acts of a perpetrator where the perpetrator was not the owner of the motor vehicle.

OFFICIAL TOWERS — Entities which:

- A. Own or operate tow vehicles; and
- B. Have been designated as official towers pursuant to this chapter.

OUTSIDE SECURED — An automobile storage facility that is not indoors and is secured by a fence, wall or other man-made barrier. The facility is to be lighted at night.

OUTSIDE UNSECURED — An automobile storage facility that is not indoors and is not secured by a fence, wall or other man-made barrier, and all other storage facilities not defined above as "inside building" or "outside secured."

PASSENGER VEHICLE — A motor vehicle of a private passenger or station wagon type that is owned or leased and is neither used as a public or livery conveyance for passengers nor rented to others with a driver; and a motor vehicle with a pickup body, or delivery sedan, a van, a sport utility vehicle (SUV), or a panel truck or a camper-type vehicle used for recreational purposes owned by an individual not used in the occupation, profession, or business of the owner(s).

STORAGE CHARGES FOR CALENDAR DAY — The maximum allowable amount to be charged by a storage facility for a calendar day or portion thereof. A new calendar day begins at 12:01 a.m.

TOW VEHICLE — Only those vehicles equipped with a boom or booms, winches, slings, tilt beds, wheel lifts or under-reach equipment specifically designed by its manufacturer for the removal or transport of motor vehicles. Tow vehicles must be in compliance with all Title 39 statutes related to commercial vehicles.

TOW VEHICLES BASE OF SERVICE — The towing operator's principal place of business where the tow vehicle is stationed when not in use.

§ 410-2. Appointment of official towers.

- A. The City of Englewood, Police Chief or designee shall appoint companies meeting the criteria set forth in this chapter and engaged in the business or offering the services of a motor vehicle towing or wrecker service, whereby damaged, disabled or impounded motor vehicles are towed or otherwise removed from the place where they are damaged or disabled, by use of a tow vehicle, as defined in this chapter. Such persons or companies shall be known as "official towers."
- B. After January 1, 2018, all official towers are required to have their primary business address and center of operation, along with their primary storage area, located within the geographical limits of the City.
[Amended 12-18-2018 by Ord. No. 18-17]
- C. Official towers shall be identified by means of a license which shall be issued hereinafter provided. The license will be valid for a period of two years, at which time the tower may apply for renewal.
- D. From calendar year to calendar year, the list of official towers will remain as is, provided:
 - (1) The application window will open October 1st. All new and renewal applications must be submitted by November 15th; no applications will be accepted after this date. These periods can be extended provided applicant is waiting for other Government Agency approval: and
 - (2) The official tower has been and remains in compliance with all requirements of this chapter; and
 - (3) There is no pending administrative or disciplinary action against the official tower by the City; and
 - (4) There shall be no more than one (1) license issued per block, lot and street address.
- E. If an official tower is denied renewal for any reason in this ordinance and seeks subsequent return to the official towers list, the application will be treated as a new application as of the date of receipt of such request.
- F. In addition to the rules and regulations set forth herein, the State of New Jersey, the Federal Government and the Division of Consumer Affairs have further statutes, rules and regulations with regard to towing operation business and the conduct and licensing of operators thereof and all such statutes, rules and regulations must be complied with.

§ 410-3. Services to be furnished; subcontracting; tower responsibilities.

- A. All official towers shall furnish adequate and proper wrecking, towing, storage and emergency repair services to any motor vehicle located within the geographic limits of the City or outside City limits, as requested by an authorized representative of the Police Department or when requested to do so by an authorized City official. The official tower must be available on a twenty-four-hour-a-day basis, seven days a week, as scheduled by the City.
- B. A maximum response time of 20 minutes will be expected from each tower called by the Police Department. If the first tower called fails to respond within the expected response time with the proper equipment to safely and properly complete the task, the next official tower will be called. Failure to respond within the stated response time will be considered a violation of the license, and repeated violations will result in suspension of the official tower license.
- C. The official tower shall provide towing for Police and other City vehicles as requested by an authorized representative of the Police Department or when requested to do so by an authorized City official.

