

MEETING TO BE
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AGENDA FOR A BUSINESS SESSION MEETING
OF THE TOWNSHIP COUNCIL OF WEST WINDSOR TOWNSHIP
WEST WINDSOR MUNICIPAL BUILDING
271 CLARKSVILLE ROAD
TO THE EXTENT KNOWN

August 25, 2025

7:00 P.M.

1. Call to Order
2. Roll Call
3. Statement of Adequate Notice - January 17, 2025 to The Times and the Princeton Packet, filed with the Municipal Clerk and posted at the Municipal Building and on the Township web-site.
4. Salute to the Flag
5. Ceremonial Matters and/or Topics for Priority Consideration
5th Annual Shop West Windsor Month
6. Public Comment: (30 minutes comment period; 3-minute limit per person)
7. Administration Comments
8. Council Member Comments
9. Chair/Clerk Comments
10. Public Hearings

2025-12 AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF
THE TOWNSHIP OF WEST WINDSOR (1999), AMENDING
PART II, CHAPTER 82 (FEES), BY MODIFYING
PROVISIONS WITH REPSECT TO MISCELLANEOUS
LICENSES, FEES AND PERMITS

2025-13 AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999), AMENDING PART II, CHAPTER 82 (FEES), BY MODIFYING PROVISIONS WITH REPSECT TO ESCROW DEPOSITS, APPLICATION FEES AND INSPECTION FEES

11. Consent Agenda

A. Resolutions

B. Minutes

C. Bills & Claims

12. Items Removed from Consent Agenda

13. Recommendations from Administration and Council/Clerk

2025-R180 Authorizing the Mayor and Clerk to Execute the Reimbursement Agreement with Elements at West Windsor Homeowners Association for Trash and Recycling Collection and Disposal and Snow Removal Costs for 2024

2025-R181 Authorizing the Mayor and Clerk to Execute a Settlement Agreement with the Mercer County Construction Board of Appeals

14. Introduction of Ordinances

2025-14 AN ORDINANCE ESTABLISHING CHAPTER 166 ENTITLED "TOWING AND STORAGE OF VEHICLES" OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR

Public Hearing: September 8, 2025

15. Additional Public Comment (15 minutes comment period; three-minute limit per person)

16. Council Reports/Discussion/New Business

17. Administration Updates

18. Closed Session

19. Adjournment

REQUEST FOR COUNCIL ACTION

Date of Request: 7/18/2025

Initiated By: Samuel J. Surtees Division/Department: Comm. Dev./Land Use

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Introduction and subsequent adoption of an ordinance amending Part II, Chapter 82 (Fees), by modifying provisions with respect to miscellaneous licenses, fees and permits, specifically Section 82-15.

SOURCE OF FUNDING: NA

CONTRACT AMOUNT: NA

CONTRACT LENGTH: NA

OTHER SUPPORTING INFORMATION ATTACHED:

Ordinance Summary
Memorandum from Samuel J. Surtees dated 7/18/2025
Ordinance

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Department/Division Head

7.16.25

Date

Samuel J. Surtees

APPROVED FOR AGENDA OF: 8/11/2025 (INTRODUCTION)
8/25/2025 (PUBLIC HEARING)

By:


Marlena Q. Schmid 08/04/2025
Marlena Schmid, Business Administrator

MEETING DATE: 8/11/25 Ordinance # 2025-12 Resolution # 1

Council Action Taken:

TOWNSHIP OF WEST WINDSOR
Community Development Department
Division of Land Use
MEMORANDUM

TO: Marlena Schmid
Business Administrator

FROM: Samuel J. Surtees 
Manager, Division of Land Use

SUBJECT: Draft Ordinance to amend Chapter 82-3 (Escrow-Deposits; Application fees, Inspection fees) and Chapter 82-15 (Miscellaneous licenses, fees and permits)

DATE: July 18, 2025

Attached, please find draft ordinances referenced above which would amend the fees that would be collected for development/variance applications; permit fees; escrow-deposits & miscellaneous fees. It has been over twenty (20) years since the plan review escrow fee ordinance has been updated.

In determining the proposed escrow fee increases, I looked at the past ten (10) years that we collected plan review escrow for various types of development applications (preliminary/final subdivisions, variances, site plans, conditional use applications, sign waivers) and tracked what the initial plan review escrow amount was deposited with the township. I compared this initial deposit to what the final escrow amount was when the project was completed.

Increases in the consultant and house staff hourly rates over the last twenty (20) years has increased the overall review costs for development and variance applications. The requirements for submitting a “complete” application to either the Planning Board or the Zoning Board of Adjustment has become more detailed in what is submitted.

The proposed revisions to the application/escrow fees would achieve two purposes; first, they would provide an applicant with a realistic cost up front on what the review fees would be for their project, which in turn, gives them a better idea of soft costs when preparing their business plans. Secondly, it would reduce staff time and legal costs associated with sending out replenishment letters to applicants when their plan review escrow accounts are depleted. In many cases, the township has needed to use our attorney to seek legal action from developers/applicants who refuse to replenish their escrow accounts. This adds costs to the municipal budget which cannot be charged against an applicant’s escrow account.

I would request that both these ordinances 82-3 (escrow deposits, application fees, inspection fees) and 82-15 (miscellaneous licenses, fees & permits) be placed on the next township council agenda for introduction and subsequent public hearing.

If you have any questions or require additional information, please advise.

