

**AN ORDINANCE AMENDING CHAPTER 5, SECTIONS 32.1, 32.3, 32.7, 32.8, 32.9,
32.10, 32.11, and 32.12 OF THE REVISED GENERAL ORDINANCES OF THE
TOWNSHIP OF WEST ORANGE
(Police-Requested Towing and Storage Services)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 5 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to revised the municipal code provision governing the towing of vehicles within the Township of West Orange by licensed tow companies to provide additional details regarding the prohibition from charging fees for towing or impounding vehicles as part of criminal investigations.

II. CHAPTER 5, SECTION 32.11 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

5-32.11 Towing and Storage Charges.

- a. The maximum rate for towing and storage of vehicles pursuant to this section shall be as follows:

<i>Type of Service</i>	<i>Amount</i>
All passenger automobiles, motor vehicles and similar vehicles	\$110.00.
Medium-duty trucks, campers, and similar vehicles weighing more than 8,000 lbs. and less than 15,000 lbs.	\$210.00 per hour with a one (1) hour minimum.
Heavy-duty trucks, tractor-trailers, campers, and similar devices with dual wheels with a gross variable weight over 15,000 lbs.	\$325.00 per hour with a one (1) hour minimum.
Road service including jumpstarts, tire changes and related services	\$85.00
Recovery/winching for cars	\$95.00
Rollover of cars	\$125.00.
Heavy duty recovery services	\$650.00 per hour with a one (1) hour minimum.

Waiting time for each hour or part thereof

\$50.00 per hour.

Normal cleanup provided in subsection 5-32.10k. herein \$55.00

Storage charges (outside) \$40.00 per day.

Storage charges (inside) \$50.00 per day.

Outside storage for trucks, tractor-trailers, and campers \$75.00 per day.

Inside storage for trucks, trailers, campers \$105.00 per day.

Administrative fee which may be charged to a third party (non-owner) (i) for physical visits to a stored vehicle; or (ii) requests requiring an inordinate amount of clerical time. Documentation of such clerical time must be available upon request. This fee may be charged each time access is sought to the vehicle. Any owner shall be permitted access to the vehicle on one (1) occasion at no charge \$45.00

Yard fee \$45.00

b. *Reserved.*

c. *Reserved.*

d. An administrative fee of twenty (\$20.00) dollars shall be paid to the Township for each vehicle towed by the licensee in accordance with this section. This fee is to be paid by the licensee on a monthly basis upon the filing of monthly reports in form satisfactory to the Township's Chief Financial Officer. All reports and payments must be received by the fifteenth of the next month.

e. The Township and its Police shall not be liable to a licensee with respect to service rendered to any owner pursuant to the licensee or otherwise. The licensee shall look only to the owner of such vehicle for payment of service charges or any other compensation.

- f. Any vehicle towed will only be released upon presentation of a duly authorized and executed release from the Police Department authorizing such release.
- g. Licensee shall not charge a storage or towing fee when it tows a vehicle registered to a resident of the Township designated to be impounded or stored as part of a criminal investigation by the West Orange Police Department or other law enforcement agency operating within the Township of West Orange, except that this provision shall not prevent Licensee from seeking restitution including storage or towing fees in a criminal prosecution resulting from the criminal investigation.
- h. Licensee shall not charge a storage or towing fee for the transport or storage of any vehicle owned by the Township being transported or stored en route to a designated automobile repair facility.
- i. Licensee shall not charge a storage or tow fee when a vehicle is towed or impounded in error, whether by error on the part of Licensee or by error on the part of the West Orange Police Department in misidentifying a vehicle for towing or impounding. Licensee shall refund to the owner of the vehicle any storage or tow fee already paid for a vehicle towed or stored in error.
- j. All fees charged pursuant to this ordinance shall be due and payable prior to the tow operator being required to return the vehicle to the owner or other person authorized by the owner to obtain possession of the towed vehicle.

III. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

IV. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

V. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

Karen J. Carnevale, R.M.C., Municipal Clerk

Robert D. Parisi, Mayor

Susan McCartney, Council President

Introduced: May 22, 2018

Adopted: June 12, 2018

2543-18

Legislative History

This ordinance is drafted to revise the municipal code provisions governing the towing of vehicles by licensed tow companies. The Municipal Code previously prohibited towing companies from charging towing and storage fees for vehicles towed as part of a criminal investigation, this ordinance would limit that prohibition to vehicles registered to Township residents.

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