- D. Official towers are and remain responsible for coverage for all periods for which they are scheduled. Should the scheduled tower require another tower to cover a portion of the assigned schedule, (i) the substitution must be approved in advance by the Supervisor of the Police Department Traffic Bureau or his designee and (ii) the covering tower must be another licensed City tower. Unauthorized arrangements for coverage may result in the removal of the official tower and/or the alternate tower from the official tower list.
- E. Substitution of towers under the immediately preceding Subsection D is limited to 10 per calendar year. Should alternate coverage in excess of 10 be required, the requesting official tower will be removed from the City's official tower list.
- F. Official towers are limited to no more than three missed tows during a calendar year. A missed tow in excess of this number will constitute a ground for removal from the official tower list for the remainder of the calendar year or such other period determined in the sole discretion of the City.
- G. The official tower must clean up and remove all solid and sweepable debris left at the scene of a crash when they are called to tow vehicles involved in that crash.
- H. When requested either verbally or in writing by the Police Department, the official tower shall be responsible for the preservation of evidence.
- I. The official tower shall comply with all state and federal laws and regulations concerning wages, hours and terms of employment.
- J. The official tower will be required to file an employment nondiscrimination statement.
- K. The official tower will be required to establish and display to the public procedures for notification of vehicle owners regarding storage fees and removal of vehicles from storage, which shall be conspicuously displayed at the place of business and website.
- L. The official tower will be responsible for all fees associated with the issuance of junk and resale titles. Additionally, any official tower participating in an authorized public auction of City towed vehicles shall be responsible for all costs associated with the mandatory public notice. In situations where more than one official tower is participating in the auction, the cost will be equally divided.
- M. Towers shall retain a copy of all invoices which shall be submitted to the Police Department Traffic Bureau upon request. Towers will be suspended from towing if invoices are not submitted upon request.
- N. For services rendered, or to recover a motor vehicle from storage, the official tower 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 official tower 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 cashiers/insurance check or money order, if this form of payment is acceptable to the official tower.

§ 410-4. Application process.

A. Application.

- (1) Applications for inclusion on the official tower list shall be made upon a form provided by the City Clerk and shall consist of an original and two true copies, containing the following information:
 - (a) The complete name of the applicant (including the complete corporate and any "doing business" names).
 - (b) The residence and any other business address and telephone numbers, including cell phone numbers, of the owner or the applicant. If the applicant or the owner is a corporation, the application shall contain the name, residence and business address, and telephone number of every stockholder or member. All owners are required to be listed on the application along with their addresses and telephone numbers, including cell phone numbers.
[Amended 12-18-2018 by Ord. No. 18-17]
 - (c) The name, date of birth, and driver's license number of all employees acting in the capacity of tow truck driver. Only authorized drivers listed on the application will be permitted to respond on behalf of the company.
 - (d) Proof of ownership or valid lease of the vehicles which will be utilized to provide services pursuant to this chapter.
 - (e) Proof of ownership or valid lease of the proposed vehicle storage area which will be utilized to provide services pursuant to this chapter.
 - (f) Such information as may be required by the Governing Body concerning the personnel, vehicles, equipment, storage facilities and complaint history of such applicant, all as hereinafter provided, showing that the applicant meets the minimum standards of performance.
 - (g) A certificate or certificates of insurance evidencing adequate insurance coverage as hereinafter provided naming the City as additionally named insured.
 - (h) The names and addresses of two business references that have knowledge of the applicant's business practices for (at least) the two years preceding the date of the application.
 - (i) A fee of \$300 to cover the administrative expenses incurred by the City in processing the application must be paid upon submission of the application.
- (2) An applicant may submit only one application. Persons or entities with ownership interests in the applicant may not submit applications for, on behalf of, or in regard to any other applicant. An applicant may list more than one applicant-company vehicle on its application.

B. Upon receipt of a complete application, the City Clerk will forward at least one copy to the Chief of Police for review and approval. Review by the Chief of Police shall consist of the following:

- (1) Review of a background check, completed by an authorized independent authority/company chosen by the City and paid for at the applicant's expense, to determine if either the applicant or the applicant's personnel have been convicted of a criminal offense. Authorized Police personnel will also review the driver's license history of the applicant and their employees to determine if there have been any driver's license suspensions or revocations within the previous calendar year. Conviction of a criminal offense shall be cause for disqualification from the official tower list. Suspension of a driver's license within the past year shall be cause for disqualification from inclusion on the official tower list.

- (2) Inspections of the vehicles, equipment and storage area proposed to be utilized by the applicant to verify the accuracy of the information contained in the application and to determine ability to comply with applicable laws, regulations and the standards of performance required by this chapter.
- (3) If deemed necessary, interviews with the applicant and the applicant's personnel.

C. The Chief of Police will conduct the review and render a report to the City Clerk, recommending either approval or denial of the application and the reasons therefore, within four days of receipt of the application from the City Clerk.

D. Written notice of the approval or denial of the application will be provided by the City Clerk to the applicant within two business days of the decision of the Chief of Police.

E. If the Chief of Police fails to act within 45 days of receipt of a complete application by the City Clerk, the application shall be deemed to have been denied.

F. An applicant may be included on the official tower list when, from a consideration of the application and from such other information as may otherwise be obtained, the Chief of Police finds that all of the following circumstances exist:

- (1) The applicant has not knowingly, and with the intent to deceive, made any false, misleading or fraudulent statements of material fact in the application or in any other document required pursuant to this chapter or which was submitted to the City in connection with the application.
- (2) The applicant has met the standard of performance described in this chapter and has furnished the required hold-harmless agreement and proper certificate(s) of insurance.
- (3) Neither the applicant nor the applicant's personnel have been convicted of a criminal offense nor had their driver's license suspended within the last year.

