

**BOROUGH OF LEONIA**  
**ORDINANCE No. 2019-3**  
**AN ORDINANCE TO AMEND CHAPTER 267 OF THE**  
**ORDINANCE OF THE BOROUGH OF LEONIA ENTITLED "TOWING"**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Leonia, County of Bergen, State of New Jersey, as follows:

**Section 1.**

Chapter 267 of the Code of the Borough of Leonia, Towing", be and is hereby repealed in its entirety and replaced by the following:

**Section 267-1. Purpose.**

The purpose of this Chapter is to provide standards, regulations and rates for police-requested nonpreference towing and storage services without competitive bidding in accordance with N.J.S.A. 40:48-2.49 et seq. and N.J.S.A. 40A:11-5(u) under the supervision of the Leonia Police Department.

**Section 267-2. Definitions.**

The following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

**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 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.

**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 is secured by a locking device on each opening.

**Licensee**

A towing operator.

**Outside Secured**

An automobile facility that is not indoor and is secured by a fence, wall or other man-made barrier that is at least six feet high and is installed with a passive alarm system or a similar on site security measure.

**Outside Unsecured**

An automobile facility that is not indoor and is not secured by a fence, wall or other man-made barrier, and storage facilities not defined above as inside a building or outside secured.

**Police**

The Borough Police Department, State Police, County Police or other police department that may have jurisdiction upon the roadways of the Borough.

**Storage Charges for a Twenty-Four-Hour Period**

The maximum allowable amount to be charged by a storage facility for a twenty-four-hour period or fraction thereof. A new twenty-four-hour period begins at 12:01 a.m.

**Towing Operator**

A person, corporation or other form of business entity engaged in the business of providing a basic towing service to the general public and storage facilities for vehicles towed.

**Towing Operators Base of Service**

The towing operator's principal place of business; where the tow trucks are stationed when not in use.

**Tow Truck**

Those vehicles equipped with a boom or booms, winches, slings, tilt beds, wheel lifts or an under-reach specifically designed by a manufacturer that is nationally recognized by the towing industry for the removal or transport of motor vehicles.

**Section 267-3. List of Approved Towing and Storage Service Providers.**

The Mayor and Council of the Borough of Leonia shall establish an annual alphabetical list of approved persons or firms who shall be utilized by the Police Department on a rotational basis, to provide towing and storage services for abandoned, wrecked or impounded vehicles at rates and charges to be set by the Borough. Said list shall contain the names, addresses and twenty-four-hour telephone numbers of all approved towing and storage service providers.

- A. Towing operator who meets the standards set forth in this Chapter may be issued a license.
- B. Each such licensed towing operator shall be put on a rotational list compiled by the Chief of Police of the Borough and shall be called to respond to the needs of the police on a rotating basis.
- C. A maximum of four (4) entities shall be selected as licensed towing operators for the Borough of Leonia in any year.

**Section 267-4. Storage Facility Terms and Conditions.**

- A. Storage facilities shall be of sufficient size to properly accommodate a minimum of 15

vehicles for the Borough of Leonia. Storage facilities shall be fenced-in and secured, and be located within a two-mile radius of the Borough of Leonia, in an area that permits the towing and storage of vehicles.

B. All land proposed to be used as a storage facility must be level and clear of debris, and must be clearly marked as having the capacity necessary to store a minimum of 15 vehicles for the Borough of Leonia.

**Section 267-5. License Fees.**

A. Each towing operator shall be licensed. The fee for each towing operator who is listed on the call list under Section 267-3 shall be \$1,200.00. Each license shall be issued in duplicate. One copy of the license shall be kept at all times at the location at which the tower is domiciled. Each license shall be valid from the date of its issue through January 31 of its issuance. Licenses shall not be transferable.

B. Any license issued hereunder may be renewed for additional periods of one-year upon:

(1) Submission to the Borough Clerk of renewal application containing the same information as required in Section 267-7.

