BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 2026-1592

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on the first reading at the regular meeting of the Mayor and Council on May 14, 2026 and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on June 11, 2026 at 7:30pm or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Frances Scordo, Municipal Clerk
Borough of Montvale

AN ORDINANCE OF THE BOROUGH OF MONTVALE CREATING A NEW CHAPTER 365 OF THE BOROUGH CODE ENTITLED, "TOWING AND STORAGE"

BE IT ORDAINED by the Mayor and Council of the Borough of Montvale as follows:

Section 1. The Code of the Borough of Montvale is hereby amended and supplemented by adding a new Chapter 365 entitled "Towing and Storage," as follows:

Chapter 365

Towing and Storage

§365-1 Definitions.
§365-2 Officials towers appointed.
§365-3 Services to be provided.
§365-4 Application process.
§365-5 Issuance of license.
§365-6 Municipal standards of performance.
§365-7 Official towers list.
§365-8 Removal of abandoned vehicles.
§365-9 Hold harmless agreement.
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§365-11 Towing and storage fee schedule.
§365-12 Miscellaneous provisions.
§365-13 Enforcement agency; suspension or revocation of license.
§365-14 Violations and penalties.

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§365-1 Definitions.

For purposes of this Chapter, the following terms shall have the meanings indicated:

AUTOMOBILE

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, or a panel truck or a camper-type vehicle used for recreational purposes owned by an individual or by a person and spouse who are residents of the same household, not customarily used in the occupation, profession or business of the owner(s).

BASIC TOWING SERVICE

The removal and transportation of an automobile from a highway, street or other public or private road, or a parking area, or from a storage facility, and other services normally incidental 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.

CALENDAR YEAR

The period of time between January 1 and December 31 of any given year.

COMMERCIAL VEHICLE

Any vehicle other than that as defined as an automobile pursuant to the definition contained in this section.

DECOUPLING FEE

A charge by a towing company for releasing a motor vehicle to its owner or operator when the vehicle has been, or is about to be, hooked or lifted by a tow truck, but prior to the vehicle actually having been moved or removed from the property.

GVWR

Gross vehicle weight rating.

HEAVY-DUTY TOW VEHICLE

A specifically designed vehicle designed to tow, transport or otherwise move motor vehicles, with a gross vehicle weight rating of at least 40,000 pounds GVW and equipped with a boom or booms, winches, slings, tilt beds, wheel lifts or underreach equipment, as hereinafter defined.

HEAVY-DUTY VEHICLE

Vehicles with over sixteen-thousand-one-pound gross vehicle weight rating.

INSIDE BUILDING

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

LANDOLL TRAILER

Detachable trailer capable of hauling vehicles, machinery and/or equipment, commonly referred to as a "lowboy."

LIGHT-DUTY VEHICLE

An automobile, as defined by N.J.S.A. 39:6A-2a, not exceeding a ten-thousand-pound gross vehicle weight rating.

MAJOR ACCIDENT CLEANING

Motor vehicle accidents involving a vehicle rollover, two or more vehicles leaking fluid, debris of a size or character that requires more than one person to remove, and/or fluid spills that require application and removal of more than one bag of any drying agent.

MEDIUM-DUTY VEHICLE

Vehicles with a ten-thousand-one-pound to sixteen-thousand-pound gross vehicle weight rating.

MINOR ACCIDENT CLEANING

Removal of debris in or around the roadway due to a motor vehicle accident that is limited to removal of broken glass, taillight/head lenses, and/or fluid spills that require application and removal of one bag or less of any drying agent.

MOTOR VEHICLE ACCIDENT

An occurrence in which any vehicle, commercial vehicle or passenger vehicle comes in contact with any other object for which any vehicle, commercial vehicle or passenger vehicle must be towed or removed for 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 or operator of the motor vehicle.

OFFICIAL TOWER

A person or company licensed by the Borough of Montvale to tow and/or store vehicles.

OUTSIDE SECURED

An automobile storage facility that is not indoors and is secured by a fence, wall or other man-made barrier that is at least six feet high. 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.

SPECIAL RECOVERY SERVICES

Constitutes any action that is not normally associated with roadside towing, e.g., winching, righting overturned vehicles, locked in park, no keys or other services required when a vehicle will not roll on its own wheels.