§ 410-5. Issuance of license; fee; grounds for revocation.

A. Upon approval of the application as herein provided, the City Clerk will issue the applicant an official tower's license for each tow vehicle or flatbed vehicle to be utilized in providing services pursuant to this chapter upon payment of the processing fee of \$175 for the application, a fee of \$100 for the first license and \$50 for each additional license requested under the application.

B. The official tower license shall be displayed in the rear window of the tow or flatbed vehicle to which it is issued so as to be visible to the public at all times. The license is not transferable to any other vehicle, and only those vehicles displaying a license shall be authorized to perform the duties of official tower.

C. The official tower license shall be valid for a period of two years beginning on January 1st of the calendar year and shall be nontransferable. This license shall be subject to revocation by the Chief of Police for any of the following reasons:

- (1) If it is subsequently determined that an applicant or official tower knowingly, and with intent to deceive, made false, misleading or fraudulent statements of material fact in the application or in any other document required pursuant to this chapter or which was submitted to the City in connection with the application or official tower license.
- (2) Citation for violation of any federal or state law or municipal ordinance or regulation relating to the operation of a motor vehicle or the provision of towing services.

- (3) Citation for violation of any law, rule or regulation promulgated by the New Jersey Department of Insurance or the New Jersey Division of Consumer Affairs.
- (4) Unsatisfactory service provided pursuant to this chapter, including but not limited to:
 - (a) Repeated failure to respond within 20 minutes to calls for assistance from the Police Department or any other City agency or employee, or any other action which interferes with the proper operation of the rotating system maintained by the Police Department.
 - (b) Failure or refusal to tow or remove a motor vehicle when requested to do so by the Police Department or any other agency or employee of the City.
- (5) Disposal of any vehicle prior to the issuance of a junk or resale title to the licensee.
- (6) Any other violation of any provision of this chapter or condition of the towing application.
- (7) Violation of any provision of this chapter on three or more occasions shall result in revocation of the license.

D. If the official tower license is not revoked by the Chief of Police, the license will be renewed upon receipt of the completed City tow application and the payment of the renewal fee of \$300 payable in advance for the next year on or before November 15th; and a satisfactory inspection of the licensed vehicle(s) by the Englewood Police Department Traffic Bureau.

E. No official tower license is required for the on-site repair and/or towing or storage of any vehicle when the request is received by the official tower from the owner of a vehicle.

§ 410-6. Disqualification of applicant through conflict of interest.

No license shall be issued to any applicant whose business is owned in whole or in part by any member of the Police Department or any other City official or employee, or in whose business any member of the Police Department or any other City official or employee is employed or has any interest of any kind, or from whose business any member of the Police Department or any other City official or employee receives any financial benefit of any kind, directly or indirectly.

§ 410-7. Minimum standards of performance.

To qualify for inclusion on the list of official towers, applicants must meet the following minimum standards:

A. Minimum requirements.

- (1) Every official tower shall maintain and have available to render services required by this chapter a minimum of one regular tow vehicle and one flatbed vehicle.
- (2) Vehicle classes.
 - (a) Regular tow vehicles must be equipped with a boom or winch assembly mounted on the chassis, a tow sling or wheel lift assembly with a cable attached to a motor-driven winch.
 - (b) Flatbed vehicles must be equipped with a winch or hydraulically operated bed which slides or tilts to accommodate transporting of vehicles.

B. Minimum equipment requirements.

- (1) Every tow or flatbed vehicle shall be properly licensed and registered with the New Jersey Division of Motor Vehicles. All vehicles shall display New Jersey commercial license plates. If required, vehicles shall have a valid inspection certificate.
- (2) Every tow vehicle or flatbed vehicle shall be equipped, at a minimum, with the following:
 - (a) At least one amber rotating beacon or strobe light mounted on the highest practical location of the vehicles, visible from 360° when in use and visible at a minimum distance of 500 feet during daylight hours. The size and locations of these lights must conform to the New Jersey Division of Motor Vehicle standards.
 - (b) Safety tow lights or magnetic tow lights affixed on tow vehicles at night, red colored, when other lights not available.
 - (c) Extra chains and cable for pulling or securing a towed vehicle.
 - (d) At least one heavy-duty broom, a shovel, a crowbar or prybar, a set of jumper cables, a flashlight, one two-pound or larger fire extinguisher of dry chemical type, one dozen flares or similar warning devices for placement at the scene of a motor vehicle crash or behind a disabled vehicle, and a sufficient quantity and types of tools to enable the tow vehicle operator to perform proper and adequate emergency repair services for the tow.
- (3) Every tow or flatbed vehicle shall comply with any and all applicable state, federal and local laws, regulations and ordinances pertaining to safety, lighting and towing equipment requirements, and shall be subject to inspection by the Chief of Police or his designee at any time. No structural or other change may be made to an inspected vehicle or equipment unless prior written approval is obtained from the City.
- (4) Every tow or flatbed vehicle employed by the official tower pursuant to this chapter shall display the official tower license and shall have the name of the official tower displayed on the vehicle in such manner and of such lettering as conforms to the provisions of N.J.S.A. 39:4-46.