(2) Presentation of renewed insurance certificates containing the same information.

(3) Payment to the Borough Clerk of a renewal fee in the amount of \$1,200.00 in accordance with Section 267-5A. The Mayor and Council have the right to deny, within 45 days after the submission of all items required by the chapter, the renewal of any license if they find that the applicant no longer demonstrates the ability to comply with the terms of this chapter, for any reason specified in Section 267-8 hereof, or for other just cause. In the event any renewal of a license is denied, the applicant shall forthwith be notified in writing, which shall specify the reason for the denial. After receipt of such notification, the applicant shall have 10 days in which to make written request to the Borough Clerk for a hearing before the Mayor and Council.

**Section 267-6. Towing, Winching and Storage Fees.**

Cars (light)	\$50.00 per hour plus parts
Trucks (Medium/Heavy)	\$75.00 per hour plus parts

Towing - Basic

Light Duty - up to 10,000 lbs.	Hook-up \$150
Medium Duty - 10,001 - 16,000 lbs	\$250.00 per hour

Heavy Duty 16,001 and above	\$500.00 per hour
Decoupling Fee (if tow is not performed)	½ of Basic Rate

Recovery/Winching (In Addition to Towing - per truck including driver)

Light/Medium Duty 10,001-16,000 lbs.	\$350.00 per hour
Heavy Duty 16,001 and above	\$600.00 per hour

Specialized Recovery Equipment

Rotator/crane recovery unit	\$1,200.00 per hour
Tractor with landoll trailer or detach trailer	\$ 450.00 per hour
Tractor/transport hauler only	\$ 250.00 per hour
Refrigerated trailer w/tractor	\$ 450.00 per hour
Box trailer w/tractor	\$ 400.00 per hour
Air Cushion Uni	\$ 1,000.00 per hour
Light Tower	\$ 250.00 per hour
Pallet Jack	\$ 200.00 flat rate
Rollers	\$ 200.00 flat rate
Any other specialized equipment	\$ 250.00 per hour
Loader/backhoe/telescopic handler/bulldozer/bobcat	\$ 300.00 per hour each
Forklift	\$ 300.00 per hour
Dump truck/dump trailer w/tractor	\$ 350.00 per hour
Roll-off with container	\$ 350.00 per hour plus disposal
Recovery supervisor vehicle	\$ 150.00 per hour
Scene safety equipment, communication equipment, traffic management equipment, etc.	\$ 250.00 per hour each type used
Recovery support vehicle/trailer additional recovery equipment	\$ 350.00 per hour

Labor - All labor Min of 1 Hour

Accident Minor clean-up and disposal of debris	\$ 75.00 per hour one hour minimum plus Absorbent materials used
Recovery supervisor and/or Level III recovery specialist	\$ 225.00 per hour
Certified Towing Operator	\$ 125.00 per hour per man
Manual Laborers	\$ 100.00 per hour per man

Storage - Per Calendar Day (Inside Rates Two Times Outside Rate)

Cars/light trucks 10' X 20' space	\$ 30.00 per day
Trucks (dual wheels/single axle)	\$ 75.00 per day
Tractor/dump truck/tractor and trailer combo/trailers	\$ 125.00 per day
Buses	\$ 150.00 per day
Roll-off	\$ 125.00 per day for each
Cargo/accident debris/load storage/ vehicle components 10' x 20' space	\$ 45.00 per space used per day
Rental of any tow company supplied Trailer post incident	\$ 500.00 per day

Additional Services/Notes

Fuel/hazmat/cargo spills clean-up and disposal	Time and Material
Hazmat and trash recovery	Surcharged 10%
Subcontractor Mark-up	10%
Administrative Charge	Cars Only - \$50.00
Only after 3 <sup>rd</sup> visit to vehicle	
Administration Charge	Medium/Heavy truck - \$200.00
After Hours Release	\$ 75.00
Notification Documentation Fee	\$ 50.00
Tarping/wrapping vehicle	\$90.00 per car / \$250.00 per truck
Fuel surcharge	Reserved for future need

Note: After the first hour, all hourly billable rates will be charged in half-hour increments.

