

Introduced: December 30, 2019

Adopted: January 27, 2020

THE TOWNSHIP OF SOUTH ORANGE VILLAGE

ORDINANCE #2019-27

AN ORDINANCE AMENDING THE VILLAGE CODE, CHAPTER 329 TO REVISE TOWING AND STORAGE CHARGES AND REQUIRE INSIDE BUILDING SECURED STORAGE FACILITIES AND AMENDING CHAPTER 143-32 – TOWING AND STORAGE CHARGES

WHEREAS, the Board of Trustees wish to amend portions of Chapters 143 and 329 of the Village Code to revise towing and storage charges and to require tow operators licensed by the Township of South Orange Village to have indoor secured storage facilities.

BE IT ORDAINED, by the Board of Trustees of the Township of South Orange Village, a municipal corporation of New Jersey located in Essex County thereof, as follows:

Section 1.

Chapter 329-11(A) is amended as follows:

329-11 Storage Facilities

A. General storage.

1. Each licensee shall have a secure storage facility within the Village or within a community adjacent and contiguous to the Village sufficient to accommodate at least five towed vehicles and storage space for properly accommodating and protecting all disabled motor vehicles to be towed or otherwise removed from the place where they were disabled or illegally parked. If the only permitted storage facility is located in an adjacent community, such storage shall be located in an area within no more than a three-mile radius from 76 South Orange Avenue, South Orange, New Jersey.
2. Inside Building Secured Storage. In addition, each licensee shall have an indoor secured storage facility in one (1) location and with sufficient space to accommodate at least three (3) vehicles for the exclusive use of the Police Department in connection with vehicles being held as evidence or under investigation, including but not limited to criminal matters (including the forfeiture process) or death by auto. The indoor secured storage facility must be solely under the control of the licensee at all times. All storage areas must meet the requirements of N.J.A.C-11:3-38.2 (definitions) which states "Inside Buildings" means 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. The inside building secured storage facility must be within six (6) miles, by radius, of 76 South Orange Avenue, South Orange, New Jersey. The inside building storage space shall be

capable of being locked/safeguarded against access by unauthorized person(s), employee(s).

Section 2.

Chapter 329-12 is amended as follows:

329-12 Enforcement: Duties of Licensee

- A. The Board of Trustees hereby designates the Police Chief as its agent to supervise the enforcement of the terms and provisions of this chapter and to see that the licensees perform the duties set forth below.
- B. Each licensee shall render the following towing and storage services:
 - 1. Towing services by licensees shall be rotated on the basis of a schedule which shall be prepared by the Police Chief annually to provide twenty-four-hour, seven-days-a-week coverage. Said schedule shall provide, as near as is practically possible, for an equalized utilization of each licensee. In those cases where a licensee/licensees have received a fewer number of turns in the rotation, such licensee/licensees shall be at the top of the rotation, if licensed, in the succeeding year.
 - 2. Licensees will respond to a police request for service when requested by the Village Police Force desk officer or other officer expressly authorized to communicate such request by dispatching one or more tow trucks to arrive at the scene to which dispatched within a reasonable time. For normal circumstances, such reasonable time shall be deemed to be within 20 minutes.
 - 3. A licensee shall immediately notify the Village Police Force if said licensee is wholly or partially not operational due to failure of any equipment or any personnel insufficiency and shall furnish such details thereof, in writing, as may be requested by the police.
 - 4. Tow trucks of a licensee will not cruise and will not respond to any scene where towing may be required except upon police request or as permitted by this chapter.
 - 5. No flashing lights or sirens shall be used on a tow truck, except as permitted by the Village Police Chief under applicable law.
 - 6. All tow trucks shall be operated in accordance with all existing traffic regulations and in a safe and prudent manner. Tow truck drivers will request police assistance during the course of servicing when they find it necessary to turn around, to back up, to tow in a direction opposite to normal traffic, to cross a median or when requiring other help.
 - 7. Each licensee will be responsible for all vehicles and visible contents in his custody towed off the roads under direction of the police. An inventory shall be made at the scene to note such contents of each vehicle.
 - 8. No vehicle will be removed from Village roads or highways traversing the Village without proper authorization from the police at the scene or the owner, as the case may be.

