

BOROUGH OF MENDHAM

MORRIS COUNTY, NEW JERSEY

ORDINANCE #02 -2025

ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 206, VEHICLES AND TRAFFIC, OF THE BOROUGH CODE TO ESTABLISH A TOWING ORDINANCE

WHEREAS, the Borough of Mendham Police Department has recommended that the Borough adopt a towing ordinance; and

WHEREAS, the Mayor and Council wish to adopt the Police Department's recommendation and revise the Borough Code to establish a towing ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Mendham, County of Morris, State of New Jersey, as follows:

SECTION 1. Chapter 206, Vehicles and Traffic, is hereby amended to establish new Article XVIII Towing, to read as follows in its entirety:

§ 206-83. Purpose.

The purpose of this chapter is to establish rules and regulations, pursuant to N.J.S.A. 40:48-2.49 et seq., and the Predatory Towing Prevention Act (N.J.S.A. 56:13-1 et seq.), to regulate towing operations within the Borough of Mendham, including to provide the quickest, most efficient response time, thereby minimizing waiting time both for police officers on scene and the removal of motor vehicles from the roadway as a result of an accident.

§ 206-84. Qualifications for rotation list.

The Administrator of the Borough of Mendham is hereby authorized to compile a list of all towers and to amend and supplement the list from time to time. A towing operator shall be required to meet the following minimum qualifications to be included on the list:

- A. All towing operators shall own or lease and have available at least one conventional tow truck and two flatbed tow trucks, in addition to other equipment that is necessary to provide safe and efficient towing. Each tow vehicle shall have the name of the towing operator and their phone number on the side of the vehicle.
- B. All towing operators' trucks shall be equipped with cell phones, enabling them to maintain contact with their places of business.
- C. All towing operators' trucks shall be equipped with brooms and shovels for the purpose of clearing debris off roadways. All towing operators' trucks shall be equipped with 25 pounds

of absorbent material for minor spills/leaks of fuel, oil, and similar substances, as well as an approved container for the storage of contaminated absorbent material.

- D. All towing operators shall have telephone equipment at their place of business that is able to handle more than one incoming call.
- E. All towing operations shall submit a certificate of insurance to the Borough naming the Borough as an additional insured. The certificate shall provide evidence that the towing operator carries bodily injury liability, property damage liability, employer's liability, motor vehicle liability, and garage keepers' liability coverage with combined policy limits of \$1,000,000. Each approved operator must also have statutorily required workers' compensation coverage.
- F. Indemnification. Towing operators shall, to the fullest extent permitted by law, defend, indemnify and hold harmless the Borough from and against any and all claims, suits, judgments and demands whatsoever, including without limitation cost, litigation expenses, counsel fees and liabilities with respect to injury to or death of any person or persons whatsoever or damage to property of any kind by whomever owned arising out of or caused or claimed to have been caused, in whole or in part, by the negligent acts or omissions of the towing operators or any other person directly or indirectly employed by the towing operators while in the performance of rendering any services pursuant to the scope of this chapter.
- G. The applicant shall have a vehicle storage area. This area shall be lighted, fenced, secured, monitored by a surveillance video recording system, and within five driving miles of the Phoenix House. Each storage facility shall post, in a clearly visible manner, contact information and hours of operation for vehicle release.
- H. The applicant shall maintain business hours that allow property to be returned Monday through Friday (9:00 a.m. to 5:00 p.m.) and Saturday (9:00 a.m. to 12:00 noon), excluding legal holidays.
- I. All applicants and/or agents shall submit to a criminal history check. The applicant or agent shall not have received a criminal conviction within the last seven years for any indictable offense or any offense involving stolen or embezzled vehicles, fraud relating to the towing business, stolen property, or any other offense of similar nature.
- J. The applicant shall represent that its trucks and equipment are safe, properly equipped, mechanically sound, and suitable for intended use (N.J.S.A. 39:3-1 et seq. and 49 CFR 393). The applicant may be subject to an annual FMCSA Level I or V inspection by a trained and certified FMCSA Inspector.
- K. Applicants shall be familiar with the current "State of New Jersey Highway Incident Guidelines for Emergency" and are encouraged to attend incident management meetings held by NJDOT and NJSP to remain current on updated response procedures.
- L. Applicants approved to tow for the Borough shall not subcontract to other towers. The approval will be applicable only to the individual or corporation whose name appears on the

submitted application.

- M. Applicants' equipment and storage facilities are subject to inspection by Mendham Borough Police Department members prior to approval, and subject to periodic inspection thereafter.

§ 206-85. Additions to and deletions from list.

After the initial list is prepared, the Administrator may add names to the approved list when additional towing operators meet the appropriate qualifications. The Administrator may also delete names from the list when an operator fails to perform properly or to continue to meet the basic requirements, but no deletion shall occur without notice to the towing operator involved and the opportunity for a hearing before the Administrator. The decision of the Administrator may be appealed to the Borough Council.