**Section 267-7.Licensing Procedure.**

A. Except for the occasional solicited towing incident allowed herein, no towing operator shall operate within the Borough without a license in accordance with the provisions of this chapter.

B. Every applicant for a license shall complete, sign and verify a written application on forms furnished by the Borough Clerk. The application shall include:

- (1) Name, business address, residential address and telephone numbers (residence and business) of the towing operator and principal owners thereof.
- (2) Locations of outside secured and unsecured storage areas for tow trucks, towed vehicles and all other vehicles used in the towing operator's business.
- (3) The application shall be accompanied by the following supporting documentation:
  - (a) Zoning certification (issued by Municipal Zoning Officer/Construction Official) and Fire Subcode certification (issued by Fire Subcode Official).
  - (b) Deed of ownership or lease agreement for storage locations.

(c) Roster of tow trucks and other vehicles registered and copies of registrations and insurance cards.

(d) Roster of employees (by name and address).

(e) Certificates of garage liability insurance, automobile liability insurance, garagekeepers' insurance, excess umbrella insurance and workers' compensation insurance.

(f) Affirmative action certification.

(g) Stockholders' certification (if applicable).

C. License shall expire on February 1 of each year, subject to annual renewal. Applications shall be filed with the Borough Clerk on or after January 1 and no later than January 31 of each year together with the appropriate license and application fee, as established by the general fee ordinance of the Borough of Leonia.

D. No more than one license shall be granted per applicant. No licensee shall have interest, direct or indirect, in any other license.

E. Any license, once issued, is not transferable.

F. The Chief of Police of the Borough is charged with the responsibility of investigating new and renewal licensees on an annual basis. Upon completion of an investigation, the Chief of Police shall report his recommendations to the Borough Clerk. A recommendation of approval shall be predicated upon the Police Chief's determination that:

(1) The applicant is not currently wanted in this or any other state or jurisdiction for any criminal offense. The applicant shall authorize a personal background check, commercial, credit and personal references and such other investigative checks as the Chief of Police may require.

(2) If a previous licensee, the applicant has met the performance standards of this chapter, as hereinafter set forth.

(3) The applicant attests to adequacy of equipment and facilities, availability and adequate response time and the security of the vehicles towed or stored all as specified in the standards of this chapter, hereinafter set forth.

G. The Borough Clerk shall issue a license to any applicant recommended for approval by the Chief of Police.

H. On or about February 1 of each year the Borough Clerk shall furnish the list of licensees to that year to the Chief of Police and to all applicants whether approved or not approved.

I. Any applicant not so approved may appeal to the Borough Administrator. Any such appeal shall be filed within 10 days after receipt of the list of licensees from the Borough Clerk. The Administrator shall undertake a review of the reasons for rejection by the Borough Clerk and shall make an independent determination based upon the standards and criteria of this chapter.

## **Section 267-8.Revocation and Suspension of License.**

A. The Borough Administrator may revoke any license issued under this chapter for good cause, upon the recommendation of the Chief of Police. As used herein, "good cause" shall mean that the licensee has, after notice and the opportunity to cure or otherwise explain the deficiency as hereinafter set forth:

- (1) Failed to meet the performance standards and/or failed to meet licensing standards relating to equipment, insurance and/or the general standards of this chapter;
- (2) Supplied fraudulent or inaccurate information on the application; or
- (3) Violated municipal or state regulations, which relate specifically to performance hereunder.

B. Written notice of the pendency of revocation action, together with the basis thereof, shall be given to the licensee. Within 10 days of receipt of said notice, the licensee may request a meeting with the Borough Administrator who shall thereupon schedule same. Upon good cause shown, the Administrator may grant the licensee 30 days to cure any deficiency. If the Administrator, after meeting with the licensee, determines that the license should be suspended, the licensee shall be given notice of the final action.