C. Minimum personnel requirements. All persons employed by the official towers to provide services required by this chapter shall meet the following requirements and be subject to the following regulations. They shall:

- (1) Have a valid New Jersey auto driver's license or commercial driver's license (where required) having no restrictions or conditional endorsements other than a condition requiring the wearing of eyeglasses.
- (2) Be mentally alert at all times.
- (3) Obey all traffic laws, regulations and City ordinances.
- (4) Be subject to interview, and be approved, by the Chief of Police or their designee of the City prior to rendering any services pursuant to this chapter.
- (5) Not have been convicted of a criminal offense; further not having the driving privilege suspended or revoked within the last year.
- (6) Not display any actions or behavior or have engaged in any conduct deemed by the Chief of Police to be subversive to the good order and representation of the City of Englewood.

D. Minimum storage requirements.

- (1) Every official tower shall maintain an inside building or outside secured storage area meeting the following requirements:
 - (a) The storage area shall be capable of storing a minimum of 25 medium-sized vehicles. All impounded vehicles shall be held in a secure area, located either inside or outside in the secured storage area. Additionally, the official tower must have access to a secure indoor storage facility capable of storing a minimum of one vehicle at the request of the Police Department. Notwithstanding the 25 minimum storage requirement, adequate storage must be provided and under no circumstances shall vehicles be stored on public street or any location where storage is not permitted. **[Amended 12-18-2018 by Ord. No. 18-17]**
 - (b) The location of both the primary storage area and the tow company's base of service shall be within the geographic limits of the City.
 - (c) The storage area shall be fully enclosed by a six-foot-high privacy and sturdy fence with at least one lockable gate for ingress and egress and shall be lighted from dusk to dawn to guarantee the safe storage of all vehicles. The fence shall otherwise meet the requirements of the City ordinance governing fences.
 - (d) The storage facility shall be available to the official tower 24 hours a day, 365 days per year, and shall be open to the public on weekdays during normal business hours and for limited hours on weekends. The minimum hours for recovery of released vehicles shall be from 8:00 a.m. to 6:00 p.m. on weekdays, and from 8:00 a.m. to 12:00 noon on Saturdays. Recovery of vehicles on holidays, Sundays or weekday and Saturday hours beyond those specified above may be subject to arrangement by the vehicle owner and official tower. Vehicle recovery hours shall be posted in a conspicuous location visible to the public.
 - (e) In the event the tower is available to release a towed vehicle after normal business hours, the tower shall be entitled to an after-hours vehicle release fee in accordance with the scheduled fees as adopted by the City of Englewood Fee Schedule.
- (2) The official tower shall be responsible for ensuring the proper and safe storage of all vehicles towed pursuant to this chapter. The official tower shall be liable for any damage incurred by such vehicles while in transit to or while in the storage areas.
- (3) The official tower is prohibited from piling vehicles or parking on public streets or sidewalks.

§ 410-8. Compliance with other regulations.

No license shall be issued hereunder unless storage and business premises comply in all respects with the provisions of the Zoning Ordinance, property maintenance code, and all other applicable ordinances or codes of the City of Englewood pertaining to the use or condition of such premises and unless the City Clerk is satisfied that the said storage premises have sufficient capacity to store such vehicles in conformity with the provisions of the zoning ordinance, property maintenance code, and other applicable ordinances and codes and all applicable provisions of this chapter.

§ 410-9. Utilization of official tower list.

- A. The City will request wrecking, towing and storage services from each official tower in daily rotation so as to assure equal treatment of all licensees. When called, the official tower shall advise the dispatcher if a tow vehicle is available and the estimated time of arrival. All towing services shall respond to a call in any part of the City of Englewood within 20 minutes. If a towing service does not respond within 20 minutes of a call, the towing service next on the list shall be called and entitled to provide services as needed, and the first towing service shall lose any claim to compensation.