§ 206-86. Establishment of rates.

The Borough has the authority to and will establish tower rates, consistent with the prevailing rates for the area (ten-mile radius). No fees, other than established by the Borough, are authorized to be charged. Towing/storage fees are to be reviewed every three years by the Police Department.

§ 206-87. Duties of towing operators.

- A. Approved towing operators shall respond to a vehicle within 20 minutes after being notified by the Communications Officer of the Police Department of a necessary service call.
- B. A towing operator shall immediately dispatch tow trucks when requested by the Communications Officer to respond to an emergency situation.
- C. A towing operator shall not permit a vehicle to be removed without proper authorization.
- D. A towing operator's drivers shall request police assistance during the course of servicing when they find it necessary to turn around, back up, tow in the opposite direction, cross the median, and other similar actions.
- E. Towers shall remove all debris from the roadway and scene from which the vehicle will be towed.
- F. All tow company personnel shall wear Class II traffic safety vests while on scene.
- G. At the time of the tow, the towing operator shall provide their business information to the driver and/ or passenger(s) of all vehicles towed.

§ 206-88. Use of list by Police Department.

- A. The Police Department shall establish a list to be used by officers of towing operators to be utilized.

- B. The list shall be utilized by the Police Department to provide towing services when necessary. The Police Department shall call for towing services when necessary. The Police Department shall call the towing operators in a sequential rotation of seven days on so that every towing operator is given an equal opportunity to provide towing services. The Police Department shall give each tower at least seven days' notice of his turn in the sequential rotation of seven days on.

§ 206-89. Semiannual report.

The Police Department shall, on a semiannual basis, provide the Administrator with a report as to the quality of towing services provided by those towing operators on the list.

§ 206-90. Disposition of towed vehicles.

All vehicles will be removed to the tower's secured lot, unless otherwise directed by the Police Department. Vehicles may be towed to a designated location by the customer if approved by the Police Department and at an additional cost to the customer.

§ 206-91. Predatory towing practices.

Applicants shall be familiar with the rules and regulations of the Predatory Towing Prevention Act (N.J.S.A. 56:13-1 et seq.) and be aware that any violations of these requirements shall result in an immediate suspension from the towing list.

§ 206-92. Rates.

The fees authorized to be charged by any towing company operating within the Borough are set forth in Chapter 102, Fees and Rates. If a fee has not been established in Chapter 102, then the rates shall be what is reasonable and customary in the Towing Industry. A. This fee schedule is in effect for any tow service called for by the Police Department.

SECTION 2. Chapter 102, Fees and Rates, § 102-1, Schedule of Fees and Rates, is hereby amended with the following language:

Chapter/Section	Service	Fee
Chapter 206, Vehicles and Traffic § 206-92, Rates		
	Basic towing for light-duty trucks (vehicles up to 10,000 lbs. GVWR)	Hookup: \$150 Less than 8 miles: \$50
	Storage	Borough or Private impound lot, per day or portion thereof: \$45

	Basic towing for medium-duty trucks (vehicles 10,001 to 16,000 lbs. GVWR)	Reasonable and customary industry standard fee
	Basic towing for heavy-duty trucks (vehicles 16,001 lbs. and greater GVWR):	Reasonable and customary industry standard fee
	Special Services a. Recovery/winching and/or preparation prior to towing light/medium duty	Reasonable and customary industry standard fee billed in half-hour increments, per tow truck.
	b. Recovery/winching and/or preparation prior to towing for heavy duty	Reasonable and customary industry standard fee billed in half-hour increments, per tow truck.
	c. Additional labor except tow truck driver, to be billed in half-hour increments:	Reasonable and customary industry standard fee billed in half-hour increments
	d. Basic road service:	Reasonable and customary industry standard fee, plus cost of fuel provided, if applicable.
	e. Inclement weather:	Towing company may, at their discretion, charge an extra 20% of the total standard towing fee
	f. Administrative charge:	Towing company may, at its discretion, charge for post-accident services, including but not limited to services such as physical inspections, telephone calls, removal of personal items, or paperwork. An itemized list of additional services must be provided. Administrative time shall be billed at a rate of \$10 per fifteen-minute interval, excluding the first 15 minutes.

SECTION 3. If any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate,

distinct and independent portion, and such holding shall not affect the validity of the remaining portions hereof.

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

SECTION 5. This Ordinance shall take effect immediately upon final passage and publication in the manner according to law.

INTRODUCED: March 24, 2025

ADOPTED: April 28, 2025

EFFECTIVE DATE: April 28, 2025

BOROUGH OF MENDHAM,
COUNTY OF MORRIS,
STATE OF NEW JERSEY

ATTEST:

Lauren McBride, Acting Borough Clerk

James R. Kelly, Mayor