

APPROVED

10-2-24
Kurt M. M...
MAYOR

**TOWNSHIP OF FLORENCE
ORDINANCE 2024-13**

**AN ORDINANCE OF THE TOWNSHIP OF FLORENCE
REPEALING AND REPLACING CHAPTER 130
OF THE FLORENCE TOWNSHIP CODE ENTITLED
“TOWING AND STORAGE OF MOTOR VEHICLES”**

WHEREAS, the Township Council wishes to ensure that current local regulations are in place to effectuate the safe and effective towing and storage of vehicles when towing services are directed by the Florence Township Police Department; and

WHEREAS, the Florence Township Police Department and Administrative staff have recommended a host of changes to Chapter 130 of the Township Code in order to comply with current best practices across the State and in the towing industry in general; and

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Florence that:

Section 1.

Chapter 130 of the Code of the Township of Florence is hereby repealed in its entirety and replaced as follows:

130-1. Purpose and scope.

The Florence Township Police Department is committed to providing the best possible service for motorists who travel the roadways of Florence Township. In keeping with this commitment, the Township of Florence recognizes that qualified and professional towing operators (herein known as vendors) are needed to provide safe and efficient services for motorists who experience vehicle problems.

A. The purpose of this chapter is:

1. To establish a requirement and procedure for the licensing of individuals and entities providing towing and storage services for, or on behalf of the Florence Township Police Department;
2. To establish, in the interest of public safety, a uniform policy for the towing and storage of motor vehicles towed and stored at the request of the Florence Township Police Department;
3. To establish uniform fees for towing and storage services.

B. This chapter shall apply to all motor vehicle towing and storage operations performed at the request of the Florence Township Police Department.

130-2. Definitions.

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

AUTOMOBILE

A private passenger automobile of a private passenger or station wagon type that is owned or hired 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 or panel truck or a camper-type vehicle used for recreational purposes, owned by an individual or by a husband and wife who are residents of the same household, not customarily used in an occupation, profession or business of the insured other than farming or ranching.

BASIC TOWING SERVICE

Towing as defined in this section and other ancillary services as may be specified by the Director by regulation, which are components of a routine tow.

CONSUMER

A natural person.

DECOUPLING FEE

A charge by a towing company for releasing a motor vehicle to its owner or operator when the vehicle has been, or is about to be, hooked or lifted by a tow truck, but prior to the vehicle actually having been moved or removed from the property.

DIRECTOR

The Director of the Division of Consumers Affairs.

DIVISION

The Division of Consumer Affairs in the Department of Law and Public Safety.

INSIDE BUILDING

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

MOTOR VEHICLE

Includes all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks and motorized bicycles, motorized scooters, motorized wheelchairs and motorized skateboards. "Motor vehicle" includes commercial motor vehicles as defined in N.J.S.A. 39:1-1.

NONCONSENSUAL TOWING

The towing of a motor vehicle without the consent of the owner or operator of the vehicle, regardless of the reason for the tow.

OUTSIDE SECURED

An automobile storage facility that is not indoors and is secured by a fence, wall or other man-made barrier that is at least six feet high and is installed with a passive alarm system or a similar on-site security measure. The facility is to be lighted from dusk to dawn.

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.

PERSON

An individual, a sole proprietorship, partnership, corporation, limited liability company or any other business entity.

PRIVATE PROPERTY OWNER

The owner or lessee of private property, or an agent of such owner or lessee, but shall not include a private property towing company acting as an agent of such owner or lessee.

PRIVATE PROPERTY TOWING

The nonconsensual towing from private property or from a storage facility by a motor vehicle of a consumer's motor vehicle that is parked illegally, parked during a time at which such parking is not permitted, or otherwise parked without authorization, or the immobilization of or preparation for moving or removing of such motor vehicle, for which a services charge is made, either directly or indirectly. This term shall not include the towing of a motor vehicle that has been abandoned on private property in violation of Section 1 of P.L. 1967, c. 305 (N.J.S.A. 39:4-56.5), provided that the abandoned vehicle is reported to the appropriate law enforcement agency prior to removal and the vehicle is removed in accordance with Section 1 of P.L. 1973, c. 137 (N.J.S.A. 39:4-56.6).

PRIVATE PROPERTY TOWING COMPANY

A person offering or performing private property towing services.