STORAGE CHARGES FOR TWENTY-FOUR-HOUR PERIOD

The maximum allowable amount to be charged by a storage facility for a twenty-four-hour period or fraction thereof.

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 VEHICLE'S BASE OF SERVICE

The towing operator's principal place of business where the tow vehicle is stationed when not in use.

§365-2 Officials towers appointed.

A. The governing body of the Borough of Montvale, or its designated agent or officer, may license persons or companies meeting the criteria set forth in this chapter and engaged in the business of or offering the services of motor vehicle towing, wrecking or storage (service), whereby damaged, (or) disabled and/or impounded motor vehicles are towed or otherwise removed from the place where they are damaged, (or) disabled, and/or impounded by use of a tow vehicle, as defined herein. Such person(s) or company shall be known as an "official tower."

B. Official towers shall be identified by means of a license, which shall be issued by the Borough as hereinafter provided. Each licensed official tower shall also have issued by the Borough a decal or insignia for each vehicle used in the towing operation by the official tower and which shall be placed on each vehicle in a prominent portion of such vehicle as required by the Chief of Police or his designee. No vehicle or motorized equipment shall engage in towing vehicles unless such insignia or decal is affixed as set forth and the name of the official tower permanently affixed to the vehicle. ("Permanently affixed" herein shall mean attached to or placed directly on the vehicle in such a manner as such cannot be removed or repositioned.)

C. The licensing set forth in this chapter shall be construed pursuant to N.J.S.A. 40:38-2.49 and 49 U.S.C. § 14501 and is not intended to regulate towers beyond that which is permitted by state and federal law.

§365-3 Services to be provided.

A. The official tower shall furnish adequate and proper towing, wrecking, storage and emergency repair service to damaged or disabled motor vehicles within the limits of the Borough when requested to do so by the Chief of Police or his designee. The official tower shall be available to render service 24 hours per day, seven days per week.

B. In the event that a disabled vehicle requires special towing equipment (and) the official tower does not possess such equipment, then the Chief of Police or his designee shall select the next official tower in the rotation list who does possess the necessary special equipment to tow such disabled, (or) damaged or impounded vehicle. No official tower shall subcontract or assign any work that is to be performed by the official tower under the provisions of this chapter.

§365-4 Application process.

A. Application for an official tower license shall be made to the Mayor and Council of the Borough of Montvale, upon a form provided by the Borough Clerk, and shall contain all of the following information:

    1. The name, business address(s), telephone number and federal tax identification number (where applicable). When the official tower is owned and operated by an individual, the name, social security number, residential and business addresses and telephone number(s) of such individual shall be provided. When the official tower is a corporation or partnership, the application shall contain the names,

residences, telephone numbers, dates of birth and social security numbers of all persons owning any interest in the official tower.

2. In the event that the official tower is conducting business operating under a trade or business name, the applicant shall submit a certificate of such name as proof that such name has been appropriately filed with the County Clerk's Office of Bergen County and/or with the Secretary of State of the State of New Jersey.

3. Any such information as may be required by the Mayor and Council (or designee) concerning the personnel, vehicles, equipment and storage facilities of such applicant, as hereinafter provided, showing that the applicant meets the minimum standards of performance.

4. A certificate or certificates of insurance evidencing adequate insurance coverage as hereinafter provided.

5. A fee of **$1500** to cover the administrative expenses incurred by the Borough in processing the application and an additional fee of **$100** for each vehicle for which an identifying decal is issued.

6. The names and addresses of two business references not in the employ of the Borough who have known the applicant for at least two years and who can attest to the applicant's experience and performance in the towing, wrecking and storage business.

    a. All towing vehicles must be listed on the application, including the make and model number, year of vehicle and vehicle identification number (VIN) and any and all other information that the Mayor and Council may deem necessary.

    b. No vehicle may be listed on more than one application nor can there be a transfer of vehicles between towers.

7. A complete list, including dates of service, of all other municipalities, state agencies and/or governmental entities that the applicant is, or has been, an official tower of or held a towing permit from. No person applying individually shall be eligible for approval or appointment as an official tower of the Borough of Montvale unless that person shall have been an official municipal tower with a minimum of five years' experience in municipal towing in any municipality of the State of New Jersey, including a minimum of two years' experience in municipal towing in any municipality in the County of Bergen, State of New Jersey. No corporation or partnership shall be eligible for approval or appointment as an official tower of the Borough of Montvale unless that business entity shall have been an official municipal tower with a minimum of five years' experience in municipal towing in any municipality of the State of New Jersey, including a minimum of two years' experience in municipal towing in any municipality in the County of Bergen, State of New Jersey.

