

**\*\*\*ADOPTED MARCH 5, 2007\*\*\***

**TOWNSHIP OF DELANCO**

**ORDINANCE 2007-3**

**CREATING CHAPTER 260  
GOVERNING "TOWING"**

**WHEREAS**, the Township of Delanco desires to adopt a towing policy consistent with State statutes by providing a rotating basis of qualified towers.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Delanco, County of Burlington, State of New Jersey that Chapter 260 of the Township Code is hereby created governing "Towing":

**Section One.**

§260-1. Definitions and word usage

- A. For the purposes of this chapter, the following terms, phrases and words shall have the meanings given herein:

**ABANDONED VEHICLE:** Any vehicle which has been left on or along any highway or other public property or on private property without consent of the owner or person in charge of the private property for a period of more than 48 hours or for any period without current license plates.

**DISABLED VEHICLE:** Any vehicle located on or along any public right of way, not in operation and with no owner visible and not legally parked will constitute an inoperable vehicle.

**PERSON:** Any person, firm, partnership, association, corporation, company or organization of any kind.

**TOWER:** A person engaged in the business or offering the services of a vehicle tower or towing service, whereby abandoned and/or disabled vehicles are towed or otherwise removed from the places where they are disabled, impounded or abandoned by use of a tower or truck so designed for that purpose.

**TOWING:** Hoisting, lifting, removal, hauling and transportation of any type of vehicle of any size from the highways, streets and roads located within the Township of Delanco or any other highway, street, or road within the State of New Jersey.

TOWNSHIP: The Township of Delanco.

VEHICLE: Any motor vehicle of any type or size including but not limited to passenger vehicles, trucks, trailers and other heavy vehicles and equipment.

WAITING TIME: Additional time a tow operator spends at the scene other than the time required for the actual tow and/or recovery. Examples of waiting time may include but are not limited to Fire/EMS services which must be performed and/or police investigations.

WINCHING SERVICE: Any operation in which a vehicle is moved onto a roadway, from a position off the roadway, or any other operation whereby a vehicle is moved by the use of a cable from a position that is not accessible for a direct hook up by conventional means for loading onto a tow vehicle. Winching is not pulling a vehicle onto a tilt bed carrier or lifting a motor vehicle with a conventional tow sling.

- B. When not consistent with the context, words used in the present tense include the future; words in plural number include the singular number; and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

#### §260-2. Contract required; liability of Township; application

- A. Generally. The governing body of the Township, at the beginning of each period, shall appoint towers to be called by the police department on a rotating basis. Each tow shall be assigned to a different tower in an alternating order. A fee of \$100 shall be paid to the Municipal Treasurer by each tower so authorized. The appointment shall be made after the submission of an application as hereinafter set forth and the review and recommendation of the same by the Chief of Police, said appointment to be made by the Township Administrator. Any tower receiving appointment shall be placed on the rotation list, which shall entitle them to be called in alternating turns. In the event that the tower next on rotation is unavailable, then the following tower on the list shall be called during said rotation, but only for a particular incident as set forth in 260-3.D. Appointments shall be for a three-year period commencing July 1. Tower(s) wishing to reapply at the end of their three-year appointment will be required to complete the application process to include a \$100 fee submitted to the Township if appointed.
- B. Application process. Any person interested in being placed on the aforementioned rotation list shall submit an application on a form to be prepared by the Township Administrator or their designee, said form to contain at a minimum the information specified herein. The applicant shall provide, at a minimum, the following information:
  - 1. List of required equipment and proof of ownership.

