

**TOWNSHIP OF MILLBURN
ORDINANCE NO. 2535-19
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF MILLBURN, CHAPTER IV, SUBSECTION 4-
39, ENTITLED "VEHICLE TOWING AND STORAGE SERVICES"**

STATEMENT OF PURPOSE: the purpose of this Ordinance is to revise towing rates so they are in line with surrounding municipalities and fees set forth by the New Jersey State Police as well as clarifying language to several subsections of the ordinance.

WHEREAS, the Township Committee of the Township of Millburn is in receipt of a recommendation from the Police Department to amend certain aspects of the Vehicle Towing and Storage Services ordinance; and

WHEREAS, the Township Committee concurs in the proposed amendment so as to properly regulate vehicle towing and storage services within the Township of Millburn; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Millburn in the County of Essex and State of New Jersey as follows:

Section 1. Chapter IV, entitled "General Licensing," and subsection 4-39.11(a) thereof, of the Revised General Ordinances of the Township of Millburn is hereby amended in its entirety to read as follows:

4-39.11 Storage and Garage Facilities.

- a. *Inside Building Secured Storage.* Each licensee shall have an indoor secured storage facility in one (1) location and with sufficient space to accommodate at least three (3) vehicles for the exclusive use of the Police Department in connection with vehicles being held as evidence or under investigation, including but not limited to criminal matters (including the forfeiture process) or death by auto. The indoor secured storage facility must be solely under the control of the licensee at all times. All storage areas must meet the requirements of N.J.A.C. 11:3-38.2 (definitions) which states, "Inside Buildings" means 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. The inside building secured storage facility must be within six (6) miles, by radius, of the intersection of Parsonage Hill Road and Hartshorn Drive in the Township.

The inside building storage space shall be capable of being locked/safeguarded against access by unauthorized person(s), employee(s).

Section 2. Chapter IV, entitled "General Licensing," and subsection 4-39.14 thereof, of the Revised General Ordinances of the Township of Millburn is hereby amended in its entirety to read as follows:

4-39.14 Towing and Storage Charges.

Towing and storage charges shall be paid by the owner of a vehicle towed and/or stored by a licensee at Police request. Such charges shall be as follows:

- a. **Towing Services.** The following is the fee schedule for **towing** services (the fees do not include State taxes):

1. Passenger Vehicle Rates

Basic **Towing** Service:

Day or Night Rate—Light duty tow	\$100.00	<u>\$150.00</u>
Day or Night Rate—Medium duty tow	\$200.00	<u>\$250.00</u>
Mileage Charges:	\$3.00 per mile	<u>\$5.00 per mile</u>

Mileage charge will only be assessed if the vehicle is to be towed outside the boundaries of the Township, from the point of pick up to the point of drop off.

All Charges will be for a minimum of one (1) hour

Road Service:

Day or Night Rate	\$80.00	<u>\$100.00</u>
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(Price does not include the cost of fuel for vehicles out of gas)

Recovery and/or Winching Service (per hour):	\$90.00	<u>\$200.00</u>
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To be charged in thirty (30) minute increments with a one-half (1/2) hour minimum.

~~Rollover of cars~~ ~~\$120.00~~

Clean-up and/or labor charge (per hour):	\$50.00	<u>\$75.00 per hour one, hour minimum, plus absorbent material used</u>
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Municipal Vehicles:

Towed within Municipality	\$50.00 flat fee
Towed outside of Municipality	\$150.00 flat fee

(There will not be a fee for mileage, tow hookup, winching service, clean-up and/or labor charge, etc.)

Charge for clean and/or removal of debris or mechanical work to ready vehicle for **towing**. This charge shall be in effect for additional manpower needed at scene (per man per hour). To be charged in thirty (30) minute increments with a one-half (1/2) hour minimum.

Waiting Time (per hour):

To be charged in thirty (30) minute increments beginning after the first fifteen (15) minutes on the scene with a one-half (1/2) hour minimum.

2. Heavy Duty Rates (Non-Passenger Vehicles):

Basic Towing Service (per hour):	\$400.00
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To be charged in thirty (30) minute increments with a one (1) hour minimum.

b. *Storage Charges.*

Inside Secured Storage (per calendar day) \$50.00

Vehicles over twenty-two (22') feet in length will be charged double the rate.

Outside Secured Storage (per calendar day) \$40.00

Vehicles over twenty-two (22') feet in length will be charged double the rate.

Yard Charge: \$40.00

For relocating a vehicle incapable of being driven from the licensee's storage facility to a public roadway for removal by another company.

- c. The licensee shall accept a minimum of two (2) major credit cards twenty-four (24) hours a day, and must be able to do so both at the principal location and by drivers on the road at the time service or tow is performed.
- d. The Township and its Police Department shall not be liable to a licensee with respect to **towing** and/or service rendered to any owner pursuant to the license or otherwise. The licensee shall look to the registered owner of such vehicle for payment of **towing** and/or storage service charges or any other compensation.
- e. If a vehicle is towed by a licensee to premises controlled by the Police Department for the purpose of utilizing the vehicle or its contents as evidence, or in an on-going criminal investigation (i.e. processing for evidence, follow up investigations), such vehicle shall not be released from Police Department custody, except to the licensee, unless the owner of the vehicle furnishes the Police Department with a receipt that all applicable fees for **towing** and/or service have been paid in full. A second fee may be charged if the vehicle is removed to the licensee's storage area or other destination desired by the Police or vehicle owner. If a vehicle is released by the Police to any party other than the licensee without proper receipt, the Township shall be responsible for all charges, but may pursue its remedy against the owner or other person/s responsible.

(Ord. No. 5-90 § 1; Ord. No. 4-93 § 1; Ord. No. 11-97 § 1; Ord. No. 2362-10).

- f. ~~An administrative fee~~ A Township processing 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 Millburn Police Department Traffic Bureau. All reports and payments must be received by the fifteenth of the next month. Failure to comply shall result in a Temporary License Suspension.
- g. Licensee shall **not** charge a storage or towing fee to the Township when it tows and stores a vehicle, designated by the Police Department, to be impounded and/or stored as part of a criminal investigation (i.e. vehicle seizure)(~~including seizure~~) by the Millburn Police Department or other law enforcement agency operating within the Township of Millburn, except that this provision shall not prevent the Licensee from seeking restitution, including storage or towing fees, in a criminal prosecution resulting from the criminal investigation.

Section 3. The provisions of this ordinance are severable and the invalidity of any phrase, clause, or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 4. All ordinances or parts of ordinances inconsistent herewith are repealed only as to such inconsistencies.

Section 5. This ordinance shall take effect immediately upon final passage and publication in the manner required by law.

Ordinance 2535-19

Introduced: 6/4/2019