STORAGE CHARGES PER TWENTY-FOUR-HOUR PERIOD

The maximum allowable amount to be charged by a storage facility for a twenty-four-hour period or fraction thereof. A new twenty-four-hour period begins at 12:01 a.m.

STORAGE FACILITY

The location where a business under this chapter shall store any vehicle towed by such licensee.

TOWING

The moving or removing from public or private property or from a storage facility by a motor vehicle of a consumer's motor vehicle that is damaged as a result of an accident or otherwise disabled, is recovered after being stolen, or is parked illegally or otherwise without authorization, parked during a time at which such parking is not permitted, or otherwise parked without authorization, or the immobilization of or preparation for moving or removing of such

motor vehicle, for which a services charge is made, either directly or indirectly. Dues or other charges of clubs or associations which provide towing services to club or association members shall not be considered a service charge for purposes of definition.

TOWING BUSINESS

A commercial enterprise engaged in the business of providing basic towing service.

TOW VEHICLE

Only those vehicles equipped with boom or booms, winches, slings, tilt beds, wheel lifts or under-reach equipment specifically designed by its manufacturer for the removal or transport of private passenger automobiles.

TOW VEHICLE'S BASE OF SERVICE

The towing operator's principal place of business where the tow vehicle is stationed when not in use.

VEHICLE

Any device in, upon, or by which a person or property is or may be transported upon a highway.

130-3. License Required.

No person shall engage in the business of towing or storing motor vehicles at the direction of the Florence Township Police Department without first obtaining a tow operator's license therefor. Nothing herein shall require licensing for the rendering of road service or for the provision of towing and storage services within the Township other than at the request of the Township Police Department.

130-4. Application for license.

A. Applicants for a license under this chapter shall file with the Township Clerk a sworn application on a form to be furnished by the Clerk, which shall include the following information and certification:

- (1) The full name and address of the applicant. If the application is made for a corporation, it shall state the names and addresses of the officers and directors thereof, its registered agent, and the names and residential addresses of every stockholder owning more than ten percent of the issued stock.
- (2) The year, make and type of each tow vehicle used in said business, its serial number, registration number and registered owner.
- (3) The address where the tow vehicle or vehicles shall be regularly garaged, the telephone number or numbers and the hours during which service is available at those numbers, and the name, address, and telephone number of an emergency contact for the applicant. In addition, the operator shall maintain, available for inspection by the Township, a list of active drivers containing their names,

addresses, New Jersey Driver's License number and Commercial Driver's License number (if applicable).

- (4) The location, size and security features of the storage lot or space in which towed vehicles will be stored, including the number of spaces available. The storage lot shall be designated as either "inside secured storage," "outside secured storage," or "mixed inside and outside secured storage." These terms are defined as follows:
 - (a) Inside secured storage: A vehicle storage facility that is completely indoors, having one or more openings in the walls for storage and removal of vehicles, that is secured by a sturdy locking device, and is locked and secure except when open for transport of vehicles in the presence of the tow vehicle operator, suitable for twenty-four-hour, seven-day-per-week storage.
 - (b) Outside secured storage: A vehicle storage facility that is not indoors and is secured by a fence, walls or other manmade barrier that is at least six feet high, having one or more gates or openings that is secured by a sturdy locking device, and is locked and secure except when open for the transport of vehicles in the presence of the tow vehicle operator, suitable for twenty-four-hour, seven-day-per-week storage. The facility is to be lighted from dusk to dawn so that all vehicles may be plainly visible.
 - (c) Mixed inside and outside secured storage: A vehicle storage facility having both inside secured storage and outside secured storage as herein defined.
- (5) The name and address of the insurance carriers, and the policy numbers of all insurance policies as required by Section 130-10 of this chapter.
- (6) A copy of the operator's current fee schedule for towing and storage services, separately listing towing and storage fees for automobiles and other motor vehicles.
- (7) A certification that on-call towing and storage services will be available 24 hours per day, every day of the year.
- (8) A certification that the fees and procedures required by this chapter will be paid and followed at all times.
- (9) A statement that the Chief of Police or his designee may at any reasonable time conduct an inspection of the tow vehicles or storage facility of any applicant or licensee for the purpose of determining compliance with this chapter.
- (10) A certification that neither the applicant nor any tow vehicle operator shall have any criminal convictions for crimes involving fraud, dishonesty, or moral turpitude, or prior motor vehicle infractions related to the towing, licensing,

repairing, registration, or titling of motor vehicles or motor vehicle towing operations which might adversely affect public safety or welfare.