Thank you.

Attachments (2)

c: Ordinance 82-3 File
Ordinance 92-15 File
H. Marathe
K. Giblin
J. Mauder
F. Guzik

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ORDINANCE 2025-12

AN ORDINANCE TO AMEND AND SUPPLEMENT
THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999), AMENDING PART II, CHAPTER
82 (FEES), BY MODIFYING PROVISIONS WITH REPSECT TO MISCELLANEOUS LICENSES,
FEES AND PERMITS

BE IT ORDAINED, by Township Council of the Township of West Windsor, County of Mercer,
State of New Jersey, as follows:

Part II Chapter 82 of the Code of the Township of West Windsor (1999), Section 82-15, Miscellaneous licenses, fees and permits, is hereby amended as follows. Added text is underlined, and text being eliminated is in [brackets].

§ 82-15. Miscellaneous licenses, fees and permits.

- A. Schedule of fees. The following fees are established for the various services extended and material distributed by departments of the Township: [Amended 2-8-1999 by Ord. No. 99-03; 5-6-2002 by Ord. No. 2002-10]
- (1) Alarm systems:¹ annual registration fee of \$25 if registered between January 1 and January 31; additional late fee of \$10 per month if registered thereafter. [Amended 1-22-2007 by Ord. No. 2006-22]
 - (2) Assessment search: not to exceed \$10 (pursuant to N.J.S.A. 54:5-13). Continuation search (charged per each year subsequent to original search): \$2.
 - (3) Bingo license, for each date a game is to be considered: same as fees set by state.²
 - (4) Codified ordinances: \$350.
 - (5) Land Use ordinances, bound volume: \$100. [Amended 12-19-2005 by Ord. No. 2005-16]
 - (a) Land Use supplements, yearly fee: [\$15] \$25.
 - (6) Duplicate tax sale certificate: not to exceed \$100 (pursuant to N.J.S.A. 54:5-52).
 - (7) Easement modification agreement: \$100.
 - (8) Fence permit: \$35. [Amended 12-19-2005 by Ord. No. 2005-16]
 - (9) Filed decision by Planning Board, Zoning Board of Adjustment or Township Council: \$25.
 - (10) Flood hazard area certification: \$50.
 - (11) Home occupation permit: [\$50] \$75. [Amended 12-19-2005 by Ord. No. 2005-16]
 - (12) Maps:
 - (a) Election Map: [\$10] \$15. [Added 11-29-2004 by Ord. No. 2004-34³]
 - (b) Greenbelt Map: [\$12] \$15. [Amended 12-19-2005 by Ord. No. 2005-16]

¹ Editor's Note: See Ch. 34, Alarm Systems.

² Editor's Note: See Ch. 44, Bingo and Games of Chance

³ Editor's Note: This ordinance also provided for the redesignation of former Subsections A(12)(a) through (h) as Subsections A(12)(b) through (i), respectively.

- (c) Master Plan: [\$75] \$125. [Amended 12-19-2005 by Ord. No. 2005-16]
- (d) Sanitary Sewer Map: [\$12] \$15. [Amended 12-19-2005 by Ord. No. 2005-16]
- (e) Site Location/Open Space Map (color): \$25] \$30. [Amended 12-19-2005 by Ord. No. 2005-16]
- (f) Street Map: [\$7] \$10. [Amended 12-19-2005 by Ord. No. 2005-16]
- (g) Water Distribution Map: [\$12] \$15. [Amended 12-19-2005 by Ord. No. 2005-16]
- (h) Zoning Maps: [\$12] \$15. [Amended 12-19-2005 by Ord. No. 2005-16]
- (i) Tax Maps.
 - [1] Tax Maps (full set) (twenty-four inch by thirty-six inch format): [\$375] \$385. [Amended 12-19-2005 by Ord. No. 2005-16]
 - [2] Tax Maps (full set) (twelve-inch by eighteen-inch format): [\$175] \$190. [Amended 12-19-2005 by Ord. No. 2005-16]
 - [3] Photocopy, for sizes up to 11 inches by 17 inches:
 - [a] First to tenth page: \$0.75 each.
 - [b] Eleventh to twentieth page: \$0.50 each.
 - [c] Over 20 pages: \$0.25 each.
 - [4] Photocopy, for sizes over 11 inches by 17 inches: \$0.75 per square foot.
- (13) Marriage and civil ceremonies. In addition to any fees that may be established for the issuance of a marriage or civil union license, the following fee schedule is established for weddings performed by the Township Mayor as follows: [Added 5-5-2008 by Ord. No. 2008-06⁴]
 - (a) There shall be a \$3 fee for issuance of a marriage or civil union license. The fee shall be deposited into the Township's General Fund.
 - (b) There shall be a \$25 fee collected from all applicants for a marriage or civil union license. This fee shall be remitted to the New Jersey Department of Human Services.
 - (c) There shall be a \$100 fee charged to any persons who have the Township Mayor solemnize the marriage or civil union. The fee shall be deposited into the Township's General Fund.
- (14) Notarial service fee: \$2 per signature. (Exempt from this fee shall be vendors contracting to perform services or supply goods to the Township.) [Added 3-22-2004 by Ord. No. 2004-8⁵]
- (15) ⁶Private commuter parking lot permit: [\$350] \$400, renewable beginning of each

⁴ Editor's Note: Pursuant to this ordinance, former Subsections A(13) and (14) were redesignated as Subsections A(14) and (15) respectively.