- B. Official requests for service may be made by the City Manager, Deputy City Manager, City Clerk, the Superintendent of Public Works or any member of the Police Department or Fire Department.
- C. The City will request service only from official towers; provided, however, that if no emergency or road hazard exists, the City will request service from such other person as the owner of the vehicle in need of such services may request; and provided further that, if no official tower is available or able to provide services as requested by the City, or if an emergency exists, the City may request service from any other available source.
- D. During adverse weather conditions, heavy traffic conditions or emergency conditions, as determined in the sole discretion of the City, official towers shall give priority to requests for service received from the City over all requests received from any other source.
- E. In event of a high volume of tows, i.e., snow removal, it will be at the discretion of the Supervisor of the Traffic Bureau or his designee to call the next tow company on the schedule and so on, to supplement the tow company on duty.
- F. Vendors are prohibited from using subcontractors or equipment beyond the scope of a normal tow in clearing the scene or performing a service, without prior approval from the Chief of Police or his/her designee.

§ 410-10. Hold-harmless agreement.

To qualify as an official tower and to maintain the official tower's license, all applicants and official towers shall agree in writing to assume the complete legal defense costs (including attorneys' and all other experts' fees, costs and the reasonable disbursements) of the City in any mediation, arbitration or action of any kind (including all appeals), and to fully and completely indemnify and hold harmless the City, the City's elected officials, boards, commissions, officers, employees and agents from any and all suits, actions, damages, claims, liabilities, expenses, losses, or judgments, of any kind and of any nature whatsoever, asserted against the City resulting from, caused by, arising out of or incurred as a consequence of the official tower's provision of towing, wrecking, storage and/or emergency services, including any and all ancillary or related services, provided at the request of the City pursuant to this chapter. This includes claims by lessor's, lessees and titled owners of vehicles all of who need to be notified of the towing event.

§ 410-11. Insurance.

- A. No person or entity shall be included on the official tower list unless and until the City has been provided with an appropriate certificate or certificates of insurance evidencing that there is in effect the following insurance coverage:

Automobile liability insurance issued by a financially sound insurance corporation of, or licensed to transact business in, the state, insuring the licensee and every tow truck operator, against liability imposed by law for damages because of bodily injury, including death, sustained by any person and injury to or destruction of property, including the loss of use thereof, caused by accident and arising out of the ownership, maintenance or use of tow trucks of the licensee. The amount of the limits of liability coverage to be offered by such policy shall be not less than \$500,000 for bodily injury to each person, \$1,000,000 for bodily injuries in each accident and \$500,000 for property damage in each incident.

- (1) Workers' compensation as required by the State of New Jersey, including employer's liability coverage with a limit of at least \$1,000,000.
- (2) Garage keepers' policy in the amount of \$250,000 for any one claimant and \$500,000 coverage for property damage for any one event. This policy must include on-hook coverage of at least \$100,000.

- (a) Garage liability in an amount not less than \$500,000 for personal injury and \$100,000 for property damage.
- (b) Comprehensive general liability and auto insurance, in the amount of not less than \$1,000,000 for personal injuries, per occurrence, and \$1,000,000 for property damage, per occurrence, including premises operations and products/completed operations.
- (c) Umbrella or excess insurance in the amount of \$1,000,000.

B. Policies of insurance shall contain endorsements to provide collision coverage for vehicles in tow.

C. Policies of insurance shall be written by insurance companies licensed to do business in the State of New Jersey. Insurance companies shall be acceptable to the City and shall have an A.M. Best rating of A- or better.

D. The City of Englewood shall be named as an additional insured on all policies of insurance provided pursuant to this chapter. All certificates of insurance shall provide that the policies may not expire, be cancelled, terminated or have coverage decreased in the absence of 30 days' written notice to the City.

E. Policies of insurance required by this chapter shall be maintained in full force and effect at all times. In the event any insurance coverage required by this chapter is cancelled, terminated, interrupted or decreased in amount, the official tow truck's license is automatically suspended until such time as the required coverage is reinstated or replaced and the circumstances are investigated by the Mayor and Council.

§ 410-12. Towing and storage fee schedule.

A. Towing Fees and other charges shall conform with the schedule of fees set forth below:

ROAD SERVICE

CARS (LIGHT)	\$150.00 PER HOUR PLUS PARTS
TRUCKS (MEDIUM/ HEAVY)	\$200.00 PER HOUR PLUS PARTS

TOWING – Basic

LIGHT DUTY- up to 10,000 lbs.	HOOK-UP \$155
MEDIUM DUTY- 10,001-16,000 lbs.	\$300.00 PER HOUR
HEAVY DUTY- 16,001 and above	\$500.00 PER HOUR
DECOUPLING FEE (IF TOW IS NOT PERFORMED)	½ OF BASIC RATE

ON-HOOK MILEAGE

LIGHT DUTY	\$7.00/ PER LOADED MILES
MEDIUM DUTY	N/A
HEAVY DUTY	N/A

RECOVERY/ WINCHING (In Addition to Towing – per truck including driver)