- (11) An agreement to abide by and accept the terms and conditions of this chapter and the rules and policies adopted pursuant to this chapter.
- (12) Satisfactory proof that any and all applicable business and or trade licenses have been obtained.
- (13) A statement of hours during which the facility is open and available for the retrieval of vehicles or the transaction of business by members of the public. The hours of business shall be not less than six hours per day weekdays and at least four hours on Saturday.
- (14) Such other information as the Township Administrator or Chief of Police may reasonably prescribe.
- (15) The applicant shall have a minimum of three years of towing-for-hire experience,
either as an owner or principal. Verification of the required minimum experience shall be made by the Chief of Police, or designee.
- (16) All applicants and/or agents must submit to a criminal history check in compliance with the NJSP Criminal Information Unit, State Bureau of Identification (SBI form 212B). The applicant or agent shall not have received a criminal conviction within the last seven years for any indictable offense or any offense involving stolen or embezzled vehicles, fraud relating to the towing business, stolen property, or any other offense of similar nature.
- (17) Each storage facility (principal or otherwise), shall post in a clearly visible manner, contact information and hours of operation for vehicle release. If vendor staff is not on location during normal business hours, a contact number shall be provided for proper response by the vendor.
- (18) The method of towing, transporting, or recovering a vehicle pursuant to this agreement shall be performed consistent with the applicable manufacturer's ratings, including but not limited to the following:
 - 1. Chassis gross vehicle weight rating
 - 2. Chassis combined gross vehicle weight rating
 - 3. Boom capacity rating
 - 4. Winching capacity rating
- (19) The vendor shall represent that its trucks and equipment are safe, properly equipped, sound mechanically, and suitable for intended use (N.J.S.A. 39:3-1 et seq. and 49 CFR 393).

- (20) It is the responsibility of the vendor to recover all charges for vehicle towing and recovery operations from the vehicle owner or the owner's insurance carrier. The Township of Florence shall not be responsible for collecting any fees that are owed to the vendor.
- (21) It is the responsibility of the vendor to remove all debris and cargo from the incident scene directly or with the use of a subcontractor.
- (22) Vendors shall be familiar with the "State of New Jersey Highway Incident Guidelines for Emergency," (available at <http://www.njsp.org/info/pdf/hwincsafeprocedures.pdf>) and are encouraged to attend incident management meetings held by NJDOT and NJSP to remain current on updated response procedures.
- (23) Vendors shall be familiar with the rules and regulations of the Predatory Towing Prevention Act (N.J.S.A. 56:13-1, et seq, www.njconsumeraffairs.gov/Statutes/Predatory-Towing-Prevention-Act.pdf) and be aware that any violations of these requirements shall result in an immediate suspension from the towing list.
- (24) Vendors with multiple locations must meet minimum equipment/facility requirements at each location and must submit a separate application for each.

B. All applications for tow operator's licenses shall be accompanied by a fee of \$250.00 to cover the Township's costs in processing the application. The fee of \$250.00 shall be a yearly fee which is due to the Township of Florence. All fees are nonrefundable whether or not the license is denied or revoked for any reason.

C. All licenses are subject to annual review and renewal as set forth in Section 130-6(b).

130-5. Application review; performance standards.

A. The Township Clerk shall forward all complete applications to the Chief of Police, who shall conduct or cause to be conducted such investigation as he deems necessary to determine the truth and accuracy of the information contained in the application and whether the applicant meets the following minimum performance standards:

- (1) The applicant has the ability to respond to the scene in response to a request for basic towing service within 15 minutes after notification. *Response time shall take into account environmental factors, traffic volume and any other circumstances, as applicable.*
- (2) The applicant can provide on-call towing services 24 hours per day, every day of the year.