8. A complete list of all actions taken against the applicant by a governmental entity for the applicant's alleged violation of any towing ordinance or regulation while towing as a licensed or permitted tower for that governmental entity. If the

applicant's towing license or permit has been revoked, suspended or denied, the applicant shall list each time, what governmental entity was involved and a brief description of the event(s) that led up to the revocation, suspension and/or denial of a towing license or permit.

B. No license shall be granted to a tower unless and until the tower seeking the license has appointed the Borough 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. Suspension or revocation of a license, and/or the prior denial of an application affecting the applicant, from this municipality or any county or state agency granting such license may be cause for denial of a license under this chapter.

D. The applicant shall also cause each of its drivers to have a background check performed by the Montvale Police Department or at a state-approved facility prior to that driver performing any towing services in the Borough. Copies of the results of the background check shall be made available to the Borough Clerk immediately upon receipt.

E. Upon receipt of a completed application, the Borough Clerk shall forward a copy to the Chief of Police or his designee for his review and recommendation. The review by the Chief of Police or his designee shall consist of the following: an inspection of the personnel, vehicles, equipment and storage areas proposed to be utilized by the applicant to verify the accuracy of the information contained in the application and to determine compliance with applicable laws and regulations and the standards of performance required by this chapter.

F. An applicant may be included on the official towers list by an official action of the Mayor and Council, by resolution adopted at a regular public meeting, when, from a consideration of the application and from such other information as may be obtained, the Mayor and Council find 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.

    2. The applicant has met the standards in this chapter and has furnished the required hold harmless agreement and certificate(s) of insurance.

    3. The application has been reviewed and the Chief of Police or his designee has submitted a favorable report.

    4. Neither the applicant nor the applicant's personnel have been convicted of a criminal charge or have had their driver's license suspended within the past year.

G. The Chief of Police or his designee shall conduct his or her review and render a report to the Mayor and Council recommending either the approval or denial of the application within 28 days of receipt of the application from the Borough Clerk. The Mayor and Council shall take action with regard to the report of the Chief of Police within 30 days or at the next public meeting of the Mayor and Council, whichever is later. The applicant or

its representative shall be given notice of the date on which the Mayor and Council will consider the application and shall be permitted to appear and be heard at that time.

H. Written notice of the approval or denial of the application shall be provided to the applicant within seven days of the decision of the Mayor and Council.

§365-5 Issuance of license.

A. Upon approval of the application as herein provided, the Borough Clerk shall issue for the applicant an official tower's license for each tow vehicle or flatbed vehicle to be utilized in providing services pursuant to this chapter by submitting such to the Chief of Police or designee for issuance to the official tower(s).

B. Said licenses and identifying decal, which shall be in a form so approved by the Mayor and Council, shall be affixed and displayed on the tow vehicle or flatbed vehicle at all times.

C. The licenses shall be valid for a maximum three-year period as set forth in this chapter and expire December 31, no later than three years after issuance of the license. For example, if a license is issued on April 30, 2026, a license would be valid through December 31, 2028.

D. The license shall be nontransferable, and shall be subject to revocation by the Borough for any of the following reasons:

    1. If it is subsequently determined that the applicant knowingly and with intent to deceive made false, misleading or fraudulent statements of material fact in the application or in any other documents required pursuant to this chapter.

    2. Committing a violation of any federal or state law or municipal ordinance or any regulation relating to the operation of a motor vehicle or the provision of towing services.

    3. Committing any violation of any rule or regulation promulgated by the New Jersey Department of Insurance.

    4. Committing any violation of any of the provisions of the New Jersey Predatory Towing Prevention Act, Chapter 39, P.L. 2009, or N.J.A.C. 13:45A-31 (Private property and Non-consensual towing rules).

    5. Unsatisfactory service provided pursuant to this chapter.

    6. Failure to annually certify compliance with the requirements of this chapter.

E. Upon the expiration of an official tower's license, the applicant, prior to performing any service thereafter, shall re-file completely for such official tower's license, setting forth all the information required in the form provided by the Borough Clerk and complying with the provisions of this chapter.