⁵ Editor's Note: This ordinance also provided for the redesignation of former Subsections A(13) through (33) as Subsections A(14) through (34) respectively.

⁶ Editor's Note: Former Subsection A(15), Patio permit, was repealed 12-9-2005 by Ord. No. 2005-16.

- year. [Amended 12-19-2005 by Ord. No. 2005-16]
- (16) Photocopies: [Amended 5-20-2002 by Ord. No. 2002-14]
- (a) For standard black and white copies of sizes up to 11 inches by 17 inches:
 - [1] First to tenth page: \$0.75 each.
 - [2] Eleventh to twentieth page: \$0.50 each.
 - [3] All pages over 20: \$0.25 each.
 - (b) For sizes over 11 inches by 17 inches: \$0.75 per square foot.
 - (c) Colored ink copies for eight-and-one-half-inch by eleven-inch page:
 - [1] First to tenth page: \$2.
 - [2] Eleventh to twentieth page: \$1.75.
 - [3] All pages over 20: \$1.50.
 - (d) For all off-site photocopies:
 - [1] Handling fee of \$5 will be charged in addition to the photocopy fee.
- (17) Planning Board agendas (yearly): [\$30] \$35.
- (18) Raffle license: same as set by state.
- (19) Service charge for checks returned due to insufficient funds: \$20. [Amended 11-29-2004 by Ord. No. 2004-34]
- (20) Sewer ban exemption endorsement (single-family residence): \$20.
- (21) (Reserved)⁷
- (22) (Reserved)⁸
- (23) Subdivision certificate: [\$250] \$300. [Amended 12-19-2005 by Ord. No. 2005-16]
- (24) Tape and CD duplication fee, per tape/CD: \$7. [Amended 12-19-2005 by Ord. No. 2005-16]
- (25) Tax and sewer rent payments: [Added 12-17-2007 by Ord. No. 2007-23⁹; amended 12-6-2010 by Ord. No. 2010-29]
- (a) Processing fee for ACH payments: \$2 per transaction.
 - (b) Processing fee for credit card payments: 2.9% of transaction amount (effective January 1, 2011).
- (26) Tax bill, duplicate: \$1.
- (27) Tax sale certificate, duplicate: not to exceed \$100 (pursuant to N.J.S.A. 54:5-52).

⁷ Editor's Note: Former Subsection A(21) SPRAB agendas, was repealed 7-30-2018 by Ord No. 2018-20.

⁸ Editor's Note: Former Subsection A(22) Stream water quality report, was repealed 12-19-2005 by Ord No. 2005-16.

⁹ Editor's Note: This ordinance also provided for the redesignation of former Subsection A(34) as Subsection A(27); former Subsection A(25) as Subsection A(26); and former Subsection A(26) through (33) as Subsection A(28) through (35), respectively.

- (28) Tax search: not to exceed \$10 (pursuant to N.J.S.A. 54:5-13).
- (29) Township Council agenda: \$50 annually. [Amended 12-19-2005 by Ord. No. 2005-16]
- (30) Township Council minutes, yearly subscription fee: \$200.
- (31) Township Council special meeting notice: \$25 annually. [Amended 12-19-2005 by Ord. No. 2005-16]
- (32) Vendors' permit (peddlers, hawkers, solicitors): \$50.
 - (a) SBI check for vendors: \$18. [Amended 12-19-2005 by Ord. No. 2005-16]
- (33) Zoning certificate: [~~\$100~~] \$150. [Amended 12-19-2005 by Ord. No. 2005-16]
- (34) Zoning Board of Adjustment agendas (yearly): [~~\$15~~] \$20.
- (35) Zoning permit: [~~\$35~~] \$40. [Amended 11-29-2004 by Ord. No. 2004-34; 12-19-2005 by Ord. No. 2005-16]
- (36) Grease control plan review fees. [Added 12-29-2008 by Ord. No. 2008-51]
 - (a) New establishments and existing establishments with proposed renovations shall pay a plan review fee based on the square footage of the establishment. Existing establishments submitting an initial grease control plan to the Township shall not be required to submit a fee. [Amended 3-4-2013 by Ord. No. 2013-06]

Size (square feet)	Fee
Up to 400	\$175
401 to 800	\$250
Over 800	\$300

- (b) New multi-use properties shall submit a plan review fee based on the number of proposed retail food establishments discharging into the Township Sanitary Sewer from the property: \$50 per establishment. Existing multi-use properties submitting an initial grease control plan shall not be required to submit a fee.
 - (c) Alteration to an approved grease control plan: \$100.
- (37) Rental of Schenck Farmstead restrooms and use of property to erect an event tent. Residents of West Windsor Township or Township-based organizations only: [Added 3-31-2014 by Ord. No. 2014-02; amended 9-12-2016 by Ord. No. 2016-20]
 - (a) Social events: \$100.
 - (b) Weddings: \$100.
 - (c) Nonprofit events: \$100.
 - (d) Corporate events: \$100.
 - (e) Security fee (refundable): \$150.

B. Exceptions. No fees shall be charged for any requested information, reports, searches, etc., under this chapter if formally requested by any federal, state, county or municipal agency or

department or if requested by any department, employee or appointee of the Township.