- (3) The tow trucks and equipment are in safe and sound condition and in compliance with all applicable laws, rules and regulations, capable of transporting disabled vehicles safely and without damage. All applicants must meet minimum standards of operator performance, including but not limited to standards concerning the adequacy of the applicant's equipment and storage facilities and availability.
- (4) The applicant owns or has a valid lease to a storage facility within 5 driving miles of the Township, in an area legally zoned for such use, and such storage facility shall have a minimum of 10 spaces for passenger automobiles and will be either an inside secured storage, outside secured storage, or mixed inside and outside secured storage facility as defined in § 130-4A(4) above for storage of all vehicles towed or impounded.
- (5) The tow operator shall prominently display his license as set forth in Section 130-6.C.
- (6) The applicant is in compliance with and/or has the ability to comply with all other requirements and standards set forth herein.

B. In addition to the minimum standards of performance referred to in the preceding paragraph, all applicants are subject to disqualification if found deficient in any one of the following areas:

- (1) Provided false or inaccurate information on the application form.
- (2) Lacks experience and/or does not have good references from prior customers of the applicant's towing and storage services.
- (3) Fails to maintain the facilities, information, or status, to qualify as a tow operator as set forth in Section 130-4 for licensing.
- (4) Provision of inadequate or insufficient service as set forth in § 130-8A(3).

C. The Chief of Police shall make his recommendation on the application to the Township Clerk within 60 days of receipt by him. The Township Clerk shall make the final decision regarding all new and/or renewal applications for towing. If the application is disapproved, the reasons therefor shall be set forth in writing. The Township Clerk shall notify the applicant in writing that the application has been granted or denied. If the application is denied, the reasons for such denial shall be set forth in the notice, along with the applicant's right to appeal the denial to Township Council pursuant to Section 130-9.

130-6. Issuance of license; fee; renewal; display; transferability.

A. A tow operator's license shall be issued by the Township Clerk to an approved applicant upon provision of insurance certification pursuant to Section 130-10. The Township Clerk

shall send a copy of the license to the Police Department for filing and shall keep a permanent record of all licenses issued.

- B. All licenses issued under this chapter shall expire at the end of the calendar year in which issued. Applications for renewal, certifying any changes to the original application or certifying no change, shall be filed with the Clerk at least 30 days before expiration, on forms provided by the Clerk. Renewal applications will be forwarded to the Chief of Police for review and any necessary investigation in accordance with the procedures and standards set forth in Section 130-5. Results of the Chief of Police's investigation shall be forwarded to the Township Clerk for the Clerk's consideration when reviewing an application. If approved, a renewal license shall be issued upon payment of the license fee and provision of required insurance certifications.
- C. All licenses issued under this chapter, or certified copies thereof, shall be displayed prominently on all tow vehicles and at the tow operator's principal place of business.
- D. All licenses issued under this chapter are nontransferable.

130-7. License approval; grounds for rejection.

- A. Following review, the Chief of Police shall issue a written report to the Township Clerk detailing and recommending approval or rejection of the applicant based on the criteria set forth in this chapter.
- B. Upon consideration of the report issued by the Chief of Police, the Township Council shall award licenses to qualified applicants by resolution.
- C. Applications for towing licenses may be rejected on any or all of the following grounds:
 - (1) Failure to meet or exceed any of the eligibility criteria set forth in any of the provisions of Chapter 130.
 - (2) Repeated or egregious violations of the requirements of this chapter during previous service as a licensed tower for the Township of Florence.
 - (3) Repeated complaints from the general public, substantiated and documented by the Police Department, of inadequate or unsatisfactory service or improper or illegal practices during previous service as a licensed tower for the Township of Florence.
 - (4) Fraudulent or illegal activity of any kind.
- D. Rejected applicants may appeal in accordance with the procedures set forth in Section 130-9.

130-8. Revocation and suspension.

- A. Licenses issued under this chapter may be suspended or revoked by the Township Clerk after reasonable notice and opportunity for a hearing pursuant to Section 130-9 for any of the following reasons:
- (1) False or materially inaccurate information in the application, or a change of circumstances which would have caused disapproval of the application if existing at the time of approval.
 - (2) Failure to comply with any of the requirements of this chapter, any additional regulations promulgated by the Township Council, or any state, federal or local law relating to motor vehicle operation or storage.
 - (3) Unsatisfactory service which jeopardizes public safety. By way of example and not of limitation, more than three unexcused failures to respond and/or valid complaints (as determined by the Chief of Police after investigation) within a twelve-month period shall be considered prima facie grounds for suspension and/or revocation.
 - (4) Response to a tow situation without being called pursuant to the rules established by and under this chapter unless a direct call is made to the tow operator by the vehicle owner or operator. In lieu of revocation, the Clerk may drop the offending operator to the bottom of the on-call list for a first offense under this provision.
- B. Notice of suspension and/or revocation shall be in writing and shall include the reasons therefore and notice of the licensee's right to appeal to Township Council pursuant to Section 130-9.
- C. License fees shall in all cases be nonrefundable regardless of revocation or suspension of the license.