§365-6 Municipal standards of performance.

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

A. Minimum vehicle requirements.

1. Every official tower shall maintain and have available under its exclusive control to render services required by this chapter at least the following vehicles and equipment:

a. Two (2) heavy duty wreckers (minimum 40,000 GVWR)

b. One (1) Landoll or Lowboy (min 40') with Tractor transport

c. One (1) Medium Duty Wrecker (minimum 25,000 GVWR)

d. Three (3) Flatbed Carriers

e. One (1) Light Duty Wrecker

f. One (1) Rotator

2. Registration documents shall be shown to the Borough certifying registration is the same or better than the gross vehicle weight (GVWR) of the vehicle, as plated on the vehicle.

3. Vehicle classes.

a. Heavy-duty tow vehicles of 40,000 pounds gross vehicle weight or more must be equipped with a boom or winch assembly mounted on the chassis, a tow sling or tow bar and a wheel lift assembly or underreach. The winch assembly must have 100 feet of at least five-eighths-inch steel 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 the transporting of vehicles.

B. Each applicant shall submit, along with its application, proof of ownership or lease of the vehicles, which will be utilized to provide services pursuant to this chapter. The provisions of subsection 4A(6) of this chapter shall apply.

C. Minimum equipment and reporting requirements.

1. Every tow vehicle or flatbed vehicle shall have two-way radio or cellular phone capability with a dispatching center on a twenty-four-hour basis.

2. Every tow vehicle or flatbed vehicle shall be equipped with the following:

a. At least one amber rotating beacon or strobe light mounted on the highest practical location on the vehicles, visible from 360° when in use and visible at a minimum distance of 500 feet during daylight hours. An amber light permit, as required by the state, must be filed in the office of the Chief of Police and Borough Clerk.

b. Safety tow lights or magnetic tow lights for towing vehicles at night, amber or red colored.

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 an accident or behind a disabled vehicle, at least 40 pounds of dry sand or a drying compound for gasoline and oil spilled on the roadway and containers for removal thereof 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 vehicle or flatbed vehicle shall comply with any and all 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. Where applicable, all permits required by other agencies than the Borough shall be provided to the Borough upon request of the Borough.

4. Every tow vehicle or flatbed vehicle shall display the official tower's decal and shall have the name of the official tower, by a permanently affixed or painted sign, prominently displayed on the vehicle in such manner so as to conform to the provisions of N.J.S.A. 39:4-46. Such demarcations shall be placed on the outside door panels of the vehicle. The sign shall be at least three inches in height and diameter, be visible to the naked eye and the names must be the same on both panels.

5. Within five calendar days of the expiration of each rotation period, the official tower shall submit to the Borough Clerk a copy of all of the invoices for services rendered to any owner or operator of a damaged or disabled vehicle on a form of invoice provided by the Borough. In the absence of a Borough form, the official tower will submit the bills which state: the name and address of the person towed; the make and model of the vehicle towed; plate number; and the in date of the tow and the out date of the tow. Only fees applicable in this chapter shall appear on said invoice, and there shall be only one invoice per vehicle towed.

D. Minimum personnel requirements. Official towers shall have available, at all times, a minimum of two drivers to provide the services required by this chapter. All drivers employed by official towers to provide the services required by this chapter shall meet the following requirements and be subject to the following regulations. They shall:

1. Be competent and able to provide minimum road services for disabled vehicles.

2. All drivers operating a vehicle that requires a CDL must have a commercial driver's license (CDL) by the State of New Jersey and/or federal regulations are required to furnish such license for the purpose of this chapter.

3. Obey all traffic laws and regulations.

4. Not have been convicted of a crime within the past year.

E. Minimum storage requirements.

1. Every official tower shall maintain an inside building and/or outside secured storage area meeting the following requirements:

a. All official towers must have sufficient storage area on their own premises, or premises that they have the legal right to use for such storage area, to store towed vehicles at the licensed site. This area must be over and above the requirement that is in effect for requirement of parking for that site. No vertical stacking of vehicles is permitted. Each tow vehicle must be stored at the official tower's licensed site(s). A driver must be on call at the licensed site(s) to respond to a call for towing during the tower's rotation. Official towers located within the Borough cannot store vehicles on the thoroughfares of the Borough, whether under the auspices of the Borough, County of Bergen or State of New Jersey without Borough approval. Storage of vehicles on the thoroughfares of other municipalities wherein Borough towers are located is subject to the requirements of those municipalities.