9. The police officer investigating the incident is in complete charge of the incident scene (excluding actual towing operations), and all drivers shall comply with the officer's instructions.
10. The Village and its Police Department shall not be liable to a licensee with respect to towing and/or service rendered to any owner pursuant to the license or otherwise. The licensee shall look to the registered owner of such vehicle for payment of towing and/or storage service charges or any other compensation.
11. If a vehicle is towed by a licensee to premises controlled by the Police Department for the purpose of utilizing the vehicle or its contents as evidence, or in an on-going criminal investigation (i.e. processing for evidence, follow up investigations), such vehicle shall not be released from Police Department custody, except to the licensee, unless the owner of the vehicle furnishes the Police Department with a receipt that all applicable fees for towing and/or service have been paid in full. A second fee may be charged if the vehicle is removed to the licensee's storage area or other destination desired by the Police or vehicle owner. If a vehicle is released by the Police to any party other than the licensee without proper receipt, the Village shall be responsible for all charges, but may pursue its remedy against the owner or other person(s) responsible.
12. Each licensee, prior to departure from the scene of the towing services, shall clean and clear the streets of any debris resulting from any accident at such scene when a tow is performed to the reasonable satisfaction of the police and shall, at all times, carry the necessary equipment to perform such cleaning services and may charge the owner's insurance company for the service.
13. In the event that a licensee refuses to tow at the scene of the incident or refuses to tow when requested by the owner, the police officer assigned to the incident shall report the refusal, in writing, to his superior with all pertinent details. The report of refusal shall be furnished to the Village Police Chief as soon as practicable for evaluation of the licensee's performance of its obligation under the license. No towing operator shall be required to tow any vehicle in an unsafe manner or in such a way as to cause further damage to the vehicle towed or the towing vehicle.
14. No vehicles shall be towed for illegal parking before the issuance of an illegal parking summons.
15. Each licensee shall provide the Village Police Force with a typewritten list of vehicles in its custody that are unclaimed at 12:00 noon every Friday.
16. Vehicles impounded or confiscated by the police and stored by the licensee shall not be released by the licensee without prior written authorization by the police.
17. If a licensee finds that it is unavailable to respond to a police request for service, that licensee shall immediately notify the Village Police Force desk officer or other officer who communicated such request, which officer shall then proceed to obtain the service by contacting the next tower listed until an available tower is found. If the officer is unable to obtain a substitute, he/she may direct the towing operator to obtain one.
18. Only tow truck operators approved by the Village may operate pursuant to the license issued by the Village.
19. The licensee shall agree, at no cost to the Township of South Orange Village, to tow those municipal vehicles in need of a tow and vehicles towed because of involvement in police investigations and will assist in placing chains on police and

rescue squad vehicles during snow emergencies, if requested by the Police Force.

20. Licensee shall not charge a storage or towing fee to the Village when it tows and/or stores a vehicle designated by the Police Department, to be impounded and/or stored as part of a criminal investigation (i.e. vehicle seizure) by the South Orange Police Department or other law enforcement agency operating within the Village, except that this provision shall not prevent the licensee from seeking restitution, including storage or towing fees, in a criminal prosecution resulting from the criminal investigation.

Section 3.

Chapter 143 – 32 Towing is amended as follows:

Description	Code Section	Fee
Application Fee	§ 329-5B	\$300.00
Supplemental Fee	§ 329-5C	\$10.00
License Fee for towers	§ 329-5F	\$450.00
License Fee	§ 329-5F	\$700.00
Basic Tow:		
Light-duty vehicle	§ 329-14B	\$150.00
Medium-duty vehicle	§ 329-14B	\$250.00
Heavy-duty vehicle	§ 329-14B	\$250.00
Mileage Charges (for any tow more than 6 miles from 76 South Orange Avenue, South Orange, NJ)	§ 329-14F	\$5.00 per mile
Road Service:		
Day or Night Rate (does not include the cost of fuel for vehicles out of gas)	§ 329-14I	\$100.00
Recovery and/or Winching Service	§ 329-14B	\$200.00 per hour
Storage Charges: (vehicles over 22' in length are charged double the rate below)		
Inside Secured Storage	§ 329-14E	\$50.00 per 24 hour period
Outside Secured Storage	§ 329-14E	\$40.00 per 24 hour period
Yard Charge (for relocating a vehicle incapable of being driven from the storage facility to a public roadway for removal by another company)	§ 329-14E	\$40.00 per 24 hour period
Other Services:		
Waiting time in excess of 15 minutes	§ 329-14B	\$45.00 per hour
Administrative Fee		\$25.00

Section 4.

Repealer

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 5.

This ordinance shall take effect after final passage and publication as required by law.

Section 6.

On passage this ordinance shall be codified.

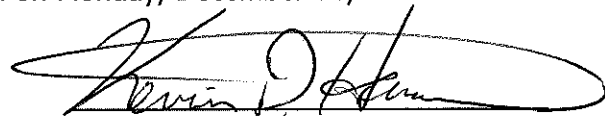
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Introduction – First Reading

Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Clarke		X	X			
Coallier	X		X			
Hartshorn Hilton			X			
Jones			X			
Schnall			X			
Zuckerman			X			

CERTIFICATION

I, Kevin D. Harris, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was introduced on first reading by the Board of Trustees at their special meeting held on Monday, December 30, 2019.

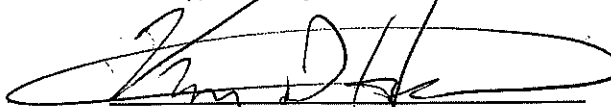

Kevin D. Harris
Village Clerk

Adoption – Second Reading

Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Clarke	X		X			
Coallier			X			
Hartshorn Hilton			X			
Jones			X			
Schnall		X	X			
Zuckerman			X			

CERTIFICATION

I, Kevin D. Harris, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was adopted on second reading by the Board of Trustees at their regular meeting held on Monday, January 27, 2020.



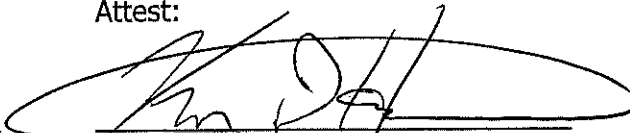
Kevin D. Harris
Village Clerk

Adopted:



Sheena C. Collum, Village President

Attest:



Kevin D. Harris, Village Clerk