130-9. Appeals.

- A. Any person aggrieved by the action of the Township Clerk in the denial of an application for a license, or in revocation thereof, or in the suspension from the Township's on-call towing list, may appeal to the Township Council by filing with the Clerk, within 10 business days after notice of the action complained of has been mailed to such person's last known address, a written request for a hearing, setting forth fully the grounds for the appeal. The Council will set a time and place for a hearing on such appeal, and notice shall be served on or mailed to the applicant or licensee at least five days prior to the hearing. The Council's determination shall be made by resolution and shall become effective immediately, unless otherwise set forth in writing in the resolution.
- B. The Township Council may, for good cause shown and in its sole discretion, stay a suspension or revocation by the Clerk pending the holding of a hearing pursuant to this section.

130-10. Insurance requirements.

- A. Towers must present a certificate of insurance from an insurer authorized to provide insurance in the State of New Jersey and with an A.M. Best rate of A-/VI or better evidencing the following coverage. All shall be maintained throughout the license term:
- (1) Motor vehicle liability insurance: Minimum limit of \$1,000,000 per accident combined single limit for bodily injury and property damage. Coverage shall include all owned, non-owned and hired vehicles.
 - (2) Garage liability insurance: Minimum limit of \$1,000,000 per accident combined single limit for bodily injury and property damage.
 - (3) The following shall be included as additional insured on the policies for the above stated coverage: Township of Florence, including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and their board members, employees and volunteers.
 - (4) Coverage stated above are to be primary to the additional insured, and shall not be contributing with another insurance or similar policy available to the additional insured whether other available insurance be primary, contributing or excess.
 - (5) Workers' compensation insurance: New Jersey statutory limit under Part A and coverage shall also include employer's liability (Part B) with a minimum limit of \$1,000,000 per accident.
 - (6) Garage keepers' insurance: Minimum limit of \$500,000 per location. Coverage may be written on legal liability basis.
 - (7) On hook towing coverage: Minimum limit of \$100,000 per vehicle. In the alternative, the tower may obtain a single limits policy in the amount of \$1,000,000 that provides on hook coverage or may provide a garage keeper's policy in the amount of \$1,000,000 that includes on hook coverage and will conform with the requirements of this section and
 - (8) The vendor is responsible for advising the Township, at least 30 days, prior to any cancellation, nonrenewal or material change in any of the above stated coverage.
 - (9) All licensees shall be required to execute a hold harmless and indemnification agreement as to the Township of Florence, and its officers, agents and employees.
 - (10) Endorsements incorporating the indemnification provision set forth in Section 130-10.B;

- (11) Endorsement naming the Township as an additional insured in all insurance policies (except workers' compensation policies) for licensees on the Township's on-call towing list.
- B. All licensees shall hold harmless and indemnify the Township, its officers, employees and agents, from any and all liability claims, losses or damage arising or alleged to arise from the performance of the towing services requested of or rendered by the licensee. The Township shall be named as an additional insured on the tow operators liability policies as set forth in 130-10.A above.
- C. All insurance policies shall be written by insurance companies acceptable to the Township and authorized to do business in the State of New Jersey with a best rating of not less than AAA.
- D. No license shall be issued or renewed until the applicant has filed with the Township Clerk certificates of insurance evidencing the insurance coverage and endorsements required in Section 130-10.A. All certificates must provide for 30 days' prior written notice to the Township of policy cancellation or material change.
- E. Any license issued under this chapter will be automatically revoked upon expiration or cancellation of the required insurance, or material change in coverage which renders that coverage not in compliance with the requirements of Section 130-10.A.