C. Revocation by the Borough Administrator may be appealed to the Borough Council by written notice to the Borough Clerk within 10 days of receipt of the licensee of notice of final action of revocation. The Council shall schedule and conduct a hearing thereon, at which time the licensee shall be given the opportunity to present and cross examine witnesses and may be represented by Counsel. The Council shall decide the appeal no later than 30 days after receipt of notice of appeal by the Borough Clerk and shall render its decision by a written resolution, stating its findings and conclusions.

D. If a license has been revoked, the towing operator may be disqualified from reapplying for two successive licensing periods.

E. The Chief of Police may temporarily suspend a license for just cause, including conviction of a crime or disorderly person's offense involving moral turpitude.

## **Section 267-9.Tow Truck Equipment.**

A. Minimum vehicle requirements:

(1) Every official tow truck shall maintain and have available to render services required by this chapter a minimum of one (1) regular tow truck, two (2) flatbed tow trucks and one (1) heavy-duty hydraulic wrecker with under-reach.

(2) Tow truck classes.

(a) Regular tow trucks must be equipped with a boom or winch assembly

mounted on the chassis, a dolly assembly, a towing sling, wheel lift assembly or under-reach, at least 100 feet of three-eighths inch or seven-sixteenths 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.

(c) Heavy-duty wrecker must be fully hydraulic with under-reach.

(3) Each applicant shall submit, along with its application, proof of ownership or lease of the tow trucks which will be utilized to provide services pursuant to this chapter.

**B. Minimum equipment requirements.**

(1) All tow trucks shall have two-way communications capability with dispatching available on a twenty-four-hour basis.

(2) Every tow truck will be equipped with:

(a) At least one amber rotating beacon or strobe light mounted on the highest practical location, visible from 360° when in use, and visible at a minimum distance of 500 feet during daylight hours.

(b) One snatch block per winch.

(c) Safety tow lights or magnetic tow lights for towing vehicles at night, amber in color.

(d) Extra chains, cables or tie downs.

(e) At least one heavy-duty broom, a shovel, crowbar or prybar, set of jumper cables, flashlights, one two-pound or larger fire extinguisher of dry chemical type, one dozen flares or similar devices for placement at the scene of an accident or behind a disabled vehicle, at least 10 pounds of dry sand or a drying compound for gasoline and oil spills, and a sufficient quantity and type of tools to enable the tow truck operator to perform proper and adequate emergency repair services for the tow.

(3) Every tow truck 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.

(4) Every tow truck shall display the official towers' license and shall have the name of the official tower displayed on the tow truck in such a manner and of such lettering as conforms to the provisions of N.J.S.A. 39:40-46.

**Section 267-10. Performance Standards.**

Licensees shall:

a. When on call, provide towing on a twenty-four hour, seven-day-a-week basis, including



holidays.

- b. Dispatch a tow truck or trucks, as circumstances warrant, when requested by the police to respond in such a manner that the tow truck arrives at the scene within 20 minutes under normal and reasonable circumstances. A failure to respond within 20 minutes on more than three occasions within a year may result in the tower being removed from the approved list.
- c. Maintain and operate all tow trucks in accordance with all existing traffic regulations and in a safe and prudent manner.
- d. Not stop at any accident scene unless directed by the police, except to notify police of an unattended accident and advise accident victims that police have contacted the licensee on rotation; and not solicit or attempt to divert patrons of another towing operator, whether or not licensed under this section, or solicit prospective patrons of a given repair service to any other repair service.
- e. Not respond to the scene of an accident except upon notification by police.
- f. Not tow vehicles without proper authorization from the police at the scene or the owner or driver at the scene. Upon such authorization and if not accompanied by the owner or the driver of the towed vehicle, the licensee shall disclose in writing the location of the storage facility.
- g. Not release any vehicle impounded or confiscated without proper authorization from the police.
- h. Notify the police on a monthly basis of unclaimed vehicles.
- i. Be responsible for all vehicles and their contents after towing. If the vehicle is unattended, the licensee shall make an inventory of any apparent valuable contents at the accident scene and maintain said inventory at least until the disposition of the vehicle.
- j. Cooperate with other towing operators in the case of emergency services at the scene of accidents and/or disasters.
- k. Comply with police instructions at the scene, even if it means countermanding towing requests by other drivers of disabled vehicles.
- l. Request police assistance during the course of servicing when negotiating difficult towing operations.
- m. Prior to departure from the accident scene, clean and clear streets of any debris resulting from any accident, and toward that end carry the necessary equipment to perform such cleaning services.
- n. Report any dispute between towing operators and/or persons at the scene to the police; and report to the police any observed disabled vehicles, accidents or any other activities that may require police attention.
- o. Not use flashing lights or sirens except as permitted by the police pursuant to law.

