



**CITY CLERK'S OFFICE  
CITY OF ENGLEWOOD  
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## **APPLICATION FOR TOWERS LICENSE**

City Code Chapter 410

### **Checklist for Towing License Application**

- \_\_\_\_\_ \$175.00 Non-Refundable Application Fee
- \_\_\_\_\_ \$100.00 Late Fee (if applicable)
- \_\_\_\_\_ \$100.00 License Fee
- \_\_\_\_\_ \$50.00 for each Additional License
- \_\_\_\_\_ Copy of State of New Jersey Business Registration Certificate
- \_\_\_\_\_ Copy of Company Insurance Policy
- \_\_\_\_\_ Copy of Vehicle Insurance Policy
- \_\_\_\_\_ Copy of Each Towing Vehicle Registration and Insurance Card.
- \_\_\_\_\_ Color Photocopy of all Towing Owner(s) and Vehicle Operators' Current Drivers Licenses
- \_\_\_\_\_ Copy of Proof of Ownership or Valid Lease of the Vehicle Which Will Be Utilized to Provide Services
- \_\_\_\_\_ Copy of Certificate of Deed or Lease of Business and Storage Area
- \_\_\_\_\_ Copy of Certificate of Liability Insurance Naming the City of Englewood as Certificate Holder
- \_\_\_\_\_ Employment Nondiscrimination Statement
- \_\_\_\_\_ Copy of Procedures for Notification of Vehicle Owners Regarding Storage Fees and Removal of Vehicles from Storage
- \_\_\_\_\_ Agreement – Indemnify and Hold Harmless City of Englewood

### **PLEASE NOTE:**

**This Towing Application Will Not Be Processed if the Required Documentation is Not Attached.**

**Instructions:** Fill out this application completely and accurately. All statements in your application are subject to verification. Incorrect statements may bar or remove you from receiving this license.

**APPLICANT'S NAME:** \_\_\_\_\_  
(Print) First Initial Last

**Trade Name:** \_\_\_\_\_

**Business Address:** \_\_\_\_\_

Residence Address: \_\_\_\_\_

Business Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_ Cell Number: \_\_\_\_\_

D.O.B \_\_\_\_\_ DL# \_\_\_\_\_ SS# \_\_\_\_\_

Is the Towing Company a corporation: YES \_\_\_\_\_ NO \_\_\_\_\_ If Yes, provide the name, residence, business address and telephone number of every stockholder or member owning more than 10% of the issued stock or membership interest. (Attach a separate sheet if necessary.) \_\_\_\_\_

Are you or is anyone in your business connected in any way with the City of Englewood as per Section 410-6 of Chapter 410 of the Revised General Ordinance. Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, explain: \_\_\_\_\_

**MOTOR VEHICLE STORAGE FACILITY INFORMATION:** Provide proof of ownership or valid lease of proposed vehicle storage area which will be utilized.

Address: \_\_\_\_\_

Are there at least 25 spaces for towed and stored vehicles? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Secure indoor storage facility for minimum 1 vehicle? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Is there a minimum 6' high privacy fence with one lockable gate? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Does the storage area have lighting from dawn to dusk? Yes: \_\_\_\_\_ No: \_\_\_\_\_

**COMPANY INSURANCE INFORMATION:** Attach the Certificate of Insurance and Copy of Policy. See attached code for minimum requirements. (Section §410-11)

Name of Insurance Company: \_\_\_\_\_

Address: \_\_\_\_\_

Company Insurance Policy # \_\_\_\_\_

**REFERENCES:** Provide the names, addresses and telephone numbers of 2 business references that have knowledge of the applicant's business practices for at least 2 years preceding the date of the application.

Reference #1: \_\_\_\_\_

Reference #2: \_\_\_\_\_

**VEHICLE INFORMATION**

*Every official tower shall maintain and have available to render services a minimum of one regular tow vehicle and one flatbed vehicle. One form for vehicle information required for each vehicle.*

Owner/Lessee: \_\_\_\_\_

Address: \_\_\_\_\_ City/State: \_\_\_\_\_

Truck Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_ Color: \_\_\_\_\_ Plate # \_\_\_\_\_

VIN: \_\_\_\_\_ Registration: \_\_\_\_\_ Exp. Date \_\_\_\_\_

Insurance Company: \_\_\_\_\_ Policy # \_\_\_\_\_

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**Regular Tow Vehicle:**

Passed New Jersey MV Inspection? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Licensed with the NJDMV? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Registered with the NJDMV? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Display NJ commercial license plate? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Equipped with a boom or winch assembly mounted on the chassis? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Tow sling or wheel lift assembly with a cable attached to a motor driven winch? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Amber rotating beacon or strobe light visible from 360° and at a minimum distance of 500ft? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Safety or magnetic tow lights, red colored? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Extra chains and cable? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Heavy-duty broom or shovel? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Crowbar or pry-bar? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Set of jumper cables? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Flashlight? Yes: \_\_\_\_\_ No: \_\_\_\_\_

2 lb. or larger fire extinguisher? (dry chemical type) Yes: \_\_\_\_\_ No: \_\_\_\_\_

One dozen flares or similar warning devices? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Extra tools for emergency repairs? Yes: \_\_\_\_\_ No: \_\_\_\_\_