2. Experience of applicant with references.
  3. Available personnel (employees).
  4. Proper business and trade licenses and licenses of vehicles.
  5. Tow trucks having two-way radio/cellular telephone capability with a dispatching center on a twenty-four-hour basis.
  6. Storage location setting forth capacity, contractor responsible for safe storage area location, proof of ownership or lease of storage area along with a survey certifying the square footage within the surveyed area.
  7. Insurance and proofs of required coverage.
  8. List of stockholders.
  9. Non-collusion affidavit.
  10. Affirmative action affidavit.
  11. Hold-harmless agreement.
  12. Certification that the applicant is able to provide towing services anywhere in the chapter in accordance with the response time established within this chapter.
  13. Certification that the applicant will be available to provide service on a 24-hour per day, 7-day per week basis and will abide by the fees set forth in this chapter.
  14. Certification that the applicant shall consent to the appointment of the Township Clerk as the applicant's true and lawful attorney for the purpose of acknowledging service out of any court of competent jurisdiction to be served against the applicant.
- C. Review of application. The Chief of Police shall conduct a background check of the applicant and any employees to be utilized in the towing and storage operation. The background check is to determine if either the applicant or its employees have been convicted of a criminal offense or have had their driver's license suspended or revoked in the past five years. Conviction of a criminal offense involving moral turpitude or fraud within the past ten years or suspension of a driver's license within the past year shall be cause for the disqualification from being appointed to provide towing and impound services. The Chief of Police or his designee shall conduct an inspection of the employees, 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 compliance with the applicable laws, regulations and standards of performance required by this chapter. The Township shall, at the cost of

the applicant, obtain a better Business Service Bureau report and any other reports that the Township Administrator may deem necessary. After a thorough investigation, the Chief of Police shall recommend to the Township Administrator whether an applicant should be appointed to provide towing service to the Township of Delanco in accordance with the terms and conditions of this chapter.

- D. Independent contract. By submission of the fee and application, the tower agrees that all personnel and equipment used shall be and remain the property of the tower, and in no event shall the property or any employee of the tower be represented or considered belonging to or employed by the Township of Delanco. The tower is in no way or sense an agent or employee of the Township of Delanco.
- E. Hold harmless agreement; liability.
  - 1. The tower, by submission of the fee and application, agrees to assume the defense of and indemnify and hold harmless the Township, its elected officials, boards, commissions, officers, employees and agents from all suits, actions, damages or claims to which the Township may be subjected, of any kind or nature whatsoever, resulting from, caused by, arising out of or as a consequence of the provisions of providing the services required by this chapter. Prior to providing the towing services, the tower shall execute the appropriate hold harmless clause.
  - 2. The owner of the garage or the parking or storage location shall also agree to indemnify and hold harmless the Township and its officers, employees and agents from any and all suits and actions, damages or claims arising out of the performance of the duties specified in this chapter.
  - 3. The Township of Delanco shall not be liable for any services whatsoever which may be rendered to motor vehicles, and the tower shall only seek payment from the driver and/or owner of such vehicles for compensation.
- F. Township Administrator's decision. The Chief of Police shall conduct the aforementioned review and investigation and render a report to the Township Administrator recommending either approval or denial of the application. The Township Administrator shall then take action with regard to appointing vendor(s) for towing and impound services. Written notice of the approval or denial of the application shall be provided to the applicant within seven days of the decision of the Township Administrator.

#### §260-3. Requirements.

The following general requirements shall apply to all towers and towing operations acting on behalf of the Township of Delanco:

A. Equipment. The tower shall have sufficient equipment to tow the size of vehicle for the list they desire to be placed upon. There shall be a separate list for light, medium and heavy-duty, which weigh classifications are set forth more particularly below. The minimum requirement for heavy-duty towing is one heavy-duty large capacity wrecker minimum of 25-ton capacity. The minimum requirement for medium towing is one medium-duty wrecker minimum of ten-ton capacity. The minimum requirement for light-duty towing is a light duty wrecker minimum four-ton capacity. Each tower seeking to be listed in any or all of the above categories must provide a list of vehicles and a list of other municipal entities served. The specifications are as follows:

1. Heavy duty

- (a) Minimum of 25 ton capacity.
- (b) Air brakes.
- (c) Minimum 1,000 x 20 tires with dual rear wheels.
- (d) Air fittings for releasing air pressure lock brakes on dump trucks and tractor-trailers.
- (e) Under reach capabilities.
- (f) All required ICC safety equipment must be carried.
- (g) Must meet all Federal, and New Jersey Division of Motor Vehicle requirements.
- (h) Portable safety lighting to be installed on rear of towed vehicle.
- (i) Offside truck winching.