- p. Not tow a vehicle for illegal parking on public property unless so directed by the police.
- q. Immediately notify the police in the event that the licensee is not operational due to mechanical failure, personnel deficiency or other incapacitating cause.
- r. Maintain written records for at least six years from the date of the service of all tows performed and all signed acknowledgments of receipt of vehicles by owners or authorized agents.
- s. Post hours of operation on storage facilities so that the public may be informed as to when the facilities are open for recovery of motor vehicles.
- t. Maintain the public portions of storage facilities as a clean and safe environment for public invitees.
- u. Not park or store an impounded vehicle on any public street or sidewalk or any outside unsecured area.
- v. Not employ any Borough employee or allow any Borough employee to have a financial interest, direct or indirect, in the towing operator's business.
- w. Clear debris from roadway prior to departure from the scene.
- x. If called as a backup tow, the vehicle shall be towed to the yard of the backup tow.
- y. Disconnect cables from disabled vehicle battery terminals as to avoid possible fire hazards.
- z. Display fee cards, conspicuously indicating the maximum rates for towing and storage charges, in each tow truck, and present a card to the driver of the disabled vehicle to be towed. Such a fee card shall also be conspicuously posted at every storage facility and location where the vehicle is to be retrieved.
- aa. Accept at least one major credit card for towing services.
- bb. Remit administrative fees to the Borough Clerk monthly.

**Section 267-11. Limitations on Towing and Storage Charges.**

A. The maximum rates for towing and storage of vehicles shall be established by resolution of the Borough Council; provided, however, that no such rates shall exceed those permitted and as same may be amended or supplanted by state statute or regulation.

B. There shall be no storage charge for the first six-hour period following towing in the licensee's storage premises. In the event that the person claiming a towed vehicle reports to the police

on a day when, for whatever reason, licensee cannot release the vehicle, the claimant shall be given written confirmation of the date from the tow commander. If the vehicle is then claimed from the licensee on the next regular business day, no storage charge shall be exacted from the time the vehicle was first claimed until it is actually picked up.

C. If the owner of an unattended vehicle appears on the scene and the vehicle does not need to be towed or impounded, the licensee shall not charge for the service call, unless the vehicle has been hooked up to the tow truck, in which event 50% of the authorized towing charge may be assessed against the owner or driver of the vehicle.

D. There shall be no charge for towing, storage or impoundment if it is determined by the Chief of Police that such vehicles have been towed, stored or impounded due to an error by the towing operator or the police. This determination shall be in the sole discretion of the Police Chief and is binding upon the licensee, who shall make no claims against the Borough or the owner of the vehicle, and if payment has already been received, the payor shall be reimbursed.

E. All licensees shall be obligated to tow and to make minor roadside service repairs to vehicles owned by the Borough in the event that they become disabled, without charge to the Borough if towed within the County of Bergen.

F. The Borough of Leonia shall retain the right to tow abandoned vehicles to its own land and retain any money realized from the sale of such vehicles.