- C. Interest on unpaid taxes. Interest on unpaid taxes or unpaid assessment for local improvements shall be charged at a rate of 8% per annum on the first \$1,500 of the delinquency and 18% of any amount in excess of \$1,500. Interest on unpaid taxes or unpaid local improvements shall be completed from the date taxes or local assessments become delinquent, except that no interest shall be charged on any installment payment if payment of said installment is made within 10 days after the date upon which the same becomes payable.

INTRODUCTION:

PLANNING BOARD:

PUBLIC HEARING:

ADOPTION:

MAYORAL APPROVAL:

EFFECTIVE DATE:

REQUEST FOR COUNCIL ACTION

Date of Request: 7/18/2025

Initiated By: Samuel J. Surtees Division/Department: Comm. Dev./Land Use

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Introduction and subsequent adoption of an ordinance amending Part II Chapter 82 (Fees) provisions with respect to Escrow-Deposits, Application Fees and Inspection Fees specifically Section 82-3.

SOURCE OF FUNDING: NA

CONTRACT AMOUNT: NA

CONTRACT LENGTH: NA

OTHER SUPPORTING INFORMATION ATTACHED:

Ordinance Summary
Memorandum from Samuel J. Surtees dated 7/18/2025
Ordinance

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Department/Division Head

Date

APPROVED FOR AGENDA OF: 8/11/2025 (INTRODUCTION)
8/25/2025 (PUBLIC HEARING)

By


Marlena Schmid
Marlena Schmid, Business Administrator

MEETING DATE: 8/11/25 Ordinance # 2025-13 Resolution # _____

Council Action Taken:

TOWNSHIP OF WEST WINDSOR
Community Development Department
Division of Land Use
MEMORANDUM

TO: Marlena Schmid
Business Administrator

FROM: Samuel J. Surtees 
Manager, Division of Land Use

SUBJECT: Draft Ordinance to amend Chapter 82-3 (Escrow-Deposits; Application fees, Inspection fees) and Chapter 82-15 (Miscellaneous licenses, fees and permits)

DATE: July 18, 2025

Attached, please find draft ordinances referenced above which would amend the fees that would be collected for development/variance applications; permit fees; escrow-deposits & miscellaneous fees. It has been over twenty (20) years since the plan review escrow fee ordinance has been updated.

In determining the proposed escrow fee increases, I looked at the past ten (10) years that we collected plan review escrow for various types of development applications (preliminary/final subdivisions, variances, site plans, conditional use applications, sign waivers) and tracked what the initial plan review escrow amount was deposited with the township. I compared this initial deposit to what the final escrow amount was when the project was completed.

Increases in the consultant and house staff hourly rates over the last twenty (20) years has increased the overall review costs for development and variance applications. The requirements for submitting a “complete” application to either the Planning Board or the Zoning Board of Adjustment has become more detailed in what is submitted.

The proposed revisions to the application/escrow fees would achieve two purposes; first, they would provide an applicant with a realistic cost up front on what the review fees would be for their project, which in turn, gives them a better idea of soft costs when preparing their business plans. Secondly, it would reduce staff time and legal costs associated with sending out replenishment letters to applicants when their plan review escrow accounts are depleted. In many cases, the township has needed to use our attorney to seek legal action from developers/applicants who refuse to replenish their escrow accounts. This adds costs to the municipal budget which cannot be charged against an applicant’s escrow account.

I would request that both these ordinances 82-3 (escrow deposits, application fees, inspection fees) and 82-15 (miscellaneous licenses, fees & permits) be placed on the next township council agenda for introduction and subsequent public hearing.

If you have any questions or require additional information, please advise.

Thank you.

Attachments (2)

c: Ordinance 82-3 File
Ordinance 92-15 File
H. Marathe
K. Giblin
J. Mauder
F. Guzik

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ORDINANCE 2025-13

AN ORDINANCE TO AMEND AND SUPPLEMENT
THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999), AMENDING PART II,
CHAPTER 82 (FEES), BY MODIFYING PROVISIONS WITH RESPECT TO ESCROW
DEPOSITS, APPLICATION FEES AND INSPECTION FEES

BE IT ORDAINED, by Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, as follows:

Part II Chapter 82 of the Code of the Township of West Windsor (1999), Section 82-3, Escrow deposits; application fees; inspection fees, is hereby amended as follows. Added text is underlined, and text being eliminated is in [brackets].

§ 82-3. Escrow deposits; application fees; inspection fees.

- A. Obligation to pay application fees and professional fees incurred during the course of review. Applicants submitting the applications set forth herein shall pay such application fees as are due and all reasonable costs for professional services, including but not limited to engineering, legal, planning, landscape architecture, traffic engineering, including review of traffic reduction plans, and other costs incurred by the Township in connection with the review and approval by the Planning Board or Zoning Board of Adjustment of the applications set forth herein, including costs incurred during any informal review of a concept plan by such Board and review to assure that the conditions of approval have been satisfied. Such professional services may be by Township staff or by consultants retained by the Township on a general basis or retained specifically for an application by the board of jurisdiction or the Township. In conjunction with payment of such professional fees, the applicant shall make an escrow deposit in the amount and manner set forth herein, shall execute an agreement in a form provided by the Township obligating itself to pay such fees and shall furnish a fee bond or other performance guaranty in favor of the Township guaranteeing the payment thereof. The application fee is a flat fee to cover direct administrative expenses and is nonrefundable. [Amended 12-19-2005 by Ord. No. 2005-16]
- B. Amount of fees and escrow deposits due. Each applicant shall, prior to [his or her] their applications being deemed complete, submit to the Township [Treasurer] Land Use Manager in cash, check, [or by] certified check or money order the following sums as application fees and escrow deposits. The applicant shall provide separate checks for application fees and escrow deposits. Where one application for development includes more than one approval request, the sum of the individual required fees shall be paid