LIGHT/ MEDIUM DUTY 10,001-16,000 lbs.	\$350.00 PER HOUR CHARGED IN ½ HOUR
HEAVY DUTY 16,001 and above	\$650.00 PER HOUR

SPECIALIZED RECOVERY EQUIPMENT

ROTATOR/ CRANE RECOVERY UNIT	\$1200.00 PER HOUR
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TRACTOR WITH LANDOLL TRAILER OR DETACH TRAILER	\$500.00 PER HOUR
TRACTOR/ TRANSPORT HAULER ONLY	\$350.00 PER HOUR
REFRIGERATED TRAILER W/ TRACTOR	\$550.00 PER HOUR
BOX TRAILER W/ TRACTOR	\$500.00 PER HOUR
AIR CUSHION UNIT	\$1000.00 PER HOUR
LIGHT TOWER	\$250.00 PER HOUR
PALLET JACK	\$200.00 FLAT RATE
ROLLERS	\$200.00 FLAT RATE
ANY OTHER SPECIALIZED EQUIPMENT	\$300.00 PER HOUR
LOADER/ BACKHOE/ TELESCOPIC HANDLER/ BULLDOZER/ BOBCAT	\$400.00 PER HOUR EACH
FORKLIFT	\$400.00 PER HOUR
DUMP TRUCK/ DUMP TRAILER W/ TRACTOR	\$450.00 PER HOUR
ROLL-OFF WITH CONTAINER	\$450.00 PER HOUR PLUS DISPOSAL
RECOVERY SUPERVISOR VEHICLE	\$150.00 PER HOUR
SCENE SAFETY EQUIPMENT, COMMUNICATION EQUIPMENT, TRAFFIC MANAGEMENT EQUIPMENT, ETC.	\$250.00 PER HOUR EACH TYPE USED
RECOVERY SUPPORT VEHICLE/ TRAILER ADDITIONAL RECOVERY EQUIPMENT	\$350.00 PER HOUR

LABOR- ALL LABOR MIN OF 1 HOUR

ACCIDENT MINOR CLEAN-UP AND DISPOSAL OF DEBRIS	\$75.00 PER HOUR ONE HOUR MINIMUM PLUS ABSORBANT MATERIALS USED
RECOVERY SUPERVISOR AND/ OR LEVEL III RECOVERY SPECIALIST	\$250.00 PER HOUR *Charges limited to one per incident
CERTIFIED TOWING OPERATOR	\$150.00 HOUR PER MAN
MANUAL LABORERS	\$125.00 PER HOUR PER MAN

STORAGE – PER CALENDAR DAY (INSIDE RATES TWO TIMES OUTSIDE RATE)

CARS/ LIGHT TRUCKS -10' X 20' SPACE	\$50.00 PER DAY
TRUCKS (DUAL WHEELS)/ SINGLE AXLE	\$125.00 PER DAY
TRACTOR/ DUMP TRUCK/ TRACTOR AND TRAILER COMBO/ TRAILERS	\$125.00 PER UNIT PER DAY
BUSES	\$150.00 PER DAY
ROLL-OFF	\$125.00 PER DAY FOR EACH
CARGO/ACCIDENT DEBRIS/ LOAD STORAGE/ VEHICLE COMPONENTS 10' x 20' SPACE	\$50.00 PER SPACE USED PER DAY
RENTAL OF ANY TOW COMPANY SUPPLIED TRAILER POST INCIDENT	\$500.00 PER DAY

**** STORAGE BILLED PER CALENDAR DAY****

ADDITIONAL SERVICES/ NOTES

FUEL/ HAZ-MAT/ CARGO SPILLS CLEAN-UP AND DISPOSAL	TIME AND MATERIAL
HAZMAT AND TRASH RECOVERY	SURCHARGED 10%
SUBCONTRACTOR MARK-UP	20%
ADMINISTRATIVE CHARGE ONLY AFTER 3 RD VISIT TO VEHICLE	CARS ONLY - \$50.00
ADMINISTRATION CHARGE	MEDIUM/ HEAVY TRUCK - \$200.00
AFTER HOURS RELEASE	\$85.00
NOTIFICATION DOCUMENTATION FEE	\$75.00
TARPING/ WRAPPING VEHICLE	\$90.00 PER CAR \$250.00 PER TRUCK

FUEL COST	FUEL SURCHARGE PERCENTAGE
\$2.50	0%
\$3.00	1%
\$3.50	2%
\$4.00	3%
\$4.50	4%
\$5.00	5%
\$5.50	6%
\$6.00	7%
\$6.50	8%
\$7.00	9%
\$7.50	10%
\$8.00	11%

NOTE: AFTER THE FIRST HOUR, ALL HOURLY BILLABLE RATES WILL BE CHARGED IN HALF HOUR INCREMENTS.

City Vehicles:

- (1) Any City-owned vehicles up to GVWR 12,000 pounds towed within City limits: \$50.
- (2) Any City-owned vehicles up to GVWR 12,000 pounds towed outside City limits: \$75.