2. Medium duty

- (a) Minimum of 10 ton capacity.
- (b) Minimum 1,000 x 20 tires with dual wheels.
- (c) Chassis requirements should be 10 ton's gross weight.
- (d) Steering wheel lock for towing vehicles from the rear.
- (e) Wheel lift and under reach capacity.
- (f) All ICC safety equipment must be carried.

(g) Must meet all Federal and New Jersey Division of Motor Vehicle requirements.

3. Light duty

(a) Minimum of 5 ton capacity.

(b) Chassis requirements should be 10,000 pounds gross vehicle weight and dual rear tires.

(c) Steering lock on each wrecker for towing vehicles from the rear.

(d) Tow sling type bar, rubber strap, to lift the car so that no part of metal touches the car.

(e) All ICC safety equipment must be carried.

(f) Must meet all Federal, and New Jersey Division of Motor Vehicle requirements.

B. At the time of the submission of the application, the tower shall submit proof satisfactory to the Township and the Police Department of ownership of the aforementioned vehicles. Adequate proof shall be proof of ownership by recorded title of the required number of vehicles necessary to meet the chapter requirements or executed lease/rental agreement for the equipment required extending six months beyond the length of the contract. Failure to submit to the aforementioned satisfactory proof shall result in the disqualification of the tower.

C. Employees

1. The tower shall have sufficient number of employees available to comply with the minimal operational requirements of this chapter. The tower shall indicate in his application the number of employees on call and available to respond 24 hours a day, seven days per week.
2. The tower shall submit with the application to the Township the names and addresses of all proposed drivers and employees who will be rendering service under this contract on behalf of the tower. This information is to be kept current with the Township by the tower.
3. All operators of the towers equipment providing services required by this chapter shall be over the age of 18 and must have a valid, current, driver's license.

4. No person shall be utilized by the tower to provide services required by this chapter for the Township unless the Township has obtained a record check and has been approved by the Chief of Police. The Chief of Police may reject the services of an employee of the tower for the following reasons:
    - (a) Conviction of any crime of the first or second degree.
    - (b) Conviction of any crime involving the use of a firearm.
    - (c) Conviction of any crime involving the manufacture/distribution of any controlled dangerous substance.
    - (d) Conviction of any crime or offense, which subjects the employee to the provisions of Megan's Law.
    - (e) Conviction within the last five years for driving under the influence of intoxicating beverages or drugs.
  5. No employee of the tower shall perform services unless previously listed by the contractor to the Township.
- D. Availability; response time. The tower shall be available 24 hours a day, seven days a week for use of the Township at the direction of the authorized representatives of the Police Department as per the rotation requirements hereinafter set forth. Once placed on the list, towers will be called in alternating rotations for each call. At the time of each call, the next tower on the list has exclusive rights to tow vehicles on behalf of the Township of Delanco, and said tower shall be called or dispatched first by the Police Department. In the event that said tower is unavailable with respect to a particular incident, then the next tower as set forth on the rotation list shall be called or dispatched to the scene. The rotation list shall be as a result of the receipt and review of the approval of the aforementioned applications. If a tower refuses to accept a tow, including the towing of a junk or abandoned vehicle, the tower shall be in violation of their obligations to the Township under this ordinance. In the event that none of the towers set forth on the rotation list are available or are available to provide the appropriate services requested by the Township, or if an emergency exists, the Township may request such services from any other available source. During adverse weather conditions, heavy traffic conditions or emergency conditions, the tower set forth on the rotation list shall give priority to requests from the Township over any other request which may be received by the tower. Notwithstanding the establishment of a rotation list, no tower shall be called until the Chief of Police or his designee has ascertained that the following requirements have been met:
1. The insurance policies, as required, have been procured and supplied.