130.11. On-call towing list.

- A. The Chief of Police shall maintain a list of those tow operators licensed by the Township to respond to calls from the Township Police Department. In order to be included on the on-call towing list, an applicant must meet all of the requirements of this chapter and shall enter into an agreement with the Township for a term of one year, said agreement to be prepared by the Township Attorney.
- B. Calls to tow operators on the on-call list shall be made on a nondiscriminatory rotating basis, pursuant to procedures established by the Chief of Police. Nothing herein shall prohibit the Chief of Police or his designee from calling a tow operator out of sequence or seeking the services of a tow operator not on the on-call list if the circumstances require specialized equipment or if the interests of public safety so require. If the tow operator selected does not respond to the scene within the 15 minutes after notification, the Chief of Police or his designee shall be permitted to summon the next available tow operator. *Response time shall take into account environmental factors, traffic volume and any other circumstances, as applicable.* When any unusual situation occurs which may be dangerous to the safety of the public, such as a spill of toxic material or other dangerous cargo, the Township Police Department may select any qualified tow operator.
- C. The fees to be charged for the towing and storage services of automobiles shall be as set forth in Section 130-18. The Township shall not be liable for the cost of any towing and/or

storage services unless those services are performed on a municipal vehicle. This means, by way of example and not limitation, if a tow operator is called to provide a service and the owner is able to get his/her vehicle started and operating in the interim, then neither the Township nor the owner shall be responsible for the tow operator's costs. Further, the tow operator will not lose his position on the towing list.

- D. Inclusion on the on-call towing list shall be automatically revoked upon expiration or revocation of the tow operator's license. The Township Council may also suspend a licensed tow operator's inclusion on the on-call towing list for such period of time as they consider appropriate for violations of this chapter, after a hearing on such violations. Suspensions may be appealed pursuant to the procedures set forth in Section 130-9.
- E. Nothing in this section shall prohibit a motorist or motor vehicle owner from summoning a tow operator of his or her own choosing, except that any Township police officer at the scene of an incident requiring towing services shall be responsible for making the final determination as to when towing shall take place and which tow operator shall be called

130-12. General Operation

The vendor shall:

- A. Be available 24 hours a day, seven days a week, including holidays.
- B. Not use answering machines or beepers to receive calls from a Burlington County Central Communications dispatcher.
- C. Be subject to penalty when using answering service to handle calls.
- D. Accept at least two major credit cards.
- E. Not remove any vehicle from a highway without proper authorization (i.e. no soliciting of tows without being dispatched by a BCCC dispatcher).
- F. Be responsible for clearing the roadway of debris, with the exception of hazardous materials.

NOTE

Hazardous materials may be defined as any dangerous or unknown substance which the vendor has not been properly trained or licensed to dispose.

- G. Notify the BCCC dispatcher when they are unable to:
 - 1. Respond to a call or meet the response time requirement,
 - 2. Meet the time response requirements of a previously accepted call.
- H. Not assign calls to other tow companies that are not on the Florence Township Police Tow List.
- I. Tow the patron's vehicle to the vendor's storage lot when the patron does not have funds available for payment and hold same until payment arraignments have been made.
- J. Cooperate and communicate with the Florence Township Police and other emergency service personnel at incident scenes.

- K. Post a copy of their approved service rates in a conspicuous manner within the tow facility or provide a copy upon request.
- L. Be available to surrender property from towed vehicles during normal business hours Monday through Friday (9:00 A.M. to 5:00 P.M.) and on Saturday from 9:00 A.M. to 12:00 noon, excluding legal holidays.
- M. Ensure all drivers or operators possess a valid New Jersey driver's license or driver's license from a state contiguous to New Jersey with the appropriate class and endorsement(s) for the vehicle being operated.

NOTE:

Drivers may be subject to random inspection and confirmation of license validity while on the scene of a call for towing.

- N. Ensure that recovery supervisors identify themselves to Florence Township Police Department personnel at all recovery scenes prior to taking action.
- O. Ensure the duty wrecker only takes vehicles that were involved in the crash. No wrecker service or client relationships will be honored at crash or recovery scenes.
- P. Ensure drivers wear approved Class II traffic safety vests when on scene.
- Q. Provide their business information, at the time of the tow, to the driver and/or passenger(s).
- R. Advise members of the public with complaints regarding their services rendered pursuant to this chapter or maintain a detailed list of all complaints received for inspection by the Township which shall include, at least, the name and address of the complaining party; the date, time, and place of the tow; the nature of the complaint, and the disposition of the complaint.

130-13. Duties and responsibilities of licensed towers; rules and regulations; standards of conduct.