**VEHICLE INFORMATION**

*Every official tower shall maintain and have available to render services a minimum of one regular tow vehicle and one flatbed vehicle. One form for vehicle information required for each vehicle.*

Owner/Lessee: \_\_\_\_\_

Address: \_\_\_\_\_ City/State: \_\_\_\_\_

Truck Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_ Color: \_\_\_\_\_ Plate # \_\_\_\_\_

VIN: \_\_\_\_\_ Registration: \_\_\_\_\_ Exp. Date \_\_\_\_\_

Insurance Company: \_\_\_\_\_ Policy # \_\_\_\_\_

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**Flatbed Tow Vehicle:**

Passed New Jersey MV Inspection? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Licensed with the NJDMV? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Registered with the NJDMV? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Display NJ commercial license plate? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Equipped with a winch or hydraulically operated bed which slides or tilts to accomodate transporting of vehicles? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Amber rotating beacon or strobe light visible from 360° and at a minimum distance of 500ft? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Safety or magnetic tow lights, red colored? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Extra chains and cable? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Heavy-duty broom or shovel? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Crowbar or pry-bar? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Set of jumper cables? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Flashlight? Yes: \_\_\_\_\_ No: \_\_\_\_\_

2 lb. or larger fire extinguisher? (dry chemical type) Yes: \_\_\_\_\_ No: \_\_\_\_\_

One dozen flares or similar warning devices? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Extra tools for emergency repairs? Yes: \_\_\_\_\_ No: \_\_\_\_\_

**TOW TRUCK OPERATOR**

*Each operator, if other than an owner, partner or corporate officer listed on this application, must complete a tow truck operator/driver form. All persons employed by the official towers are subject to interview by the Chief of Police.*

Name: \_\_\_\_\_ Telephone # \_\_\_\_\_

Address: \_\_\_\_\_ City/State: \_\_\_\_\_

Name of Towing Company where employed: \_\_\_\_\_

Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

Social Security # \_\_\_\_\_ Driver's License # \_\_\_\_\_ State of Issue \_\_\_\_\_

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Have you been convicted of a criminal offense? Yes: \_\_\_\_\_ No: \_\_\_\_\_

If YES, explain where, when and on what charge: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Have your driving privileges been suspended or revoked within the last year? Yes: \_\_\_\_\_ No: \_\_\_\_\_

If YES, explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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**Background Check:** to be completed by an authorized independent authority/company chosen by the City and paid for at the applicants expense, to determine if the applicant has been convicted of a criminal offense. Additionally, authorized police personnel will review the driver's license history to determine if there have been any suspensions or revocations within the last year. Conviction of a criminal offense and/or suspension of a driver's license within the past year shall be cause for disqualification.

If approved by the City of Englewood as an operator/driver, I will be mentally alert at all times and will obey all traffic laws, regulations and city ordinances.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date

**HOLD HARMLESS AGREEMENT**

In consideration of the issuance of a Towing License by the City of Englewood for the year 20\_\_\_\_, \_\_\_\_\_ agrees to assume the complete legal defense costs (including attorneys' and all other experts' fees, costs and the reasonable disbursements) of the City of Englewood in any mediation, arbitration or action of any kind (including all appeals), and to fully and completely indemnify and hold harmless the City, the City's elected officials, boards, commissions, officers, employees and agents from any and all suits, actions, damages, claims, liabilities, expenses, losses, injuries to persons or property or judgments, of any kind and of any nature whatsoever, asserted against the City resulting from, caused by, arising out of or incurred as a consequence of the official tower's provision of towing, wrecking, storage and/or emergency services, including any and all ancillary or related services, provided at the request of the City pursuant to Chapter 410 of the Code of the City of Englewood.

\_\_\_\_\_  
Name of Company

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name and Title

Sworn and subscribed before me this

\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Notary Public

**CERTIFICATION OF APPLICANT**

I certify that the statements made by me on the attached Towing Application are true. I have not knowingly, and with intent to deceive, made any false, misleading or fraudulent statements of material fact in the application or in any other document required to be submitted to the City in connection with the application. I am aware that if any of the statements made by me are willfully false, I am subject to punishment up to and including the revocation of my license.

I certify that I understand the terms, definitions and conditions of the Municipal Code of the City of Englewood, Chapter 410, and agree to operate under said terms and conditions.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

**FOR OFFICIAL USE ONLY**

**ZONING OFFICE:**

Application was received by my office on \_\_\_\_\_  
Date Received By

Approved  Denied  Zoning Officer \_\_\_\_\_  
Signature Date

If license was denied, provide a brief explanation: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**CHIEF OF POLICE:**

Application was received by my office on \_\_\_\_\_  
Date Received By

Approved  Denied  Police Chief \_\_\_\_\_  
Signature Date

If license was denied, provide a brief explanation: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**CLERK'S OFFICE:**

Application was received by my office on \_\_\_\_\_  
Date Received By

Approved  Denied  City Clerk \_\_\_\_\_  
Signature Date

If license was denied, provide a brief explanation: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Date Filed: \_\_\_\_\_ Application: New \_\_\_\_\_ Renew \_\_\_\_\_  
Date Granted: \_\_\_\_\_ Denied \_\_\_\_\_ Fee Paid: \_\_\_\_\_ License #: \_\_\_\_\_