2. The vehicle to be used for towing has been properly licensed and inspected by the State of New Jersey and has the necessary stickers affixed. No vehicle shall be licensed as a wrecker which is using dealer plates or which has failed inspection.
  3. The requirements of this chapter and all other laws, statutes and ordinances have been met.
- E. Storage location. The vehicles must be towed to a location containing a minimum storage area sufficient for the storage of 20 vehicles. The applicant shall submit as part of the application process proof that he owns or can lease the aforementioned minimum storage area. For the convenience of the public and for investigative purposes the storage area must be located within a five-mile radius of police headquarters located at 770 Coopertown Road, Delanco, New Jersey, 08075. If the tower has an option to lease the required storage area, he shall submit with his application a copy of the lease agreement containing the description together with a copy of the survey of the land. The lease shall extend to at least six months after the termination of the tower's appointment. The surveys required herein shall have set forth thereon a certification by the surveyor to the Township as to the square footage within the storage area as surveyed. Storage area shall meet the following requirements:
1. The land used for the storage of the vehicles shall be zoned for such use and meet all applicable municipal codes. In addition, it shall be in an area reasonably accessible to the public so that stored vehicles may be claimed.
  2. No towed vehicle may be parked upon the public street and shall be stored by the tower within the storage area as hereinafter defined.
  3. The tower must provide access to the storage area to the police department as needed on a 24 hour a day basis.
  4. The storage area shall accept all types of vehicles and be able to hold at least 20 vehicles.
  5. The entire land area shall be enclosed by a fence of sturdy construction and shall be secured with lighting.
  6. The land used for storage is to be level and clear from all debris and must be clearly marked.
  7. The tower shall be responsible for each vehicle and its contents in the tower's possession until final disposition and removal as ordered by the Township. All vehicles, regardless of condition, shall be stored singly and so arranged to permit inspection and subsequent removal. Adequate walkway inspection space shall be provided at all times.



F. Violations.

1. If a tower is in violation of any terms of this chapter, the Chief of Police shall notify the Township Administrator and the Township Administrator or their designee shall notify the tower in writing. If the violation is not corrected within 48 hours of the receipt of said written notice, the Township Administrator, upon recommendation of the Chief of Police, shall terminate the tower's services and remove said tower from the rotation list for the remainder of the three-year period. Adequate grounds for termination of services shall include but are not limited to a violation of the terms of this chapter, lack of compliance with response times, fraudulent or inaccurate application information, unsatisfactory service, billing irregularities, or the violation of any New Jersey statute or regulation.
2. Complaints of any kind relative to service, overcharging, theft of parts, damage to towed or stored vehicles, discourteous treatment and the like shall be referred to the Chief of Police for investigation and recommendation to the Township Administrator, if necessary. Such complaints may be cause for termination of the tower's services and removal from the rotation list by the Township Administrator.

G. Records, inspection; release of vehicle. The Tower shall maintain a record of all vehicles towed, stored and released by him pursuant to this chapter. Within seven (7) days of the end of a calendar month, the tower shall supply a copy of all tow invoices and a report as to the number of tows conducted during the prior month, and any other information that the Chief of Police shall deem necessary. Records shall be kept for a seven-year period. The tower shall maintain a record provided by the police of all property found anywhere in a towed vehicle, including the trunk and glove compartment, if opened or if a key is available, and the tower shall be responsible to safeguard and release the vehicle and the contents left with the vehicle to the owner.

1. The tower is to notify the Chief of Police or his designee, in writing, once a vehicle is towed, pursuant to this chapter, and has been in the tower's possession for a period of seven calendar days.
2. The tower shall not release vehicles towed pursuant to this chapter, without the claimant first obtaining a release from the Police Department. In addition, the tower shall notify the Chief of Police, or his designee, of the release of a vehicle towed pursuant to this chapter within 24 hours.
3. Only the Chief of Police or his designee shall have access to any part of the storage area at any time of the day or night for inspection purposes, including both indoor and outdoor areas. Authorized representatives of the Police Department or the Township Administrator or their designees shall have access

to any of the records required to be kept by the tower. Access to these records shall be provided to the Chief of Police, Township Administrator, Township Clerk or their designees, upon their request during normal business hours.

4. The service, equipment and personnel of the tower are subject to inspection and approval by the Township. The Township reserves the right to have a qualified person or agency make such inspections.

#### H. Disputes and adjustments.

1. Any disputes over the interpretation of this chapter, including the reasonableness of any fees assessed, shall be settled amicably, if possible through negotiations between the tower, the police department and the Township Administrator.
2. In cases where the Township has been at fault in wrongfully directing that a vehicle be towed, the tower may petition the Township Administrator for reimbursement of costs incurred in the towing and storage of said vehicle.