- (1) Subdivision fees.¹
 [Amended 5-6-2002 by Ord. No. 2002-10; 12-19-2005 by Ord. No. 2005-16]

Type of Plat	Application Fee	Escrow to be Deposited
Sketch plat	\$500	\$750 per lot for the first 5 lots and \$300 per lot for the remaining lots
Minor subdivision	[\$500] <u>\$750</u>	[\$2,500 per lot] <u>\$5,000</u>
Major subdivision plat		
Preliminary plat	\$750	\$1,200 per lot for the first 10 lots, \$800 per lot for the next 10 lots and \$600 per lot for the remaining lots
Final plat	\$500	\$1,000 per lot for the first 10 lots and \$600 per lot for the remaining lots
Combined preliminary plat and final plat	\$1,000	\$2,500 per lot for the first 10 lots and \$1,000 per lot for the remaining lots
Subdivision certificate of approval	[\$125] <u>\$300</u>	None required

- (2) Site plan fees.
 [Amended 5-6-2002 by Ord. No 2002-10; 12-19-2005 by Ord. No. 2005-16]

Type of Plan	Application Fee	Escrow to be Deposited
Site plan not involving any building area	\$500	\$25 per square foot of site area being disturbed
Residential concept plan	[\$750] <u>\$1,000</u>	[\$750 per unit for the first 200 units and \$225 per unit for the remaining units] <u>\$7,500</u>
Nonresidential concept plan	[\$750] <u>\$1,000</u>	[\$0.10 per square foot for the first 200,000 square feet and \$0.05 for the remaining square feet] <u>\$7,500</u>
Residential major site plan		
Preliminary approval	[\$750] <u>\$1,000</u>	\$250 per unit for the first 200 units and \$100 per unit for the remaining units
Final approval	[\$500] <u>\$750</u>	\$125 per unit for the first 200 units and \$50 per unit for the remaining units
If combined preliminary and final approval sought	[\$1,000] <u>\$1,500</u>	\$400 per unit for the first 200 units and \$200 per unit for the remaining units
Nonresidential minor site plan	\$750 <u>\$1,000</u>	[\$35 per square foot of floor area] <u>\$7,500</u>

¹ Editor's Note: See Ch. 200, Land Use, Part 2, Subdivision.

Nonresidential major site plans

Preliminary approval	[\$750] <u>\$1,000</u>	[\$0.35] <u>\$0.50</u> per square foot of floor area for the first 200,000 square feet and [\$0.15] <u>\$0.30</u> per square foot for the remaining square feet
Final approval	[\$500] <u>\$750</u>	[\$0.10] <u>\$0.35</u> per square foot of floor area for the first 200,000 square feet and [\$0.05] <u>\$0.25</u> per square foot for the remaining square feet
If combined preliminary and final approval	[\$1,000] <u>\$1,500</u>	[\$0.40] <u>\$0.60</u> per square foot of floor area for the first 200,000 square feet and [\$0.25] <u>\$0.40</u> per square foot for the remaining square feet

(3) Other submissions.

[Amended 5-6-2002 by Ord. No 2002-10; 12-19-2005 by Ord. No. 2005-16]

Type of Plan	Application Fee	Escrow to be Deposited
General development plans	[\$2,000] <u>\$2,500</u>	[\$25,000] <u>\$40,000</u>
Conditional use approval with drive-through facilities	[\$750] <u>\$1,000</u>	[\$7,500] <u>\$15,000</u>
Conditional use approvals	\$500	\$3,000
Appeals under N.J.S.A. 40:55D-70a	\$150	[\$750] <u>\$1,500</u>
Interpretation or special questions under N.J.S.A. 40:55D-70b	\$200	[\$200] <u>\$500</u>
Hardship variances under N.J.S.A. 40:55D-70c	\$100	[\$250] <u>\$350</u> for each variance
Use variances <u>(d-1; d-2; d-3; d-5; d-6)</u>	[\$1,000] <u>\$1,500</u>	[\$3,500] <u>\$5,000</u> for each variance
<u>Use variances (d-4)</u>	<u>\$100</u>	<u>\$2,500</u>
Waivers from sign requirements	\$300 [for all waivers]	[\$1,500 per waiver] <u>\$2,500</u>
Permits under N.J.S.A. 40:55D-34 and 40:55D-36	\$150	\$500
[Modifications] <u>Amendments</u> of previously approved plans [without changes to MIC and FAR]	[\$1,000] <u>\$1,500</u>	[\$1,500] <u>\$7,500</u>

[All other modifications of previously approved plans]	[\$100]	[Same as if the application were an original application]
List of persons within 200 feet	[\$10 or \$0.25] \$25, or \$1 per name, whichever is greater	None required
Request for zoning text/map amendments	\$2,500	\$10,000
Maintenance guaranty application	10% of the maintenance guaranty or \$500, whichever is greater	None required

- (4) If the final total square footage is unknown, fees and escrows shall be based upon maximum floor area permitted under Part 4, Zoning, of Chapter 200.
- (5) Development review fees for either subdivision or site plan applications may be proportioned to stages of submittals as approved by the Planning Board.
- (6) Unexpended escrow deposits for sketch plats and concept plans shall be credited against escrow deposits due upon filing of an application for development.