b. The location of the storage area(s) shall be located within the State of New Jersey and within five miles driving distance from the border of the Borough of Montvale in accordance with the official map on file with the Borough Clerk. Licensed towers can utilize any of their sites within the five miles driving distance from the border of Montvale.

c. All outdoor storage areas shall be fenced with an acceptable screened material six feet in height. The fenced area shall be no less than 5,000 square feet in area. The storage area shall have a suitable gate and be installed with a locking device or a similar on-site security measure. The facility is to be lighted at night. Vehicles may also be stored indoors at licensed sites at no additional charge.

d. A certificate of occupancy must be furnished with the application showing that the licensed site(s) are legally zoned for such use or are subject to land use approvals permitting such use.

e. The storage facility shall be available from at least 8:00 a.m. until 6:00 p.m. Monday through Friday and from at least 8:00 a.m. to 1:00 p.m. on Saturday. The applicant shall prominently display the hours during which the facility will be open on weekends. On the application for a towing license, the applicant shall list all business hours required pursuant to the subsection for the calendar year of the license in question, which shall not be changed during the calendar year.

f. The official tower may charge any additional fee or other charge for releasing vehicles to their owners after normal business hours or on weekends or for moving a vehicle from one location to another in the storage area. After-hours release by appointment when tower is available.

g. The applicant shall, with its application, submit proof of ownership or lease of the storage area.

h. 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 stored in, the storage areas.

2. To ensure the timely release of a vehicle, the tower shall release a vehicle to the owner/occupier of the vehicle no later than one hour from the vehicle's arrival at the tower's facility or within one hour of being contacted by the owner/occupier of the vehicle that he/she wishes to take possession of said vehicle during regular business hours.

3. Every official tower shall maintain a yard or garage from which the tower’s vehicles will be dispatched located within five miles driving distance from the border of the Borough of Montvale in accordance with the official map on file with the Borough Clerk.

F. Credit cards. All official towers must have the ability to receive credit card payment and will accept same for payment of all towing and storage services included specifically, or by reference, in this chapter. The towers can charge a credit card convenience fee of up to 4% but no more than they are charged.

§365-7 Official towers list.

A. Official towers shall be placed on the list in the order in which their application is approved and license issued. Once the initial list has been established, new official towers, when their applications have been approved, will be added to the list. The Police Chief may establish a non-discriminatory rotational basis for calls, which may be on a per-call, daily, weekly, monthly, or other reasonable basis that the Chief may determine in his/her sole discretion is in the best interests of the Borough.

B. The Borough shall request wrecking, towing and storage services from each official tower in rotation. When called, the tower shall advise the dispatcher if a vehicle is available and the estimated time of arrival. If no tower vehicle is available or if the response time will exceed 20 minutes, the next official tower on the list shall be called. If none of the official towers are available or able to provide such services as are requested by the Borough, the Borough may request such services from any other available source. All requests shall be made by the Chief of Police or his designee.

C. The Borough shall request service only from official towers; provided, however, that if no emergency or road hazard exists, the Chief of Police or his designee shall request such

service from such other person as the owner of the motor vehicle in need of such services may request, provided that the request is responded to within 30 minutes.

D. During adverse weather conditions, heavy traffic conditions or emergency conditions, official towers shall give priority to requests from the Borough over any other requests which may be received by the official towers.

§365-8 Removal of abandoned vehicles.

A. An "abandoned vehicle" means any vehicle so designated by an authorized representative of the Police Department. Removal is to be performed under the direction and supervision of the Police Department 24 hours a day, seven days a week, anywhere within the Borough limits.

B. All abandoned vehicles must be removed within one half hour after receiving notification from the Police Department. The licensee may be penalized up to $100 per incident for each abandoned vehicle not removed within one half hour of being notified. Penalties provided for in this chapter may be assessed by the Police Department in each documented situation in which the licensee failed to respond for the requested tow within one half hour.

C. The Borough of Montvale shall retain the right to tow abandoned vehicles to its own land to retain any moneys realized from the sale of such vehicles.

§365-9 Hold harmless agreement.