All towers licensed pursuant to this chapter shall operate in accordance with the following rules, regulations, and standards of conduct throughout the license term:

- A. Towing operators and employees shall be fully trained and knowledgeable in the operation of all required equipment.
- B. Towing operators shall remain in compliance with the eligibility requirements set forth in any of the provisions in Chapter 130.
- C. Towing operators must provide service on a twenty-four-hour, seven-day-per-week basis during their rotation, without exception.

- D. Towing operators shall immediately notify the Chief of Police or the Chief's designee of the hiring or termination of tow operator.
- E. Towing operators shall immediately notify the Chief of Police or the Chief's designee of any employee convicted of a criminal offense or whose drivers' license is suspended.
- F. All facilities and sites used for towing operations and storage, wherever located, shall be in continuous compliance with all applicable municipal zoning regulations, land use approvals, construction permits, and property maintenance codes.
- G. No towing operator shall solicit or attempt to divert patrons of another towing operator whether or not licensed under this section. Also, no towing operator shall solicit or divert prospective patrons of a given repair service to any other repair service.
- H. Each towing operator, prior to departure from the scene of towing services, shall remove from the roadway any crash related debris resulting from any crash at such scene and shall at all times carry the necessary equipment to perform such cleaning services. No debris shall be permitted to be placed in the towed vehicle.
- I. No towing operator, licensed under this chapter or otherwise, shall respond to the scene of an accident except upon the request of the driver or owner of the vehicles involved or except upon notification by the channel of communication established by the Police Department to notify licensed towing operators of the necessity of their presence.
- J. Refusal to tow during the tow rotation shall be reported by the police officer assigned to the incident to his superior and may be subject to review by the Chief of Police.
- K. Towing operators shall arrive at the scene to which dispatched within 15 minutes after being dispatched. Under normal circumstances, such reasonable time limit is defined as within 15 minutes. *Response time shall take into account environmental factors, traffic volume and any other circumstances, as applicable.*
- L. Where vehicles are towed to premises controlled by the Police Department for the purpose of utilizing the vehicle or its contents as evidence or for other purposes, such vehicle shall not be released from police custody unless the owner of the vehicle furnishes the Police Department with a receipt that towing service fees have been paid. In all cases where cars are to be towed for illegal parking, summonses for such offenses shall be issued prior to towing.
- M. The towed vehicle shall be released to the tow company that originally provided the tow and the tow company shall not refuse pick up.
- N. A list of all fees charged to the general public shall be posted in a conspicuous place inside the towing company's office, and no other fees shall be charged.
- O. Such additional rules and regulations as may be promulgated by the Township Council pursuant to ordinance shall take effect after notification of such rules and regulations upon all the holders of licenses for towing operators. Service shall be made by forwarding these rules and regulations by certified mail, return receipt requested, to the licensee at the address listed in his or her most recent application.

130-14. Personal property.

- A. Personal items or property not part of or permanently attached to the vehicle in storage may be removed by the vehicle owner with a police release.

B. Vehicles impounded as part of a police investigation may not be entered without the investigating officer's approval.

130-15. Abandoned/Unclaimed Vehicle Responsibility.

Vendor must maintain individual written records for impounded and abandoned towed vehicles. These records will indicate full vehicle information, odometer reading, date and time towed and released. These records will be forwarded monthly to the Florence Township Police Department. Impounded vehicles will not be released without written Florence Township Police Department authorization.

A. Abandoned Vehicles:

Vehicles under this section shall be processed for titles by the Florence Township Police Department in accordance with N.J.S.A. 39:10a-1.

1. The Florence Township Police Department shall be responsible for providing the vendor with the name and address of the vehicle owner and lien holder of all abandoned vehicles towed. This shall be provided within seven days of it being towed.
2. Both the vendor and the Florence Township Police Department shall notify the owner and lien holder by regular and certified mail of the following:
 - a. Cost imposed for towing and storage of the vehicle
 - b. Provide instructions for recovering the vehicle
3. Failure by the vendor to provide the appropriate notification within 30 days of receiving the owner or lien holder information may limit the storage fee to \$750.00 as outlined in 39:10A-1.

B. Unclaimed Vehicles:

1. Impounded vehicles which remain unclaimed for 15 days after the owner has been notified by the Florence Township Police Department that it is authorized for release will be processed by the Florence Township Police Department as an abandoned vehicle.
2. Vehicles towed as a result of a crash or any other vehicle towed on behalf of the Florence Township Police Department which remains unclaimed for 30 days after being available for release, will be considered abandoned on private property.