#### I. Standby Service

1. In addition to the service requirements of this chapter, the tower shall be required to furnish extra towing equipment and service during storm periods, periods of snow emergencies, traffic emergencies, disasters, any acts of God and for any other reason when so designated by the Township Administrator, the Chief of Police or their authorized representatives. During such periods which are herein referred to as standby service periods, the tower shall be required to furnish adequate equipment and service to be held ready to remove all types of vehicles.
2. Standby service will begin when the Chief of Police or his authorized designee calls the tower initially and will end when he terminates the standby status by calling the tower.
3. The Township reserves the right, during any emergency, to designate temporary areas owned or leased by the Township for the storage of disabled vehicles in said area at the direction of the Chief of Police or his designee.

#### §260-4. Removal and storage of vehicles.

##### A. Removal. Vehicles shall be removed as follows:

1. Abandoned vehicles.
  - a. Abandoned vehicles as defined in Title 39 of the New Jersey revised statutes shall be removed under the direction and supervision of the Police

Department on a twenty-four-hour-a-day basis. All calls with respect thereto shall be answered within 10 minutes (daytime)/ 15 minutes (nighttime) from the time of notification under normal conditions seven days a week, anywhere within Township limits, unless the Police Department determines it is not a threat to vehicle traffic, or persons and could be removed during regular business hours. Abandoned vehicles shall be towed without charge to the Township to the aforementioned required storage area and stored thereon for no longer than 90 days without any charges or liens accruing against the Township. Abandoned vehicles remaining after 90 days may be removed from the secured area provided that a junk title has been applied for pursuant to the provisions of Title 39.

- b. The tower may be penalized \$150 per day for each abandoned vehicle not removed and towed within a reasonable amount of time after notification by the Police Department and may be grounds for termination of the tower's appointment.
- c. The requirement to tow abandoned motor vehicles shall only apply to public rights-of-way, easements, avenues and places including public parks and playgrounds, and all quasi-public areas. The owner of private property shall be responsible for the removal of any unattended or disabled vehicles in accordance with the provisions of N.J.S.A. 39:4-56.6 and shall employ a tower of their choice.
- d. The Township retains the right to require that the abandoned vehicle shall be towed to municipal property and to retain any monies realized from the sale of such vehicles. The Township shall pay the tower's reasonable fees as set forth in this chapter for towing a vehicle sold in this manner from the proceeds of the sale. Abandoned vehicles, not claimed by the owner or lien holder, may be sold at public auction pursuant to the provisions of N.J.S.A. 39:10A-1 through 7. Prior to sale at auction of any abandoned vehicle, the Township will obtain the appropriate junk title or certificate of ownership for said abandoned vehicle from the Division of Motor Vehicles.

2. Vehicles not abandoned.

- a. All vehicles involved in accidents, disablements, stolen vehicles, vehicles involved in suspected crimes and the like shall be shall be towed and stored under the direction and supervision of the Police Department 24 hours a day, seven days a week. Vehicles shall be available, at a minimum, for release between the hours 9:00 a.m. to 5:00 p.m., Monday through Fridays, except legal holidays. If the vehicle is picked up on a Monday, no storage charge shall be assessed for the prior two days. If the tower makes the vehicle available for pick-up on weekends or legal holidays, the tower may charge a storage fee for the days it is actually open. The tower shall arrive at the

scene of the accident within 10 minutes (daytime)/ fifteen minutes (nighttime) under normal conditions after police notification. Repeated late arrivals at the scene of accidents may result in the termination of the tower's services as otherwise provided in this chapter.

- b. In the event that the tower has been summoned by the Township for purposes of towing a vehicle and the owner of the vehicle has also summoned his own tower and said tower arrives on the scene prior to removal of the vehicle by the Township's tower, then the owner is entitled to remove his own vehicle at no cost or expense to the owner or the Township. There shall be no charge to the Township for the tower appearing at the scene under said conditions.