# CITY OF ENGLEWOOD

## ORDINANCE 16-17

### AN ORDINANCE AMENDING CHAPTER 410 OF THE CODE OF THE CITY OF ENGLEWOOD ENTITLED TOWING

**WHEREAS**, the Governing Body of the City of Englewood wishes to amend Chapter 410 Towing; and

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Englewood, Bergen County, New Jersey, that Chapter 410 Towing is hereby amended as follows:

#### § 410-1 Definitions:

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

**BASIC TOWING SERVICE** – The removal and transportation of an automobile or solid debris resulting from an accident, motor vehicle crash, or otherwise from a highway, street or other public or private road, or a parking area, or from a storage facility, and other services normally incident thereto, but does not include recovery of an automobile from a position beyond the right-of-way or berm, or from being impaled upon any other object within the right-of-way or berm.

**COMMERCIAL VEHICLE** – A motor vehicle of any type used in the conduct of any business of professional conveyance, or used as a public or livery means, for the paid conveyance of passengers.

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

**MOTOR VEHICLE CRASH** – An occurrence in which a motor vehicle of any type comes into contact with any other object for which the private passenger automobile must be towed or removed for the placement in a storage facility. This includes all situations which are accidental as to the owner or operator of the motor vehicle even if they were caused by the intentional acts of a perpetrator where the perpetrator was not the owner of the motor vehicle.

**OFFICIAL TOWERS** – Entities which:

- (1) Own or operate tow vehicles; and
- (2) Have been designated as official towers pursuant to this chapter.

**OUTSIDE SECURED** – An automobile storage facility that is not indoors and is secured by a fence, wall or other man-made barrier. The facility is to be lighted at night.

**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”.

**PASSENGER VEHICLE** – A motor vehicle of a private passenger or station wagon type that is owned or leased 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, a sport utility vehicle (SUV), or a panel truck or a camper-type vehicle used for recreational purposes owned by an individual not used in the occupation, profession, or business of the owners(s).

**STORAGE CHARGES FOR CALENDAR DAY** – The maximum allowable amount to be charged by a storage facility for a calendar day or portion thereof. A new calendar day begins at 12:01 a.m.

**TOW VEHICLE** – Only those vehicles equipped with a boom or booms, winches, slings, tilt beds, wheel lifts or under-reach equipment specifically designed by its manufacturer for the removal or transport of motor vehicles.

**TOW VEHICLES BASE OF SERVICE** – The towing operator’s principal place of business where the tow vehicle is stationed when not in use.

**§ 410-2 Appointment of Official Towers.**

- A. The governing body of the City of Englewood shall appoint companies meeting the criteria set forth in this chapter and engaged in the business or offering the services of a motor vehicle towing or wrecker service, whereby damaged, disabled or impounded motor vehicles are towed or otherwise removed from the place where they are damaged or disabled, by use of a tow vehicle, as defined in this chapter. Such persons or companies shall be known as “official towers”.
- B. After January 1, 2017, all new “official towers” are required to have their primary business address and center of operation, along with their primary storage area, located within the geographical limits of the City. All “official towers” currently licensed by the City of Englewood as of the effective date of the ordinance shall comply upon the renewal of their license.
- C. Official towers shall be identified by means of a license which shall be issued hereinafter provided.
- D. From calendar year to calendar year, the list of official towers will remain as is, provided:
  - (1) The official tower submits a completed renewal application by December 26,; and
  - (2) The official tower has been and remains in compliance with all requirements of this chapter; and
  - (3) There is no pending administrative or disciplinary action against the official tower by the City.
- E. If an official tower is denied renewal for any reason in this ordinance and seeks subsequent return to the official towers list, the application will be treated as a new application as of the date of receipt of such request.
- F. In addition to the rules and regulations set forth herein, the State of New Jersey, the Federal Government and the Division of Consumer Affairs have further statutes, rules and regulations with regard to towing operation business and the conduct and licensing of operators thereof and all such statutes, rules and regulations must be complied with.

**§ 410-3 Services to be furnished; subcontracting; tower responsibilities.**

- A. All official towers shall furnish adequate and proper wrecking, towing, storage and emergency repair services to any motor vehicle located within the geographic limits of the City or outside City limits, as requested by an authorized representative of the police department or when requested to do so by an authorized City official. The official tower must be available on a twenty-four-hour-a-day basis, seven days a week, as scheduled by the City.
- B. A maximum response time of **20 minutes** will be expected from each tower called by the Police Dept. If the first called tower fails to respond within the expected response time with the proper equipment to safely and properly complete the task, the next official tower will be called. Failure to respond within the stated response time will be considered a violation of the license, and repeated violations will result in suspension of the official tower license.
- C. The official tower shall provide towing for Police and other City vehicles as requested by an authorized representative of the police department or when requested to do so by an authorized City official.
- D. Official towers are and remain responsible for coverage for all periods for which they are scheduled. Should the scheduled tower require another tower to cover a portion of the assigned schedule, (i) the substitution must be approved in advance by the Officer in Charge (“O.I.C.”) of the Police Department Traffic Unit or his designee and (ii) the covering tower must be another licensed City tower. Unauthorized arrangements for coverage may result in the removal of the official tower and/or the alternate tower from the official tower list.
- E. Substitution of towers under the immediately preceding Subsection C is limited to ten per calendar year. Should alternate coverage in excess of ten be required, the requesting official tower will be removed from the City’s official tower list.
- F. Official towers are limited to no more than three missed tows during a calendar year. A missed tow in excess of the this number will constitute a ground for removal from the official tower list for the remainder of the calendar year or such other period determined in the sole discretion of the City.
- G. The official tower shall be responsible for removing all solid and sweepable debris resulting from a motor vehicle crash.
- H. When requested either verbally or in writing by the Police Department, the official tower shall be responsible for the preservation of evidence.