NOTE : The NJMVC procedures for vehicles abandoned on private

property can be found on the New Jersey Motor Vehicle Commission (NJMVC) website at:

http://www.state.nj.us/mvcbiz/Abandoned/Abandoned_vehicles.htm

130-16. Inspections.

- A. Applicant shall submit to periodic inspection of storage facility and vehicles by the Florence Township Police Department members.
- B. Vendors may be subject to inspection at any time.
- C. Subcontractors utilized by approved vendors shall also be required to submit to inspections as required.
- D. Inspections shall include records of tows, employees, and proof of insurance.

130-17. Driver Requirements.

- A. All employees having contact with a vehicle towed by the Florence Township Police Department or the vehicle owner must submit to a criminal history check in compliance with the NJSP Criminal Information Unit, State Bureau of Identification (SBI form 212B). The driver shall not have received a criminal conviction within the last seven years for any indictable offense or any offense involving stolen or embezzled vehicles, fraud relating to the towing business, stolen property, or any other offense of similar nature.
- B. Vendors are responsible for verifying their drivers have a valid driver's license. New Jersey information can be obtained by completing a NJMVC Driver History Abstract Request Form (DO-21). The form can be obtained by contacting the Motor Vehicle Commission at (609) 292-6100.
- C. Vendors shall notify the Chief of Police, or designee, via the email address provided, concerning any changes in employee status, including additions and deletions. Immediate notification is mandatory whenever there is a deletion or addition of CDL Class A driver.
- D. Drivers shall behave in a professional manner.
- F. Each heavy-duty driver must possess a Commercial Driver's License (CDL) and also comply with Title 49 CFR, subpart 391.51.
- G. Each recovery supervisor must have received training in an industry recognized recovery course.

NOTE: Although all personnel on the recovery scene do not need recovery training, each recovery supervisor must meet the listed requirements.

- H. All certifications will be verified and maintained by the vendor and subject to review during the course of any inspection.

130-18. Fees

- A. Rates. Unless expressly modified in Chapter 2 of the Code of the Township of Florence, the Township adopts as its municipal fee schedule the rate schedule authorized and adopted by the New Jersey State Police. The New Jersey State Police maintains a website link on the agencies official website which leads to the most recent fee schedule. A licensee shall not charge a fee in excess of the published rates approved by the New Jersey State Police in effect at the time of the towing service. A copy of the rate schedule shall be available in the Township Clerk's Office.

- B. No licensee shall charge a fee for basic towing services or storage in excess of the fees set forth herein.
- C. Every operator of a towing service shall give the owner of each vehicle towed a written estimate of cost and a written receipt when paid.

Section 2.

If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

Section 3.

All ordinances or parts of ordinances of the Township of Florence heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4.

This ordinance shall take effect immediately upon final passage. Notice of adoption shall be published as provided by law.



FRANK BALDOROSS
Council President



NANCY L. ERLSTON, RMC
Township Clerk

**NOTICE
FLORENCE TOWNSHIP**

ORDINANCE 2024-13

**AN ORDINANCE OF THE TOWNSHIP OF FLORENCE
REPEALING AND REPLACING CHAPTER 130
OF THE FLORENCE TOWNSHIP CODE ENTITLED
“TOWING AND STORAGE OF MOTOR VEHICLES”**

Take Notice that the Ordinance identified above repealing and replacing Chapter 130 of the Florence Township Code Entitled “Towing and Storage of Motor Vehicles” has received final adoption by the Township Council and was approved by the Mayor of the Township of Florence, County of Burlington, State of New Jersey, following a public hearing held on October 2, 2024 at 7:00 PM in the Municipal Complex, Council Chambers, 711 Broad Street, Florence, New Jersey.

Copies of the full Ordinance are on file with the Township Clerk of the Township of Florence in the Municipal Complex. The ordinance is posted on the township’s website www.florence-nj.gov

Nancy L. Erlston, RMC
Township Clerk

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| Ordinance No.. | <u>2024-13</u> |
| Advertised in Burlington County Times on: | <u>OCTOBER 6, 2024</u> |
| Effective Date: | <u>OCTOBER 26, 2024</u> |
| | <u>NLC</u> Initials |