B. Miscellaneous:

- (1) If a tower, as a matter of business, does not permit outside persons or companies to enter their property or operate any vehicle on their property; no additional fees or charges may be incurred in moving any vehicle towed or obtained by the tower in their capacity as an official tower, outside of the yard at the time the vehicle is released. This only applies to police authorized tows, and only for the time the vehicle is in their possession as a police authorized tow; this does not apply if the vehicle owner enters into an agreement to have the vehicle repaired.
- (2) Fuel Cost. There shall be no mileage or fuel cost charge, for any vehicle towed under this chapter, to respond to the service call or from the point of service back to the tower's storage facility. If the owner or operator designates the vehicle to be towed to another location other than the tower's storage facility, then the tower may charge fuel cost for loaded mileage outside the boundaries of the City of Englewood. Mileage charges per mile outside of Englewood shall be \$6 per mile or part thereof.

§ 410-13. License not transferable or assignable without consent.

No license issued hereunder shall be transferred or assigned nor shall the location designated by a licensee as the place to which disabled vehicles shall be removed, nor the office required to be maintained by the licensee, be changed without the consent of the City Clerk who, in acting on any such request for a transfer, assignment or change of location of offices, shall insure that any such action shall not impair the ability of the licensee to comply with all provisions of this chapter.

§ 410-14. Dispute resolution and license revocation.

- A. Complaints involving violations of this chapter, the improper or unsatisfactory performance of services by an official tower, excessive charges or damage to a motor vehicle while in the custody of the official tower, or any other reason, may be lodged with the Police Department Traffic Bureau upon the prescribed Tower Complaint form. In the event of an ordinance violation or receipt of a complaint, written notice of its receipt, together with a copy of the complaint (when applicable), shall be provided by the Traffic Bureau to the official tower involved. The official tower shall have the opportunity to respond, in a written letter directed to the Supervisor of Traffic, within five days.
- B. Within 14 days of receipt of the official tower's response, or within 21 days of receipt of the complaint, if no response is received, the matter will be presented by the Traffic Bureau to the Chief of Police.
- C. The Chief of Police shall consider the matter and may request that the complainant and/or the official tower appear and give testimony regarding the complaint.
- D. If, after considering the matter, the Chief of Police determines that one of the causes for revocation of the official tower's license, as set forth in this chapter, exists, the license of the official tower shall be revoked, and the official tower shall surrender same to the City Clerk within one day.
- E. Failure to surrender the official tower license upon revocation shall constitute a violation of this chapter.
- F. Nothing contained herein shall prevent or limit the right of any person to commence or maintain an action for damages or any other relief directly against an official tower in a court of competent jurisdiction.
- G. In addition to the foregoing, in the event that there is some question with respect to compliance with the chapter, the City Clerk shall have the ability to conduct a hearing with respect to compliance and request additional information as needed to determine whether there is compliance with the chapter. **[Added 12-18-2018 by Ord. No. 18-17]**

§ 410-15. Appeals.

- A. Any party may appeal to the City Manager, a decision of the Chief of Police respecting the granting, denying, revoking, or suspending of any license hereunder, or failure or refusal of the Chief of Police to suspend or revoke such license.
- B. Such appeal shall be made by filing written notice of appeal with the City Manager within 10 days of receipt of notice of the action of the Chief of Police.
- C. The City Manager may decide such appeal on the basis of the record made before the Chief of Police or may hold a new hearing thereon at which time all parties having an interest therein, including the Chief of Police may be heard.
- D. The City Manager may affirm the action of the Chief of Police, reverse same, or take such other action as he deems appropriate under the provisions of this chapter.

§ 410-16. Violations and penalties.

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 and maximum thirty-day suspension.
- B. Second offense: Maximum fine of \$500 and maximum sixty-day suspension.
- C. Third offense: Maximum fine of \$750 and removal from the official tow list for 12 months from the conviction date.

§ 410-17. Miscellaneous provisions.

- A. Copies of this chapter and the schedule of fees that may be charged by official towers shall be made available to the public during normal business hours at City Hall. Copies shall also be made available to the public at each official tower's place of business.
- B. All official towers shall post, in a prominent place at each storage area clearly visible to the public, and on the Tower's website a schedule of the fees that may be charged for all services provided pursuant to this chapter.
- C. The City reserves the right to make periodic unannounced inspections of the personnel, vehicles, equipment and storage areas of all official towers.
- D. The relationship between the official tower and the City is one of an independent contractor. Neither party shall be construed in any manner whatsoever to be an employee of the other, nor shall any employee or agent furnished by any party be construed to be an employee or agent of the other party. Inclusion on the official tower list shall not be construed or considered as a joint venture, partnership, association, contract of employment or profit-sharing agreement.
- E. The City shall not be liable or responsible for compensating the official tower for any of the services performed under this chapter unless those services are performed for City vehicles. Compensation shall be the responsibility of the owner of the towed motor vehicle and the official tower shall proceed directly against the owner.
- F. The official tower shall, at all times, be solely responsible for the conduct of its employees.