C. Determination of insufficient escrow deposit during completeness review.

- (1) Within 45 days after the filing of an application for development and before a determination of completeness is made, the Township shall determine whether the escrow amounts set forth above are sufficient for the Township to perform required application reviews, including review and preparation of documents and review to assure that the conditions of approval have been satisfied. In conducting such review, the following criteria shall be considered:
 - (a) The presence or absence of public water or sewer servicing the site.
 - (b) Environmental considerations, including but not limited to geological, hydrological and ecological factors.
 - (c) Traffic impact of the proposed development.
 - (d) Impact of the proposed development on the existing aquifer or water quality.
 - (e) Impact on improvement which might require off-tract or off-site contributions agreements.
- (2) If additional sums are deemed necessary, the Treasurer shall notify the applicant of the required additional amount the Township has determined to be necessary.

Each applicant shall, prior to the application being deemed complete, submit to the Township Treasurer in cash, check, [or by] certified check or money order the amount of escrow deposit due pursuant to Subsection B and the amount of additional escrow deposit agreed by the applicant and the Township to be due in accordance with this subsection and shall complete all forms as required by the Director of Community Development. The application shall be deemed incomplete if the applicant and Township do not agree on the additional escrow amount due pursuant to this subsection.

D. Determination of insufficient escrow deposit after the application has been deemed complete.

- (1) If an escrow account contains insufficient funds to enable the Township or board of jurisdiction to complete required application reviews, including follow-up as to documents and conditions, the Township Treasurer shall provide the applicant with a notice of insufficient escrow balance. In order for work to continue on the development or the application, the applicant shall within a reasonable time period post a deposit to the account in an amount to be agreed upon by the Township or board of jurisdiction and the applicant. Such amount shall be sufficient to pay all unpaid bills, as well as an amount sufficient to complete all applicant reviews, including follow-up as to documents and conditions.
- (2) In the interim, any required health and safety inspections shall be made and charged back against the replenishment of funds. Other than these inspections, no further work shall be done on the application or development. In addition, no hearing before any Township board or committee may be convened and no construction permit or certificate of occupancy may be issued if such amounts are due and payable. The time to act under the Municipal Land Use Law² shall be tolled during the time when there has been no municipal action on the application because the applicant has not posted the additional escrow deposit provided for in this subsection. In addition, all escrow charges which are due and owing shall become a lien on the premises with respect to which said charges are required and shall remain so until paid. Said overdue charges shall accrue the same interest from time to time as taxes upon real estate in the Township. The Township shall have the same remedies for the collection thereof with interest, costs and penalties as it has by law for the collection of taxes upon real estate and may collect reasonable attorney's fees incurred in collecting such unpaid fees.
- (3) The board of jurisdiction may deny the application if the applicant has failed to pay any amounts due under Subsections B through D hereof. Whether or not specifically stated in the resolution of memorialization, payment in a timely

² Editor's Note: See N.J.S.A. 40:55D-1 et seq.

manner of all escrow fees which become due shall be a condition of the approval of any application.

- E. Periodic accounting of escrow funds and expenditures. The Township Treasurer shall prepare and send to the applicant a statement which shall include an accounting of funds listing all deposits, interest earnings, if applicable, disbursements and the cumulative balance of the escrow account. This information shall be provided on a quarterly basis, if monthly charges are \$1,000 or less, or on a monthly basis, if monthly charges exceed \$1,000.
- F. Close-out procedures. The applicant shall send written notice by certified mail to the Township Treasurer, to the board of jurisdiction and to municipal professionals who worked on the application review that the board of jurisdiction has granted final approval; that, in the case of subdivisions or site plans, the subdivision or site plan has been signed by the board of jurisdiction and the approval has otherwise been perfected; and that, in the case of all other applications for which escrow deposits are necessary, the approval has been perfected and no further work by municipal professionals is necessary. After receipt of said notice, each professional shall render a final bill to the Treasurer within 30 days. The Treasurer shall render a written final accounting to the applicant on the uses to which the deposit was put within 45 days of receipt of the final bill from the professionals. Any balances remaining in the escrow account, including interest, if applicable, shall be refunded to the applicant along with the final accounting. The refunding process shall be in accordance with the guidelines and procedures established by the division of local government services in effect at that time.
- G. Fee for inspection of constructed improvements.
[Amended 10-29-2018 by Ord. No. 2018-26.]
 - (1) Each developer shall reimburse the Township for all reasonable costs for the municipal inspection of the construction site and off-site improvements and shall execute an agreement in a form provided by the Township obligating itself to do so. An escrow fund will be established with the Township before construction begins, and such funds shall be used to pay the fee and costs of professional services employed by the Township to inspect the construction.
 - (2) An initial fee, except for extraordinary circumstances, of the greater of \$500 or 5% of the cost of improvements, both public and private, shall be deposited prior to the issuance of any construction permit. The estimated cost of improvements shall be determined by the Township Engineer pursuant to N.J.S.A. 40:55D-53.4 based on a preliminary itemized cost estimate prepared by the developer.
 - (a) For those developments for which the reasonably anticipated fees are less than \$10,000, fees may, at the option of the developer, be paid in two installments. The initial amount deposited by a developer shall be 50% of the reasonably anticipated fees. When the balance on deposit drops to 10% of the reasonably anticipated fees because the amount deposited by the

developer has been reduced by the amount paid to the Township Engineer for inspections, the developer shall deposit the remaining 50% of the anticipated inspection fees.