- I. The official tower shall comply with all state and federal laws and regulations concerning wages, hours and terms of employment.
- J. The official tower will be required to file an employment nondiscrimination statement.
- K. The official tower will be required to establish and display to the public procedures for notification of vehicle owners regarding storage fees and removal of vehicles from storage.
- L. The official tower will be responsible for all fees associated with the issuance of junk and resale titles. Additionally, any official tower participating in an authorized public auction of City towed vehicles, shall be responsible for all costs associated with the mandatory public notice. In situations where more than one official tower is participating in the auction, the cost will be equally divided.

#### **§ 410-4 Application Process.**

##### **A. Application**

(1) Applications for inclusion on the official tower list shall be made upon a form provided by the City Clerk and shall consist of an original and two true copies, containing the following information:

- (a) The complete name of the applicant (including the complete corporate and any “doing business” names)
- (b) The residence and any other business address and telephone numbers, including cell phone numbers, of the owner or the applicant. If the applicant or the owner is a corporation, the application shall contain the name, residence and business address, and telephone number of every stockholder or member owning more than 10% of the issued stock or membership interest.
- (c) The name, date of birth, and driver’s license number of all employees acting in the capacity of tow truck driver. Only authorized drivers listed on the application will be permitted to respond on behalf of the company.
- (d) Proof of ownership or valid lease of the vehicles which will be utilized to provide services pursuant to this chapter.
- (e) Proof of ownership or valid lease of the proposed vehicle storage area which will be utilized to provide services pursuant to this chapter.
- (f) Such information as may be required by the Mayor and Council concerning the personnel, vehicles, equipment, storage facilities and complaint history of such applicant, all as hereinafter provided, showing that the applicant meets the minimum standards of performance.
- (g) A certificate or certificates of insurance evidencing adequate insurance coverage as hereinafter provided naming the City as additionally named insured.
- (h) The names and addresses of two business references that have knowledge of the applicant’s business practices for (at least) the two years preceding the date of the application.
- (i) A fee of \$175 to cover the administrative expenses incurred by the City in processing the application. Applications received after November 30<sup>th</sup> will incur an additional \$100 fee.

(2) An applicant may submit only one application. Persons or entities with ownership interests in the applicant may not submit applications for, on behalf of, or in regard to any other applicant. An applicant may list more than one applicant-company vehicle on its application.

##### **B. Upon receipt of a complete application, the City Clerk will forward at least one copy to the Chief of Police for review and approval. Review by the Chief of Police shall consist of the following:**

- (1) Review of a background check, completed by an authorized independent authority/company chosen by the City and paid for at the applicants expense, to determine if either the applicant or the applicant’s personnel have been convicted of a criminal offense. Authorized police personnel will also review the driver’s license history of the applicant and his employees to determine if there have been any driver’s license suspensions or revocations within

the last year. Conviction of a criminal offense shall be cause for disqualification from the official tower list. Suspension of a driver's license within the past year shall be cause for disqualification from inclusion on the official tower list.

- (2) Inspections of the 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 ability to comply with applicable laws, regulations and the standards of performance required by this chapter.
  - (3) If deemed necessary, interviews with the applicant and the applicant's personnel.
- C. The Chief of Police will conduct the review and render a report to the City Clerk, recommending either approval or denial of the application and the reasons therefore, within four (4) days of receipt of the application from the City Clerk.
  - D. Written notice of the approval or denial of the application will be provided by the City Clerk to the applicant within two (2) days of the decision of the Chief of Police.
  - E. If the Chief of Police fails to take action within 45 days of receipt of a complete application by the City Clerk, the application shall be deemed to have been denied.
  - F. An applicant may be included on the official tower list when, from a consideration of the application and from such other information as may otherwise be obtained, the Chief of Police finds that all of the following circumstances exist:
    - (1) The applicant has not knowingly, and with intent to deceive, made any false, misleading or fraudulent statements of material fact in the application or in any other document required pursuant to this chapter or which was submitted to the City in connection with the application.
    - (2) The applicant has met the standard of performance described in this chapter and has furnished the required hold-harmless agreement and proper certificate(s) of insurance.
    - (3) Neither the applicant nor the applicant's personnel have been convicted of a criminal offense nor had their driver's license suspended within the last year.