B. Storage. The tower shall store the abandoned and non-abandoned vehicles in the storage area as required in this chapter. The vehicles shall be stored until claimed by the owner or until auctioned by the Township in compliance with state law or as otherwise to be disposed of pursuant to state law. Vehicles to be removed shall be towed to the tower's storage area or to Township property at the discretion of the police department.

C. Calculation of day of storage. Any initial storage period of less than 24 hours shall be counted as one day. Thereafter a "day" of storage shall mean a full 24 hours. For example, a vehicle stored from 8:00 p.m. to 10:00 a.m. the following morning shall result in the payment of one day of storage.

§260-5. Indemnity and insurance.

A. The tower shall indemnify and hold harmless the Township of Delanco from any and all claims against the Township of Delanco arising out of the operation of any towing services or garage services or storage services or repair services under this chapter. Liability insurance shall include contractual liability of \$1,000,000 combined single limit.

B. The tower shall carry Workmen's Compensation Insurance in accordance with the requirements of New Jersey state law. The tower shall also carry public liability and property damage, contingent liability insurance to indemnify the Township of Delanco, and the public against any loss due to injuries, accidents or damages of any character whatsoever, where any such damage is the result of any act or omission of the tower, his agents or employees in or due to the execution of the work called for under this chapter. Such policies shall contain the provision that 30 days notice of change or cancellation be given to the Township by the insurance company. Public liability insurance limits shall be at least \$500,000 per accident and be specifically endorsed to provide collision insurance for vehicles in tow. In addition, the tower shall have coverage for contractual liability and also name the Township as an additional insured. All insurance required hereunder shall remain in full force and effect for the period of the appointment.

- C. Appropriate bodily injury liability insurance with \$1,000,000 combined single limit. Automobile bodily injury liability insurance with limits of not less than \$500,000 for each person and \$1,000,000 for each accident and property damage liability insurance with a limit of not less than \$500,000 for each accident.
- D. Garage keeper's liability in an amount not less than \$60,000 per location; garage liability in an amount not less than \$1,000,000 combined single limit.
- E. Certificates of insurance showing that the tower and the Township of Delanco are named as additional insured, in conformance with the above, shall be furnished to the Township Purchasing Agent, subject to approval of the Township Solicitor, and filed with the Township Clerk. The certificates of insurance shall be delivered to the Township Purchasing Agent.

§260-6. Rate schedule; charges and fees.

A. Generally.

1. Towing and storage charges and fees shall be in accordance with N.J.S.A. 40:48-2.5 as well as the provisions of this chapter. The Township shall not be responsible for the collection or payment of any charges for the towing or storage of vehicles. The charges and fees and rates applicable to services performed pursuant to this chapter shall be posted in a conspicuous place visible to the public at the tower's storage area and shall be presented to the owner of a vehicle to be towed at the time of service. The tower shall prepare an itemized bill in detail as to the actual services rendered and present the bill to the claimant of a vehicle. Each bill shall contain a statement that the claimant may file a complaint with the Township with respect to charges. The Township will not be responsible for charges due and owing from a claimant of a vehicle, nor will it assist the tower in collecting such charges. Vehicles impounded as a result of police investigations involving stolen vehicles or fatal accidents will not result in storage charges; however, the Township reserves the right to store such vehicles at a location of its choosing.
2. In the event the Township conducts an auction of unclaimed abandoned vehicles pursuant to Title 39, the tower's bill for towing and storage shall be an expense of possession and sale and shall be paid from the proceeds of such auction. Each vehicle auctioned shall be a separate item for purposes of this subsection. The title fee for which the Township must pay to the State of New Jersey for title certificates shall be paid by the purchaser at the auction even if the tower is the purchaser and shall be in addition to the bid price of each vehicle. In the event the Township determines to utilize the provisions of Title 39 with respect to unclaimed vehicles, the tower shall receive no compensation for its services.