- G. Each official tower shall keep and maintain adequate, detailed, and complete records showing all vehicles

towed, stored and released, all services rendered, all fees charged and collected, and all documents related to the official tower license. All such records shall be available for the inspection by the City at any time during normal business hours. Such records shall be kept, maintained and safeguarded by the official tower at one location and shall be retained for a period of no less than seven years. Records may be written, printed or computerized as long as the requirements of this subsection are met.

- H. The towing operator will cooperate with other operators in the case of emergency services at the scene of accidents and/or disasters.
- I. No vehicle will be removed from the City roads or highways traversing said City without proper authorization from the Police at the scene or the owner of the vehicles, as the case may be.
- J. All vehicles impounded or confiscated will not be released or disposed of without proper vehicle report form, duly executed by proper Police Department personnel or as provided in N.J.S.A. 39:10A-1 et seq.
- K. If a request for towing service is made by the City of Englewood Police Department and then canceled, prior to the tow truck driver hooking up the vehicle, there will be no charge to either the owner of the vehicle or the Englewood Police Department.
- L. No tow truck or wrecker service shall enter into an agreement to provide non-consensual private property towing services for any private citizen or business in the City without first providing proof to the City Clerks Police Department that the tow truck is properly registered and insured and that company is properly licensed.
- M. Non-consensual private property towing rates shall be calculated using the basic tow fees as adopted by the City of Englewood and in compliance with the Predatory Tow Act, no additional fees are permitted to be charged (i.e. winching, dollying, etc.).
- N. With the exception of the Englewood Police Department, it shall be unlawful under any circumstance for any person to immobilize or cause to be immobilized a vehicle located within the City which includes, but is not limited to, the use of locking wheel boots, windshield blockers or any other such device designed to immobilize or limit the mobility of a vehicle.
- O. The Predatory Towing Prevention Act applies to all tows in the City of Englewood.
- P. Heavy vehicle recovery (over 16,000 pounds).
 - (1) In order to perform heavy vehicle recovery, the City requires that the City Tower have:
 - (a) At minimum, a 25 ton wrecker with hydraulic under lift,
 - (b) An employee who is an on-scene a recovery supervisor with a Level 3 certification from the Towing and Recovery Association of America (TRA) or other nationally recognized certification.
 - (2) To perform heavy vehicle recovery under this chapter, the City Tower must:
 - (a) Visually document the recovery scene through photos or videotape.
 - (b) Prepare a written report of all procedures employed, actions taken, equipment used and manpower requirements to complete the recovery process in the safest manner and provide a copy to the vehicle owner with the statement for services.
 - (c) Prepare an itemized billing invoice for all services rendered.

§ 410-18. Authorized Service Provider

- A. The City may engage an authorized service provider (ASP) to provide services and software for the management of police initiated tows and impounds and/or unclaimed and abandoned vehicles. The ASP will also provide services for disposition of abandoned and unclaimed vehicles that were towed by the City Police Department in accordance with this ordinance and to assist the Police Chief and his/her designee with the administration of this ordinance as may be required.
- B. **Requirements:** The ASP must be an entity authorized to do business in the State of New Jersey with an office in the State and have a minimum of 5 years' experience in the processing of Abandoned and Unclaimed vehicles.
- C. The ASP must provide access via an online portal for the City representatives to access all impounds and/or abandoned/unclaimed vehicles in the agency's possession in the agency's possession.
- D. The ASP must submit the following to the City:
 - 1. A "Certificate of Good Standing" issued by the Secretary of State of New Jersey
 - 2. A listing of all previous public entities and or Police Departments served by the business entity indicating the dates of services and position held.

§ 410-19. Processing of Documents:

The ASP shall be authorized to execute any documents necessary to ensure compliance with local ordinances and State Statutes to facilitate the disposition of unclaimed vehicles as set forth in N.J.S.A. 39:10A-1 through 7.

§ 410-20. AUCTION OF VEHICLES:

At the City's request the ASP may be authorized to conduct public auction of any vehicle covered by this ordinance.

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.

ORDINANCE #25-37

**AN ORDINANCE AMENDING CHAPTER 410 OF THE CODE OF THE CITY OF ENGLEWOOD
TO PROVIDE STANDARDS, REGULATIONS AND RATES FOR THE TOWING AND STORING
OF MOTOR VEHICLES**

RECORD OF VOTE

FIRST READING DATE: October 21, 2025

COUNCIL	MOTION	VOTE
David		A
Rosenzweig		Y
Tokayer	X	Y
Wilson		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