Applicants shall agree, in writing, to assume the defense of and indemnify and hold harmless the Borough, its elected officials, boards, commissions, officers, employees and agents from all suits, actions, damages or claims to which the Borough may be subjected of any kind and nature whatsoever resulting from, caused by, arising out of or as a consequence of the provision of towing, wrecking, storage and/or emergency services provided at the request of this Borough pursuant to this chapter. Official towers shall enter into a hold harmless agreement in a form to be prepared by the Attorney for the Borough prior to being included in the official towers list.

§365-10 Insurance.

A. No person shall be included on the official towers list unless and until such person has provided to the Borough a certificate(s) of insurance evidencing that there is in effect the following insurance coverage.

    1. General property damages and liability insurance in an amount not less than $1,000,000 per occurrence and $2,000,000 per aggregated general liability, including additional garagekeepers coverage, shall be primary as respects vehicles of others and shall include collision coverage.

    2. Garagekeeper's liability insurance in an amount not less than $500,000 per location shall be required. No deductible amounts are permitted. The words "no deductible" shall be included on the policy and/or certificate of insurance.

3. Workers' compensation as required by law shall be required.

B. Policies of insurance shall be written by insurance companies authorized to do business in the State of New Jersey.

C. The Borough of Montvale 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 be canceled or terminated or coverage decreased without 30 days' written notice to the Borough. Such insurance shall be primary.

D. Policies of insurance required by this chapter shall be maintained in full force and effect at all times. In the event that any coverage is canceled or terminated or coverage decreased in amount, the tower shall be removed immediately from the official towers list until such time as the required coverage is reinstated or replaced.

§365-11 Towing and storage fee schedule.

A. All charges for nonconsensual towing services shall be limited to those set forth in this chapter. This chapter does not apply to charges for consensual towing services.

B. Fees for towing and storage of light-duty vehicles damaged in an accident or recovered after being stolen may not exceed the fees established by the New Jersey Department of Consumer Affairs under N.J.S.A. 56:13-14a. Those towing and storage fees which are set forth in N.J.A.C. 13:45A-31.4, as amended and supplemented, are incorporated herein by reference. Pursuant to law, the fee schedules shall be reviewed by the New Jersey State Commissioner of Consumer Affairs on an annual basis and may be revised if necessary. In the event that the schedules are revised by the New Jersey State Commissioner of Consumer Affairs, the revised fees shall be the maximum fees that may be charged by official towers, and this chapter shall be amended accordingly.

1. The following is the fee schedule for towing services not covered by N.J.S.A. 56:13-14a and N.J.A.C. 13:45A-31.4:

a. The following is the fee schedule for basic towing service:

Type	Fee
Light-duty vehicle	$155
Medium-duty vehicle	$300/hour inc. mileage
Heavy-duty vehicle	$500/hour, inc. mileage
Decoupling fee (if tow is not performed after hookup)	1/2 of basic rate
Each mile outside of Montvale Borough (one way)	$7/mile
Police impound (towing of car to police impound facilities)	$150

b. The following is the fee schedule for storage within the Borough of Montvale (first day is 24 hours thereafter per calendar day). Inside rate is two times the outside rate.

Type	Fee
Light-duty vehicle	$50/day
Medium-duty vehicle	$125/day
Heavy-duty vehicle	$125/day
Buses	$150/day
Roll-off	$125/day for each
Cargo/accident debris/load storage/vehicle components	$50/day per space
Rental of any tow company-supplied trailer post-incident	$500/day

c. The following is the fee schedule for road service calls (starting dead batteries, fuel or flat tires, etc.):

Type	Fee
Light-duty vehicle	$150/hour, plus parts
Medium/Heavy-duty vehicle	$200/hour, plus parts

d. Recovery and winching, minimum one hour (in addition to towing, per truck, including driver):

Type	Fee
Light-duty vehicle	$200/man-hour, charged in ½ hour increments
Medium-duty vehicle	$350/man-hour, charged in ½ hour increments
Heavy-duty vehicle	$650/man-hour, charged in ½ hour increments

e. The following is the fee schedule for labor (all labor, minimum of one hour):

Type	Fee
Accident major cleanup and disposal of debris	$75/hour
Recovery supervisor and/or Level III recovery specialist	$250/hour
Certified towing operator	$150/day per person
Manual laborers	$125/hour per person

f. The following is the fee schedule for specialized recovery equipment. Special recovery services of all vehicles shall be charged at the respective rates set below. These charges shall only be used in situations deemed necessary, and a notation of fact shall be noted on the official tower's bill. Said charges shall not apply to winching a vehicle on a flat-bed vehicle when the vehicle rolls freely.