G. In the event that the Leonia Police Department requires a vehicle to be impounded for possible evidentiary value, the licensed tow operator agrees that said tow shall be at no cost to the Borough of Leonia, provided that the vehicle is towed to a location within Bergen County.

#### **Section 267-12. Operation by Other Tow Truck Operators.**

This chapter shall not prevent the occasional operation at the scene of an accident, upon the request of an owner or driver of a vehicle, of a tow truck that is owned by a person not a licensee hereunder.

#### **Section 267-13. Implementation.**

Upon the adoption of this chapter, the Borough Clerk shall give 30 days' public notice by newspaper publication of the necessity of making application for a license to engage in the business of basic towing service as a licensee of the Borough. In addition, the Chief of Police shall give notice to all towing operations known to have engaged in basic towing service in the Borough for the last year.

#### **Section 267-14. Violations and Penalties.**

A. Any person, firm or corporation violating the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not more than \$500 or to imprisonment for not more than 90 days, or both, at the discretion of the Judge of the Municipal Court.

B. An operator engaged in the removal of motor vehicles, or any employee, officer or agent

thereof, who engages in a pattern of practice of knowingly violating the fee limits set forth in Section 3 of P.L. 1987 c. 127 (N.J.S.A. 40:48-2.50) may be liable to the municipality for a civil penalty of not less than \$25 nor more than \$50 for each motor vehicle stored with the operator.

**Section 267-15. Dispute Resolution and License Revocation.**

A. In the event that a complaint is received by the Borough involving the improper or unsatisfactory performance of services by an official tower or excessive charges or damage to a motor vehicle in the custody of the tower, written notice of same shall be provided by the Borough Clerk to the official tower involved. The tower shall have the opportunity to respond, in writing, within five days.

B. Within 14 days of receipt of the tower's response or within 21 days of receipt of complaint, if no response is received, the Borough Clerk shall present the matter to the Mayor and Council.

C. The Mayor and Council shall consider the matter at a public hearing and may request that the complainant and the tower involved appear and give testimony regarding the complaint.

D. If after considering the matter, the Mayor and Council shall determine that one of the causes for revocation of the official tower license exists, the license shall be revoked and tower shall surrender it to the Borough Clerk within one day.

E. Failure to surrender the 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.

**Section 267-16. Fee Limits.**

A. All fees to be paid to an operator by a municipality for the storage of removed motor vehicles shall not exceed the following:

(1) A limit of \$3 per day for the first 30 days storage per vehicle;

(2) A limit of \$2 per day for the 31<sup>st</sup> day of storage and any day thereafter; and

(3) A limit of \$400 per vehicle stored regardless of the duration of the storage, except that the Division of Local Government Services in the Department of Community Affairs may grant a waiver for good cause upon the request of a municipality.

B. An operator engaged in the removal of motor vehicles, or any employee, officer or agent thereof, who engages in a pattern or practice of knowingly violating the fee limits set forth in Section 3 of P.L. 1987, c. 127 (N.J.S.A. 40:48-2.50) may be liable to the municipality for a civil penalty of not less than \$25 nor more than \$50 for each motor vehicle stored with the operator.

**Section 267-17. Insurance Requirements.**

A. Indemnity. The applicant shall agree in writing to defend, indemnify and hold harmless the municipality from any and all claims for bodily injury, personal injury or property damage against the municipality arising out of the operation of any towing services or repairs under this agreement. The applicant shall further defend the municipality in connection with any claim, demand, suit or action brought against the municipality arising out of the awarding or operation of any towing, garage or repair service under this agreement at the applicant's expense.

B. Insurance requirements.

(1) Garage liability insurance. Limit of liability shall not be less than \$3,000,000 combined single limit (bodily injury and property damage) per occurrence including premises, operations and products/completed operations.

(2) Automobile liability insurance. Limit of liability shall not be less than \$3,000,000 combined single limit (bodily injury and property damage) per occurrence.

(3) Garagekeepers' insurance. Liability insurance shall be provided for vehicles in tow, possession of, or storage on property owned or controlled by the towing operator. Limit of said coverage shall not be less than \$3,000,000.

