

BOROUGH OF DEAL

ORDINANCE #1178

AN ORDINANCE AMENDING CHAPTER VII OF
"REVISED GENERAL ORDINANCES OF
THE BOROUGH OF DEAL, 1982"
General Licensing

THE BOARD OF COMMISSIONERS OF THE BOROUGH OF DEAL HEREBY
ORDAIN:

Section 1. That Chapter VII, General Licensing, of the "Revised General Ordinance of the Borough of Deal, 1982 be and it hereby is amended in the following particulars:

Section 2. Subsection 7-7 **Towing** is amended to read as follows:

7-7.4 Application

- A. All towing and storage contractors desiring to be included on the tow list shall file, on an annual basis, an application with the Police Department on a form approved by the Chief of Police or his designee. The annual application fee shall be \$200.00. By filing such application, the applicant agrees to the terms and conditions outlined in the application, including compliance with this chapter. Application for the initial tow list shall be submitted to the Chief of Police within 20 days of the date upon which this chapter is finally adopted. The revised tow list shall remain effective until December 31st, 2019. Thereafter, all applications must be completed and submitted to the Chief of Police by October 15th of each calendar year preceding the year the towing and storage operator desires to be included on the tow list. The tow shall be effective for a period of one year, commencing January 1st of each successive year. All towing and Storage operators desiring to be included on the basic tow list shall comply with all terms and conditions listed in this chapter. Failure to comply with this chapter shall result in immediate removal from the tow list.
- B. The application shall include the following information:
1. The full name and address of the operator and, if a corporation, the names and addresses of all officers and shareholders thereof. Only one corporation shall apply for any one given address
 2. The description, by make, model, license number, year, gross vehicle weight, vehicle identification number and color, of each tow/wrecker

3. The address of the authorized storage facility to which the towed vehicles will be taken and at which they will be stored
4. The names, addresses and copy of the drivers' licenses of all drivers of tow truck/wrecker
5. The address at which each tow truck/wrecker will be principally kept
6. The telephone numbers at which the Police Department may summon a tow truck/wrecker at any time, day or night
7. Copies of required insurance policies or certificates of insurance

7-7.9 Duty list

The Police Department shall establish and publish a call list for all eligible licensees for the purpose of towing services within the Borough of Deal. Each licensee deserving to be placed on the list shall agree to the terms and conditions as may be set and approved by the Chief of Police. The list shall be chosen at random and rotated on a as per call bases in order to be equal to all applicants. Any licensee shall be removed from the list upon:

- A. Written request from the licensee.
- B. Failure to comply with the terms and conditions as prescribed by the Chief of Police.
- C. Revocation of towing license.

7-7.14 Towing, Storage Charges and Conduct

Towing and storage contractors shall not charge fees for towing or storage more than those authorized by this chapter. Unless specified, the fee including waiting time, clean up, and mileage.

- A. Light-duty towing (vehicles up to and including 10,000 pounds)
 1. Basic towing service includes motor vehicle crashes, impounds, and disabled vehicles. Unless specified, the fee includes waiting time, clean up, and mileage.
 - a. Business hours: service 8:00am until 5:00 pm Monday through Friday: \$90.00
 - b. Non-Business Hours: 5:01 pm through 7:59am Monday through Friday: \$100
 - c. Weekend service: 5:01pm Friday through 7:59am Monday: \$110
 - d. Any federal or New Jersey State holiday 8:00am-7:59am the following morning: \$110
 - e. Recovery Charge (does not include tow charge): \$100 per hour
 - f. Storage Fee:

1. Outdoor storage: \$30 per day
2. Indoor storage: \$45 per day

g. Hazardous fluid clean-up fee: \$25

2. If a vehicle is towed from the scene of a call to a place other than the towing contractor's storage area at the request of the owner or authorized representative, a fee not exceeding \$4.00 per mile may be charged

B. Heavy-Duty Towing

1. Basic towing service includes motor vehicle crashes, impounds, and disabled vehicles. Unless specified, the fee includes waiting time, clean up, and mileage.
2. Remove axle; \$25 per
3. Remove drive shaft: \$35
4. Remove air scoop: \$45
5. Remove exhaust pipe: \$30
6. Cage brake chambers: \$25 per
7. Extra man, per hour, per man: \$50 (to be charged in thirty-minute increments.)
8. Hazardous fluid clean-up fee: \$25
9. If a vehicle is towed from the scene of a call to a place other than the towing contractor's storage area at the request of the owner or authorized representative, a fee not exceeding \$8.00 per mile may be charged

C. Storage: Storage includes vehicles taken to the contractor's yard as a result of a motor vehicle crash, impound, or disabled vehicle.

1. The Storage period starts at 12:01am on the day following the day the vehicle is placed into storage and ends at 12:00 midnight each day.
2. Vehicles released on the same day that the vehicle is placed into storage will not incur any storage fees

D. Receipt: The towing and storage contractor shall issue a receipt itemizing all charges as set forth in 7-7.14 of this chapter

E. Violations and penalties: Liability for operators who engage in a pattern and practices of knowingly violating fee limits. Operators who engage in removal of motor vehicles, or any employee, officer or agent thereof, who engage in a pattern or practice of knowing violation of the fee limits set herein may be liable to the municipality for civil penalty of not less than \$100 nor more than \$500 for each motor vehicle stored with the operator. Such penalties will be

collected in a summary manner in the Borough of Deal Municipal Court in accordance with the Penalty Enforcement Law of 1999. Editor's Note: See N.J.S.A 2A:58-10 Et Seq

F. Monthly Report: Will be completed on a form approved by the Police Department, must be filed by the 15th of each subsequent month with the Police Department, containing the following information:

1. Description of each vehicle towed pursuant to request by Police Department during the month for which the report was given.
2. Name and address of title owner of vehicle
3. Date vehicle was towed
4. Amount charged for tow
5. Amount charged for storage to date of report
6. Date vehicle was released
7. List of all vehicles towed pursuant to Police Department request which are unclaimed for over 30 days

G. Conduct of towing and storage operators:

1. The operator agrees that the owner(s) or officers of the company shall be responsible, except as otherwise provided by law, for the negligent acts of their employees while acting pursuant to this chapter.
2. Operator will ensure adequate available personnel to provide necessary Borough wreckers services on a twenty-four-hour basis seven days a week.
3. Employees of operator shall not claim to represent or employed by the Borough of Deal.
4. No operator or his operators shall pay any gratuity or tip to any third person not involved in the towing or removal of any vehicle for any information as to the location of any crash or soliciting the employment of the operator/operator's service.
5. No operator shall solicit, demand or receive from any person any commission or fee except the fees for transporting or servicing the vehicle to be towed, as established by this chapter.
6. No operator shall engage in the conduct of cruising for tows or service calls within the Borough.
7. Subcontracting of towing services is not permitted. Only Licensed operators employing approved operators and utilizing inspected and approved operator equipment will be permitted.
8. Switching or trading of rotation assignments by licensed operators shall not generally be permitted unless some exigent circumstances exist which necessitate same. Such circumstances shall be submitted in writing to the Chief of Police for approval prior to any such activity taking place.

Section 2. If any word, phrase, clause, section or provision of this ordinance shall be found by any court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section or provision shall be severable from the balance of this ordinance and the remainder of the ordinance shall remain in full force and effect.

Section 3. This Ordinance shall become effective immediately upon its final passage and publication as required by law.

Introduced by Commissioner Simhon on November 9, 2018

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon

Motion to Adopt by Commissioner Simhon on December 12, 2018

Seconded by Commissioner Ades

Roll Call: Ayes 3; Cohen, Ades & Simhon