Type	Fee
Rotator/crane recovery unit	$1,200 per hour
Tractor with Landoll trailer or detach trailer	$500 per hour
Tractor/transport hauler only	$350 per hour
Refrigerated trailer with tractor	$550 per hour
Box trailer with tractor	$500 per hour
Air cushion unit	$1,000 per hour
Light tower	$250 per hour
Pallet jack	$200 Flat Rate
Rollers	$200 Flat Rate
Any other specialized equipment	$300 per hour
Loader/backhoe/telescopic handler/bulldozer/Bobcat	$400 per hour for each used
Forklift	$400 per hour
Dump truck/Dump trailer with tractor	$400 per hour
Roll-off with container	$400 per hour, plus disposal
Scene safety equipment, communication equipment, traffic management equipment, etc.	$250 per hour for each type used
Recovery support vehicle/trailer additional recovery equipment	$350 per hour

g. The following is the fee schedule for additional services:

Type	Fee
Fuel/HazMat/cargo spills cleanup and disposal	Time and material
HazMat and trash recovery	Surcharged 10%
Subcontractor mark-up	20%
Administration charge (only after third visit to vehicle)	Light-duty only - $50
Administration charges (only after first visit)	Medium-/heavy-duty - $200
After-hours release	$85

h. Fuel surcharge chart (tow and mileage cost only):

Fuel Cost	Fuel Surcharge Percentage
$2.50	0%
$3	1%
$3.50	2%
$4	3%
$4.50	4%
$5	5%
$5.50	6%
$6	7%
$6.50	8%
$7	9%
$7.50	10%
$8	11%

i. After the first hour, all hourly billable rates will be charges in half-hour increments.

C. Calculation of rates and fees.

1. The towing mileage rates, where applicable, shall be calculated based on the total distance traveled from the site of pickup of the vehicle in question to the drop-off point, by way of the shortest available route. Fractions shall be rounded up to the nearest whole. The first seven miles shall not be subject to the mileage charge.

2. Tow vehicles transporting multiple passenger cars at one time shall receive the applicable fees for each vehicle transported.

D. No storage of any disabled or damaged vehicle shall be located on any public street or sidewalk in the Borough.

E. The fees set forth on the schedules set forth in this section contained for storage fees are the maximum storage charges per twenty-four-hour period that shall apply to all vehicles stored by an official tower.

F. Motorcycles and all other on-/off-road vehicles shall be considered private passenger vehicles for purposes of determining fees which are allowed under this section. Any other objects not covered herein which are towed by an official tower at the request of the Borough shall be subject to fees as determined by the Mayor and Council.

G. The use of Speedy-Dri shall be charged the rate of $25 per fifty-pound bag after the first bag.

H. Fees for towing and storage of private passenger vehicles damaged in an accident or recovered after being stolen may not exceed the fees established by the New Jersey Department of Insurance pursuant to N.J.S.A. 56:13-7 et seq. Those towing and storage fees, which are set forth in N.J.A.C. 11:3-38.1, are incorporated herein by reference.

I. The fees set forth in Subsections B and C of this section do not apply to vehicles owned and/or operated by the Borough of Montvale or any of its agencies. Under no circumstances do the towing and storage fees apply to such vehicles. As a condition of any license, the tower agrees to this provision and to tow and store such vehicles without charge.

J. Responsibility to clean up accident scene. Any tow company removing a vehicle from the scene of an accident in the Borough of Montvale shall be responsible for collecting and disposing of all loose glass, liquid, metal and other vehicle debris on the roadway in and about the scene of the accident. The tow company shall further be responsible for sweeping the roadway before towing away the vehicle from the scene. No charge is allowed for minor accident cleaning. Where major accident cleaning is required, a fee of $25 may be collected by the tow company if there is a liquid spill from the motor vehicles and more than one bag of absorbent material is used to clear the scene. The absorbent material will be provided by the tow company and cleared away by the tow company. Proper notification to emergency personnel should be made in the event that the liquid spill requires hazardous material response.