**§ 410-5 Issuance of License; fee; grounds for revocation.**

- A. Upon approval of the application as herein provided, the City Clerk will issue the applicant an official tower's license for each tow vehicle or flatbed vehicle to be utilized in providing services pursuant to this chapter upon payment of the processing fee of \$175 for the application, a fee of \$100 for the first license and \$50 for each additional license requested under the application.
- B. The official tower license shall be displayed in the rear window of the tow vehicle or flatbed vehicle to which it is issued so as to be visible to the public at all times. The license is not transferable to any other vehicle, and only those vehicles displaying a license shall be authorized to perform the duties of official tower.
- C. The official tower license shall be valid for a period of one year beginning on January 1 of the calendar year and shall be nontransferable. This license shall be subject to revocation by the Chief of Police for any of the following reasons:
  - (1) If it is subsequently determined that an applicant or official tower knowingly, and with intent to deceive, made false, misleading or fraudulent statements of material fact in the application or in any other document required pursuant to this chapter or which was submitted to the City in connection with the application or official tower license.
  - (2) Citation for violation of any federal or state law or municipal ordinance or regulation relating to the operation of a motor vehicle or the provision of towing services.
  - (3) Citation for violation of any law, rule or regulation promulgated by the New Jersey Department of Insurance or the New Jersey Division of Consumer Affairs.
  - (4) Unsatisfactory service provided pursuant to this chapter. Including but not limited to:
    - (a) Repeated failure to respond within 20 minutes to calls for assistance from the Police Department or any other City agency or employee, or any other action which interferes with the proper operation of the rotating system maintained by the Police Department.

- (b) Failure or refusal to tow or remove a motor vehicle when requested to do so by the Police Department or any other agency or employee of the City.
  - (5) Disposal of any vehicle prior to the issuance of a junk or resale title to the licensee.
  - (6) Any other violation of any provision of this chapter or condition of the towing application.
  - (7) Violation of any provision of this Ordinance on 3 or more occasions shall result in revocation of the license.
- D. If the official tower license is not revoked by the Chief of Police, the license will be renewed upon receipt of the completed City Tow Application and the payment of the renewal fee of \$175 payable in advance for the next year on or before November 30<sup>th</sup>; and a satisfactory inspection of the licensed vehicle(s) by the Englewood Police Department Traffic Unit.
- E. No official tower license is required for the on-site repair and/or towing or storage of any vehicle when the request is received by the official tower from the owner of a vehicle.

**§ 410-6 Disqualification of applicant through conflict of interest.**

No license shall be issued to any applicant whose business is owned in whole or in part by any member of the Police Department or any other City official or employee, or in whose business any member of the Police Department or any other City official or employee is employed or has any interest of any kind, or from whose business any member of the Police Department or any other City official or employee receives any financial benefit of any kind, directly or indirectly.

**§ 410-7 Minimum standards of performance.**

To qualify for inclusion on the list of official towers, applicants must meet the following minimum standards:

- A. Minimum requirements.
  - (1) Every official tower shall maintain and have available to render services required by this chapter a minimum of one regular tow vehicle and one flatbed vehicle.
  - (2) Vehicle classes.
    - (a) Regular tow vehicles must be equipped with a boom or winch assembly mounted on the chassis, a tow sling or wheel lift assembly with a cable attached to a motor driven winch.
    - (b) Flatbed vehicles must be equipped with a winch or hydraulically operated bed which slides or tilts to accommodate transporting of vehicles.
- B. Minimum equipment requirements.
  - (1) Every tow or flatbed vehicle shall be properly licensed and registered with the New Jersey Division of Motor Vehicles. All vehicles shall display New Jersey commercial license plates. If required, vehicles shall have a valid inspection certificate.
  - (2) Every tow vehicle or flatbed vehicle shall be equipped, at a minimum, with the following:
    - (a) At least one amber rotating beacon or strobe light mounted on the highest practical location of the vehicles, visible from 360 degrees when in use and visible at a minimum distance of 500 feet during daylight hours. The size and locations of these lights must conform to the New Jersey Division of Motor Vehicle standards.
    - (b) Safety tow lights or magnetic tow lights affixed on tow vehicles at night, red colored, when other lights not available.
    - (c) Extra chains and cable for pulling or securing a towed vehicle.

(d) At least one heavy-duty broom, a shovel, a crowbar or prybar, a set of jumper cables, a flashlight, one two pound or larger fire extinguisher of dry chemical type, one dozen flares or similar warning devices for placement at the scene of a motor vehicle crash or behind a disabled vehicle, and a sufficient quantity and types of tools to enable the tow vehicle operator to perform proper and adequate emergency repair services for the tow.

(3) Every tow or flatbed vehicle shall be in compliance with any and all applicable state, federal and local laws, regulations and ordinances pertaining to safety, lighting and towing equipment requirements, and shall be subject to inspection by the Chief of Police or his designee at any time. No structural or other change may be made to an inspected vehicle or equipment unless prior written approval is obtained from the City.

(4) Every tow or flatbed vehicle employed by the official tower pursuant to this chapter shall display the official tower license and shall have the name of the official tower displayed on the vehicle in such manner and of such lettering as conforms to the provisions of N.J.S.A. 39:4-46.