3. The fee for towing a vehicle shall include the service rendered from the scene where the vehicle is located to the storage area and from the storage area to the curb line of the property on which is located the storage area. There shall be no additional charge for towing a vehicle from the storage area to the curb line for the purpose of an owner of a vehicle towing the vehicle to a service station or other repair shop or the person's home or other location. The charge for towing includes any incidental and related costs such as disconnecting and reconnecting a transmission. There shall be no additional charges for any other services, including but not limited to waiting time, debris removal, winching and additional labor when routine towing services as provided for by this chapter are performed. The tower shall be responsible for the cleanup and disposal of motor vehicle fluids, in accordance with state law and accepted standards, and there shall be no additional labor charges for this service. The tower may charge the owner/operator for material used in the cleanup of motor vehicle fluids. The tower may charge a fee for lockout service as well as roadside assistance such as jump-starts, tire changes, and providing gasoline for vehicles that have run out of fuel.
- B. Charges and fees. The charges, fees and rates for vehicles to be towed and stored are set forth in a rate schedule attached hereto, which shall be kept on file with the Chief of Police and may be amended by future Resolution of the governing body.
- C. Specialized equipment. In cases where the tower must hire laborers or rent or utilize specialized equipment not specified in this chapter, all reasonable charges therefore shall be paid by the owner of the vehicle, after the owner of the vehicle or his agent has given his prior written consent thereto, except where said vehicle is deemed a hazard to health or safety, whereupon said vehicle will be removed by the direction of the Chief of Police or his designee, with the owner then being responsible for all personnel, equipment and labor costs. The Chief of Police or his designee shall determine the necessity for specialized equipment.
- D. Unloading of goods. In the event that it is necessary to unload a vehicle, which has been used for transportation of goods prior to towing, an agreement shall be reached between the tower and the owner of the vehicle or the owner's agent or representative as to the charge for said service. No written agreement is necessary in an emergency situation and the Chief of Police or his designee shall determine when an emergency exists.

**Section Two. General Repealer.**

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

**Section Three. Severability.**

In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

**Section Four. Effective Date.**

This Ordinance shall take effect upon final passage and publication according to law.

DELANCO TOWNSHIP  
TOW FEE SCHEDULE

1. Flatbed and towing service pursuant to this chapter which will include all towing/winching, labor and cleanup costs associated with removal of the vehicle.
  - (a) for any towing service requested for automobiles, motorcycles, motor scooters, mopeds and trucks under 5 tons, the fees shall be as follows:
    - (1) Monday – Friday, 8:00 a.m.-5:00 p.m.: \$75.00
    - (2) Monday-Friday, After 5:00 p.m.: \$85.00
    - (3) Saturday and Sunday: \$85.00
  - (b) \$150.00 for trucks 5 tons or over.
  - (c) \$200 for trucks over 10 tons, buses, tractor trailers, heavy equipment.
2. Winching service not associated with the towing of a vehicle, which shall be permitted only if a vehicle is not operational and it must be towed from the lot or it is in an accident and there is additional winching.
  - (a) Light Winches \$75 per unit per hour.
  - (b) Medium winches \$90 per unit per hour.
  - (c) Heavy winches \$150 per unit per hour.
3. Storage
  - (a) Storage shall be charged at \$15.00 per day for storage.
  - (b) Trucks over five tons will be charged \$30.00 per business day for storage.
  - (c) Trucks, tractor-trailers, buses and heavy equipment over ten tons, \$35 per day.
  - (d) With regard to any storage pursuant to subsections (a) through (c) above, there will be a minimum charge of one day for storage. For a vehicle towed on Saturday, there will be no charge for storage if the tower elects not to have business hours on Sunday provided that the vehicle be removed by close of business on Monday.



(e) Fees billed to the Township for vehicles removed at the Township's direction will be consistent with N.J.S.A. 40:48-2.50 and shall not exceed the following:

(1) a limit of \$3.00 per day for the first 30 days of storage per vehicle.

(2) A limit of \$2.00 per day for day 31 of storage and any day thereafter.

(3) A limit of \$400.00 per vehicle stored regardless of the duration of the storage except that a waiver may be granted for good cause upon the request of the municipality by the Division of Local Government Services in the Department of Community affairs.

4. There shall be no gate fees, administration fees or mileage fees charged by a tow company operating pursuant to this chapter. The above-cited fees are the only fees that may lawfully be charged.