- (b) For those developments for which the reasonably anticipated fees are \$10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited by a developer shall be 25% of the reasonably anticipated fees. When the balance on deposit drops to 10% of the reasonably anticipated fees because the amount deposited by the developer has been reduced by the amount paid to the Township Engineer for inspections, the Township Treasurer shall provide the developer with a notice of insufficient deposit balance and the developer shall make additional deposits of 25% of the reasonably anticipated inspection fees.
 - (3) The Township Engineer shall not perform any inspection if sufficient funds are not on deposit, except that any required health and safety inspections shall be made and charged back against the replenishment of funds.
 - (4) If any inspection deposit contains insufficient funds to enable the Township to perform required improvement inspections, the Township shall require the developer to deposit additional funds in escrow, provided that the Township delivers to the developer a written inspection escrow deposit request, signed by the Township Engineer, which: informs the developer of the need for additional inspections, details the items or undertakings that require inspection, estimates the time required for those inspections, and estimates the cost of performing those inspections.
 - (5) The Township Treasurer shall provide the developer with an accounting of the deposit setting forth the information and in the intervals set forth in Subsection E. Upon the improvements being approved and all guarantees required under Chapter 200, Land Use, Article XVII, Improvement Guaranties, having been released, the deposit shall be closed out in the same manner as is set forth for escrow accounts in Subsection F
- H. Deposit of escrow funds. The Township Treasurer shall deposit all escrow funds in accordance with N.J.S.A. 40:55D-53.1.
- I. Exemptions.
[Added 10-9-2001 by Ord. No. 2001-19]
- (1) The following organizations or individuals may, to the extent specified herein, be exempt from the payment of subdivision fees assessed pursuant to § 82-3B(1) and site plan fees assessed pursuant to § 82-3B(2):
 - (a) Any non-profit recreational association holding a tax-exempt status under the Federal Internal Revenue Code of 1954 [26 U.S.C. § 501(c) or (d)],

when the property that is subject of the subdivision or site plan application is intended to serve the needs of all West Windsor citizens and the services provided by the organization would otherwise involve the expenditure of taxpayer funds.

- (b) Any landowner who seeks a subdivision for the purpose of donating a subdivided parcel of land to West Windsor Township, to another governmental entity or to a non-profit land- preservation organization, when the donated land will be deed restricted to prevent development and when neither additional residential nor commercial development will be built on any resultant parcel or enabled in any way by the subdivision.
 - (c) A disabled person, or a parent, child or sibling of a disabled person, in connection with any application for development which promotes accessibility to his or her own existing living unit. For the purposes of this subsection, the term "disabled person" shall have the same meaning as provided in § 82-~~4V(3)~~4CC(3).
- (2) Any of the qualifying organizations or individuals may be exempt from paying the application fee and the escrow deposit set forth in § 82-3B(1) and (2). These organizations shall be required to pay any professional fee or other cost for application review incurred by the Township which exceeds the application fee and escrow deposit set forth in the chapter.

INTRODUCTION:

PLANNING BOARD:

PUBLIC HEARING:

ADOPTION:

MAYORAL APPROVAL:

EFFECTIVE DATE:

REQUEST FOR COUNCIL ACTION

Date of Request: August 25, 2025

Initiated By: John V. Mauder Division/Department: Finance

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Resolution providing for reimbursement of trash and recycling collection and disposal and snow removal costs for Elements at West Windsor Homeowner Associations for 2024. The Township is required to either provide certain services or reimburse Associations for trash and recycling collection and disposal and snow removal costs.

SOURCE OF FUNDING:

2024 Budget and Snow Trust

CONTRACT AMOUNT:

\$1,232.89

CONTRACT LENGTH:

January 1, 2024 through December 31, 2024

OTHER SUPPORTING INFORMATION ATTACHED:

Resolution, Agreements and copy of Certification of Funds

S:\AGENDA INBOX (file name) 2025 Resolution Kelly 2024-Elements at West Windsor

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

John V. Mauder 8/13/25
Department/Division Head Date

APPROVED FOR AGENDA OF: August 25, 2025

By: Marlena A. Schmid 08/18/2025
Marlena A. Schmid, Business Administrator

**** PLEASE NOTE ** DEADLINE FOR SUBMISSION TO THE CLERK'S OFFICE FOR REVIEW AND APPROVAL BY THE BUSINESS ADMINISTRATOR IS 10:00 A.M. ON THE WEDNESDAY ONE WEEK PRECEDING THE COUNCIL MEETING.**

MEETING DATE: 8/25/25 Ordinance # _____ Resolution # 2025-B180

Council Action Taken:

RESOLUTION

WHEREAS, N.J.S.A. 40:67-23.2 et seq. establishes a policy and schedule of the reimbursement of costs for refuse and recycling collection and disposal and snow removal costs incurred by qualified private communities; and

WHEREAS, Elements at West Windsor Homeowners Association qualifies as such communities; and

WHEREAS, the Township of West Windsor has agreed to reimburse the Elements at West Windsor Homeowners Association for snow removal costs for 2024; and

WHEREAS, funds are available as evidenced by the Chief Financial Officer's certification of fund:

Elements at West Windsor Homeowners Assoc.	
Snow Trust -2024 121407	\$ <u>1,232.89</u>
Total	\$ <u>1,232.89</u>

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor, County of Mercer, and State of New Jersey that the Mayor and Township Clerk are hereby authorized to execute an agreement with Elements at West Windsor Homeowners Association to reimburse them for certain snow removal costs pursuant of N.J.S.A. 40:67-23.2 et seq. in the following amount for calendar year 2024.