C. Minimum personnel requirements.

All persons employed by the official towers to provide services required by this chapter shall meet the following requirements and be subject to the following regulations. They shall:

(1) Have a valid New Jersey auto driver's license or commercial driver's license (where required) having no restrictions or conditional endorsements other than a condition requiring the wearing of eyeglasses.

(2) Be mentally alert at all times.

(3) Obey all traffic laws, regulations and city ordinances.

(4) Be subject to interview, and be approved, by the Chief of Police of the City prior to rendering any services pursuant to this chapter.

(5) Not have been convicted of a criminal offense. Further not having the driving privilege suspended or revoked within the last year.

D. Minimum storage requirements.

(1) Every official tower shall maintain an inside building or outside secured storage area meeting the following requirements:

(a) The storage area shall be capable of storing a minimum of 25 medium sized vehicles. All impounded vehicles shall be held in a secure area, located either inside or outside in the secured storage area. Additionally, the official tower must have access to a secure indoor storage facility capable of storing a minimum of one vehicle at the request of the Police Department. Notwithstanding the 25 minimum storage requirement, adequate storage must be provided and under no circumstances shall vehicles be stored on public street or any location where storage is not permitted. Towers shall inform the Police Dispatcher when their lots are at capacity.

(b) The location of both the primary storage area and the tow company's base of service shall be within the geographic limits of the City.

(c) The storage area shall be fully enclosed by a 6 foot high privacy and sturdy fence with at least one lockable gate for ingress and egress and shall be lighted from dusk to dawn in order to guarantee the safe storage of all vehicles. The fence shall otherwise meet the requirements of the City Ordinance governing fences.

(d) The storage facility shall be available to the official tower 24 hours a day, 365 days per year, and shall be open to the public on weekdays during normal business hours and for limited hours on weekends. The minimum hours for recovery of released vehicles shall be from 8:00 a.m. to 6:00 p.m. on weekdays, and from 8:00 a.m. to 12:00 noon on Saturdays. Recovery of vehicles on holidays, Sundays or weekday and Saturday hours beyond those specified above may be subject to arrangement by the vehicle owner and official tower. Vehicle recovery hours shall be posted in a conspicuous location visible to the public.

(e) The official tower shall not charge an additional release fee or make any other charge for releasing a vehicle to its owner after normal business hours or on weekends.

(2) The official tower shall be responsible for ensuring the proper and safe storage of all vehicles towed pursuant to this chapter. The official tower shall be liable for any damage incurred by such vehicles while in transit to or while in the storage areas.

(3) The official tower is **prohibited from piling of vehicles or parking on public streets or sidewalks.**

#### **§ 410-8 Premises to comply with zoning ordinance, etc.**

No license shall be issued hereunder unless storage and business premises comply in all respects with the provisions of the zoning ordinance, property maintenance code, and all other applicable ordinances or codes of the City of Englewood pertaining to the use or condition of such premises and unless the City Clerk is satisfied that the said storage premises have sufficient capacity to store such vehicles in conformity with the provisions of the zoning ordinance, property maintenance code, and other applicable ordinances and codes and all applicable provisions of this article.

#### **§ 410-9 Utilization of official tower list.**

A. The City will request wrecking, towing and storage services from each official towers in daily rotation so as to assure equal treatment of all licensees. When called, the official tower shall advise the dispatcher if a tow vehicle is available and the estimated time of arrival. **All Towing Services shall respond to a call in any part of the City of Englewood within twenty (20) minutes.** If a Towing Service does not respond within twenty (20) minutes of a call, the towing service next on the list shall be called and entitled to provide services as needed, and the first towing Service shall lose any claim to compensation.

B. Official requests for service may be made by the City Manager, City Clerk, the Superintendent of Public Works or any member of the Police Department or Fire Department.

C. The City will request service only from official towers; provided, however, that if no emergency or road hazard exists, the City will request service from such other person as the owner of the vehicle in need of such services may request; and provided further that, if no official tower is available or able to provide services as requested by the City, or if an emergency exists, the City may request service from any other available source.

D. During adverse weather conditions, heavy traffic conditions or emergency conditions, as determined in the sole discretion of the City, official towers shall give priority to requests for service received from the City over all requests received from any other source.

E. In event of a high volume of tows, i.e. snow removal, it will be at the discretion of the O.I.C. of the Traffic Unit or his designee to call the next tow company on the schedule and so on, to supplement the tow company on duty.

#### **§ 410-10 Hold-harmless agreement**

To qualify as an official tower and to maintain the official tower's license, all applicants and official towers shall agree in writing to assume the complete legal defense costs (including attorneys' and all other experts' fees, costs and the reasonable disbursements) of the City in any mediation, arbitration or action of any kind (including all appeals), and to fully and completely indemnify and hold harmless the City, the City's elected officials, boards, commissions, officers, employees and agents from any and all suits, actions, damages, claims, liabilities, expenses, losses, or judgments, of any kind and of any nature whatsoever, asserted against the City resulting from, caused by, arising out of or incurred as a consequence of the official tower's provision of towing, wrecking, storage and/or emergency services, including any and all ancillary or related services, provided at the request of the City pursuant to this chapter.