K. The tow company must respond within one-half hour from the time they are called. Billable time begins from the time they show up on the scene and report to police.

L. No decoupling fee may be charged other than those as may be set forth in this chapter.

M. The on-call tow company will tow the vehicles to the customer's desired location within Bergen County.

N. The tow companies will provide a monthly tow report with receipts to the Borough. They must include any notations of fact for any additional charges on the official tower's bill.

O. The tow companies shall tow all vehicles, including electric vehicles.

§365-12 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 Borough 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 fees that may be charged for all services, provided that the same is pursuant to this chapter.

C. The Borough reserves the right to make periodic unannounced inspections of the personnel, vehicles, equipment and storage areas of all official towers.

D. The relationship between an official tower and the Borough 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 towers list shall not be construed or considered as a joint venture, partnership, association, contract of employment or profit-sharing agreement.

E. The Borough shall not be liable or responsible for compensating the official towers for any of the services performed under this chapter unless those services are performed for Borough 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 and complete records showing all vehicles towed, stored and released, all services rendered and all fees charged and collected. All records shall be available for inspection by the Borough at any time during normal business hours. Records shall be kept and maintained by the official tower at one central location and shall be retained for a period of seven years. Records may be written, printed or computerized as long as the requirements of this subsection are met.

§365-13 Enforcement agency; suspension or revocation of license.

A. The Montvale Police Department, the Borough Administrator, or the Mayor and Council shall have the authority to hear complaints against any official tower whether brought by Borough representatives, the public, and/or other official towers. The Montvale Police Department shall review all complaints and issues in consultation with the Borough Administrator.

B. The hearing officer, whoever it may be, shall have the power to issue subpoenas to compel attendance at the hearing.

C. In the event that a complaint (of a noncriminal nature) is received by the Borough or issued by the Borough involving 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 tower, written notice of said complaint, by certified mail, return receipt shall be given to the official tower against whom the complaint is made. The official tower shall make a written response to such complaint within five calendar days from receipt of the written notice and may request an in-person hearing.

D. The Police Department after hearing the matter shall have the authority to suspend the official tower's license until the next rotation. The matter shall be referred to the Borough Administrator for any further action. The Borough Administrator may take further action, including a longer suspension or termination of the license for up to one (1) year, after notice and an opportunity to be heard. The Borough Administrator may also refer the matter to the Mayor and Council. Any contestation of suspension or further action shall be made by way of appeal to the Mayor and Council within 14 calendar days of the notice of said suspension or further action. The Mayor and Council shall then conduct a hearing, or delegate the hearing to the Borough Administrator, regarding the appeal of the suspension or further action within 30 calendar days of the tower's notice of appeal, whenever practicable.

E. In the event that two or more complaints are pending for over 30 days in Municipal Court, then the Borough Administrator may suspend the official tower's license, after a hearing and decision.

F. If, after considering the matter and the findings by the Police Department or the Borough Administrator, the Mayor and Council shall determine that there is good and sufficient cause for revocation of the official tower's license, or any lesser penalty, the tower shall surrender said license to the Borough Clerk within one calendar day.

G. Failure to surrender the license upon revocation shall constitute a violation of this chapter, subject to all legal action available to the Borough, including permanent removal from the official towers list.

H. 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.

§365-14 Violations and penalties.

A. In addition to any suspension or revocation of license, a person who shall violate any of the provisions of this chapter shall be subject to the following:

   1. Punishable by a fine not exceeding $2,000 or imprisonment for a term not exceeding 90 days or for a period of community service not exceeding 90 days, or any combination of them, at the discretion of the Municipal Court. The minimum fine for violation of any provision of this chapter shall be a fine of $1,000;

   2. Each violation of any of the provisions of this chapter and each day the same is violated shall be deemed and taken to be a separate and distinct offense; and

   3. The imposition of a fine or imprisonment, or both, for a violation of this chapter of the Code shall not be deemed to be in lieu of any other provision therein providing for revocation or suspension of any license or permit issued thereunder.

B. In addition to the fine provided above, a violation of any of the provisions of this chapter shall be cause for revocation of the official tower's license.

Section 2. Repeal of Inconsistent Ordinances.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Savings Clause.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 4. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 5. Effective Date.

This Ordinance shall become effective upon adoption and publication as required by law.