(4) On all liability policies, the municipality shall be added as an additional insured, and an insurance certificate shall indicate such coverage as primary coverage notwithstanding any insurance carried by the municipality.

(5) Workers' compensation insurance. Statutory coverage, including liability coverage with a limit of at least \$500,000/\$500,000/\$500,000.

(6) The contractor shall indemnify the municipality and the public against any loss due to injuries, accidents or damages of any type whatsoever where any such damage is the result of an act or omission of the towing operator, his agents or employees in or due to the execution of the work under the contract.

(7) The applicant shall provide the municipality with certificates of insurance, evidencing the coverage required above. Such certificates shall provide that the municipality shall be given 30 days' prior written notice of any cancellation of, intention not to renew, or material change in such coverage by certified mail, return receipt. Certificates must be provided before commencing work in connection with the contract. Failure to submit this shall subject to the towing operator to immediate disqualification.

(8) The providing of any insurance required herein does not relieve the towing operator of any of the responsibilities or obligations assumed by the towing operator for which the towing operator may be liable by law or otherwise.

**Section 267-18. Trespass Towing and Booting.**

The following provisions shall apply to any towing operator and/or booting service when engaged by the owner or other person in control or possession of private property to remove therefrom or boot an unauthorized vehicle, pursuant to the provisions of N.J.S.A. 39:4-56.6 and Chapter 267 of this Code.

A. No towing operator shall conduct a trespass tow of a Class A vehicle from a private parking lot for compensation when the point of origin is within the jurisdictional limits of the Borough of Leonia, without complying with the provisions of this chapter.

B. Posting of warning signs.

(1) No vehicle shall be towed from a private parking lot for designated parking violations unless a sign is conspicuously posted and clearly visible from all vehicle and pedestrian entrances to the property, indicating the following:

(a) A warning that the property is a private tow-away zone and a vehicle not authorized to park on the property will be towed at the owner's expense.

(b) The telephone number of the person or entity from whom a towed vehicle can be recovered.

(c) A statement that the vehicle may be recovered between the hours of 7:00 a.m. to 9:00 p.m. on any day.

(2) A warning sign is not required as a condition precedent to towing a vehicle blocking a private entrance, exit, driveway, fire lane or loading area; neither shall this section apply to statutory parking violations relating to handicapped parking or nonconsensual tows directed by a governmental enforcement officer.

C. No towing service operating within the Borough shall tow a vehicle or charge for its services where the registered owner or other legally authorized person in control of the vehicle arrives at the scene prior to towing the vehicle from the lot and:

(1) Agrees to immediately remove the vehicle from the lot; and

(2) Provides the towing operator or booting service with his or her name, address and vehicle information as set forth on the vehicle registration.

D. No vehicles removed from private property shall be stored on public property, including public streets.

E. No vehicle shall be removed to a storage facility located at a distance no greater than two miles from the municipal boundaries of the Borough of Leonia.

F. No towing operator engaged by a private party shall charge rates greater than those authorized by this chapter; nor shall any charge be made for any service not specifically set forth in this chapter.

G. Whenever a vehicle is towed from private property, the Police Department of the

Borough shall be notified, within five minutes of the time of removal, as to the reason of the towing; the year, make and license number of the vehicle; the name and address of the owner, if known; the name and address of the towing operator; and the address or location to which the vehicle is being towed.

- H. No booting of any vehicle is permitted.
- I. Proof of insurance must be provided to the Leonia Police Department.

**Section 2. Severability**

If any article, section, sub-section, sentence, clause or phrase of this Ordinance is, for any reason, deemed to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

**Section 3. Effect**

This Ordinance will take effect upon publication as required by law.

  
\_\_\_\_\_  
JUDAH ZEIGLER, Mayor

ATTEST:  
  
\_\_\_\_\_  
BARBARA RAE, RMC, CMC  
Borough Clerk