#### **§ 410-11 Insurance**

A. No person or entity shall be included on the official tower list unless and until the City has been provided with an appropriate certificate or certificates or insurance evidencing that there is in effect the following insurance coverage:

(1) Automobile liability insurance issued by a financially sound insurance corporation of, or licensed to transact business in the state, insuring the licensee and every tow truck operator against liability imposed by law for damages because

of bodily injury, including death, sustained by any person and injury to or destruction of property, including the loss of use thereof, caused by accident and arising out of the ownership, maintenance or use of tow trucks of the licensee. The amount of the limits of liability coverage to be offered by such policy shall be not less than \$500,000 for bodily injury to each person, \$1,000,000 for bodily injuries in each accident and \$500,000 for property damage in each incident.

(2) Workers' compensation as required by the State of New Jersey, including employer's liability coverage with a limit of at least \$1,000,000.

(3) Garage keepers' policy in the amount of \$250,000 for any one claimant and \$500,000 coverage for property damage for any one event. This policy must include on-hook coverage of at least \$100,000.

a. Garage liability in an amount not less than \$500,000 for personal injury and \$100,000 for property damage.

b. Comprehensive general liability and auto insurance, in the amount of not less than \$1,000,000 for personal injuries, per occurrence, and \$1,000,000 for property damage, per occurrence, including premises operations and products/completed operations

c. Umbrella or excess insurance in the amount of \$1,000,000.

B. Policies of insurance shall contain endorsements to provide collision coverage for vehicles in tow.

C. Policies of insurance shall be written by insurance companies licensed to do business in the State of New Jersey. Insurance companies shall be acceptable to the City and shall have an A.M. Best rating of A- or better.

D. The City of Englewood shall be named as an additional insured on all policies of insurance provided pursuant to this chapter. All certificates of insurance shall provide that the policies may not expire, be cancelled, terminated or have coverage decreased in the absence of 30 days written notice to the City.

E. Policies of insurance required by this chapter shall be maintained in full force and effect at all times. In the event any insurance coverage required by this chapter is cancelled, terminated, interrupted or decreased in amount, the official tower's license is automatically suspended until such time as the required coverage is reinstated or replaced and the circumstances are investigated by the Mayor and Council.

#### **§ 410-12 Towing and storage fee schedule.**

A. Fees for towing of any vehicle damaged in a crash, disabled or impounded, are as set forth below and may not exceed the fees established by N.J.S.A. 40:48-2.54 or by the New Jersey Division of Consumer Affairs in the Department of Law and Public Safety pursuant to N.J.S.A. 40-48-2.55. **Clean up and sweep up of solid debris is included in these fees.**

(1) Class I vehicles incl. motorcycles GVWR to 6,000 lbs.: \$120.00

(2) Class II vehicles GVWR 6,001 lbs. to 12,000 lbs.: 160.00

(3) Heavy Duty vehicles GVWR 12,001 lbs. to 26,000 lbs.: \$300.00/hr.

(4) Heavy Duty vehicles GVWR 26,001 lbs. and above: \$400.00/hr.

(5) Any City owned vehicles up to GVWR 12,000 lbs. towed within City Limits: \$20.00

(6) Any City owned vehicles up to GVWR 12,000 lbs. towed outside City Limits: \$30.00

B. Additional services:

(1) \$50 per ½ hour for winching, rolled vehicles, cleanup beyond clearing the motor vehicle crash site, etc.;

(2) \$100 per ½ for the same services performed on a heavy-duty vehicle/truck.

(3) Road service: \$50 per call for flat tire, jump start, lock-out, or other non-mechanical issues; \$100 per call for the same services performed on a heavy-duty vehicle/truck.



(4) The charges for the foregoing and any other extraordinary services that go beyond the scope of the above, shall not exceed the usual, customary and reasonable rates of operators towing and storing motor vehicles in the municipality or county, as applicable. Any and all special services must be specified in the tow bill.

C. The following is the fee schedule for storage services:

Storage charges (per day for vehicles not claimed within twelve (12) hours):

(1) Passenger Vehicles, Motorcycles, Motorscooters: \$30

(2) Heavy-duty vehicle/truck storage: \$100

D. Impound charges: Additional storage fees shall not accrue if the vehicle has been released by the Englewood Police Department but the official tower is not available to release it. In that case, the impound charge will not accrue if the vehicle owner is on-site at the storage facility and can perform all acts necessary to retrieve the vehicle by 10:00 a.m. of the next business day.

E. Pursuant to N.J.S.A. 40:48-2.55(b), the schedule of services and rates for towing of motor vehicles shall be submitted to the New Jersey Division of Consumer Affairs for review within 90 days of the effective date of this chapter. In the event of a revision by the Division of Community Affairs, this chapter shall be amended accordingly.

F. Fees for towing and storage of vehicles may not exceed the fees set forth above.

G. The fees set forth on the schedule for towing rates are the maximum charges that shall apply to a private passenger automobile for basic towing services. There shall be no additional charges other than those provided herein, including, but not limited to, flatbedding, waiting time, winching, cleanup cost, and additional labor when only "basic towing services" as defined are provided. Tow vehicles transporting multiple passenger cars at one time shall receive the applicable fees for each vehicle transported.

H. The fees set forth on the schedule for storage fees are the maximum storage charges per calendar day that shall apply to all vehicles that are stored.

#### **§ 410-13 License not transferable or assignable without consent.**

No license issued hereunder shall be transferred or assigned nor shall the location designated by a licensee as the place to which disabled vehicles shall be removed, nor the office required to be maintained by the licensee, be changed without the consent of the City Clerk who, in acting on any such request for a transfer, assignment or change of location of offices, shall insure that any such action shall not impair the ability of the licensee to comply with all provisions of this article

#### **§ 410-14 Dispute resolution and license revocation.**

A. Complaints involving violations of this Chapter, the improper or unsatisfactory performance of services by an official tower, excessive charges or damage to a motor vehicle while in the custody of the Official Tower, or any other reason, may be lodged with the Police Department Traffic Unit upon the prescribed form. In the event of an ordinance violation or receipt of a complaint, written notice of its receipt, together with a copy of the complaint (when applicable), shall be provided by the Traffic Unit to the official tower involved. The official tower shall have the opportunity to respond, in a written letter directed to the Supervisor of Traffic, within 5 days.

B. Within 14 days of receipt of the official tower's response, or within 21 days of receipt of the complaint, if no response is received, the matter will be presented by the Traffic Unit to the Chief of Police.

C. The Chief of Police shall consider the matter and may request that the complainant and/or the official tower appear and give testimony regarding the complaint.

D. If, after considering the matter, the Chief of Police determines that one of the causes for revocation of the official tower's license, as set forth in this ordinance, exists, the license of the official tower shall be revoked and the official tower shall surrender same to the City Clerk within one day.

E. Failure to surrender the official tower license upon revocation shall constitute a violation of this chapter.

F. Nothing contained herein shall prevent or limit the right of any person to commence or maintain an action for damages or any other relief directly against an official tower in a court of competent jurisdiction.

**§ 410-15 Appeals.**

- A. Any party may appeal to the City Manager, a decision of the Chief of Police respecting the granting, denying, revoking, or suspending of any license hereunder, or failure or refusal of the Chief of Police to suspend or revoke such license.
- B. Such appeal shall be made by filing written notice of appeal with the City Manager within 10 days of receipt of notice of the action of the Chief of Police.
- C. The City Manager may decide such appeal on the basis of the record made before the Chief of Police or may hold a new hearing thereon at which time all parties having an interest therein, including the Chief of Police, may be heard.
- D. The City Manager may affirm the action of the Chief of Police, reverse same, or take such other action as he deems appropriate under the provisions of this article

**§ 410-16 Violations and penalties.**

- A. Within a calendar year, any official tower who violates any of the provisions of this chapter shall, upon revocation, be punished in accordance with the following schedule:
  - 1<sup>st</sup> Offense: Maximum \$250 fine and maximum 30 day suspension
  - 2<sup>nd</sup> Offense: Maximum \$500 fine and maximum 60 day suspension
  - 3<sup>rd</sup> Offense: Maximum \$750 fine and removal from the official tow list for 12 months from the conviction date.

**§ 410-17 Miscellaneous provisions.**

- A. Copies of this chapter and the schedule of fees that may be charged by official towers shall be made available to the public during normal business hours at City Hall. Copies shall also be made available to the public at each official tower's place of business.
- B. All official towers shall post, in a prominent place at each storage area clearly visible to the public, a schedule of the fees that may be charged for all services provided pursuant to this chapter.
- C. The City reserves the right to make periodic unannounced inspections of the personnel, vehicles, equipment and storage areas of all official towers.
- D. The relationship between the official tower and the City is one of an independent contractor. Neither party shall be construed in any manner whatsoever to be an employee of the other, nor shall any employee or agent furnished by any party be construed to be an employee or agent of the other party. Inclusion on the official tower list shall not be construed or considered as a joint venture, partnership, association, contract of employment or profit-sharing agreement.
- E. The City shall not be liable or responsible for compensating the official tower for any of the services performed under this chapter unless those services are performed for City vehicles. Compensation shall be the responsibility of the owner of the towed motor vehicle and the official tower shall proceed directly against the owner.
- F. The official tower shall, at all times, be solely responsible for the conduct of its employees.
- G. Each official tower shall keep and maintain adequate, detailed, and complete records showing all vehicles towed, stored and released, all services rendered, all fees charged and collected, and all documents related to the official tower license. All such records shall be available for the inspection by the City at any time during normal business hours. Such records shall be kept, maintained and safeguarded by the official tower at one location and shall be retained for a period of no less than seven years. Records may be written, printed or computerized as long as the requirements of this subsection are met.
- H. The towing operator will cooperate with other operators in the case of emergency services at the scene of accidents and/or disasters.
- I. No vehicle will be removed from the City roads or highways traversing said City without proper authorization from the police at the scene or the owner of the vehicles, as the case may be.
- J. All vehicles impounded or confiscated will not be released or disposed of without proper vehicle report form, duly executed by proper Police Department personnel or as provided in N.J.S.A. 39:10A-1 et seq.
- K. If a request for towing service is made by the Englewood Police Department and then canceled, prior to the tow truck driver hooking up the vehicle, there will be no charge to either the owner of the vehicle or the Englewood Police Department.