Elements at West Windsor Homeowners Assoc.	
Snow Trust -2024 121407	\$ <u>1,232.89</u>
Total	\$ <u>1,232.89</u>

A copy of said Agreement is attached herein.

Adopted: August 25, 2025

I hereby certify the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 25th day of August 2025.

Allison D. Sheehan
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor (“Township”) filed a Prerogative Writ action captioned Township of West Windsor v. Mercer County Construction Board of Appeals, Docket No. MER-L-1590-24 (the “Litigation”), challenging as arbitrary and capricious the Mercer County Construction Board of Appeal’s (“Board”) reversal of a prior unanimous decision of the Board upholding the determination by West Windsor’s Division of Code Enforcement (“Code Enforcement”) that a building design by AvalonBay Communities, Inc. (“AVB”) as part of its “W Squared” development constituted a non-compliant fifth story of the building, not an intermediate “mezzanine” as AVB tried to argue; and

WHEREAS, AVB had sought to build the proposed five-story building using a wooden stick frame, which is not permitted for fire and safety reasons, whereas The Code Enforcement had already issued a construction permit for a Code-compliant four-story configuration of the building; and

WHEREAS, AVB is not a party to the Litigation, having opted to abandon its plans for the non-compliant five-story stick frame building and having agreed, as part of a separate unrelated settlement agreement with the Township not to participate in the Litigation; and

WHEREAS, the Township and the Board have worked out the terms of a settlement agreement upon advice from their respective principals, officers and attorneys, reflecting their collective judgments that it is in the best interest of the public and the parties to settle the Litigation on the terms proposed; and

WHEREAS, the purpose of the Settlement Agreement is to settle every aspect of the Litigation and achieve entry of a final dismissal by the Superior Court upon fulfillment of the conditions set forth therein; and

WHEREAS, it is in the best interests of the Township to enter into the Settlement Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Settlement Agreement in the form attached hereto be approved and that the Mayor and the Clerk be authorized and directed to execute the same.

ADOPTED: August 25, 2025

I hereby certify this is a true copy of a Resolution adopted by the West Windsor Township Council at their meeting held on the 25th day of August 2025.

Allison D. Sheehan
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: August 13, 2025

Initiated By: Sgt. Walter Silcox

Division/Department: Police

ACTION REQUESTED/ EXECUTIVE SUMMARY: Introduction and subsequent Adoption of an Ordinance to Establish CHAPTER 166 ENTITLED "TOWING AND STORAGE OF VEHICLES" OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR.

The Ordinance establishes a requirement and procedure for registration of individuals and entities interested in being included on the Official Towing List (OTL). The OTL applies to all vehicle towing and storage operations within West Windsor Township (WWT) that occur at the initiation of the WWT Police Division. The owner or operator of a motor vehicle may request a towing operator of his or her choice or a towing operator from another municipality. However, the police officer at the scene decides if a tower is dispatched from the OTL because of the following: the tow operator to be summoned cannot arrive at the scene within a reasonable time period, or does not have the proper equipment to clear the scene and the safety of persons and or motorists may be jeopardized. Towing companies are dispatched on a rotating basis to tow and store vehicles the Police impound; damaged in a crash; disabled/inoperable; and illegally parked.

To be registered towing companies must comply with requirements and specifications including adequate equipment and facilities; availability and response time; liability insurance coverage; charging towing and storage rates and fees per the ordinance; complying with rules and regulations; and record keeping.

The Ordinance also establishes maximum rates and fees for towing and storage of vehicles. The New Jersey Predatory Towing Prevention Act (N.J.S.A. 56:13-1 et seq.), amended in 2023, requires towing companies to charge reasonable rates based on a rate schedule that is established by the municipality. The Traffic Sergeant recommends the Police Division adopt the New Jersey State Police (NJSP) Rates Chart (located on the Garden State Towing Association Inc. website <https://gsta.org>). Towing companies engaged in towing and storage of vehicles for the West Windsor Police shall not charge a rate in excess of the enumerated rates. The tariffs are annually recalculated based on a random sampling of reasonable rates utilized by commercial and municipal towers. The NJSP finds the average rate per category based upon the Association's census is reasonable and acceptable.

SOURCE OF FUNDING: N/A

CONTRACT AMOUNT: N/A

CONTRACT LENGTH: N/A

OTHER SUPPORTING INFORMATION ATTACHED

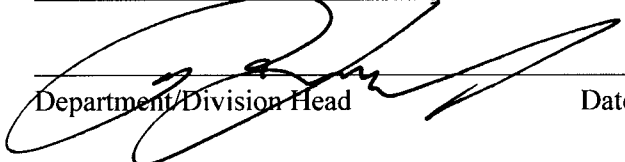
Ordinance

Traffic Sergeant's Memo


NJ Predatory Towing Act with Amendments

West Windsor Township Police Department Policies and Procedures Number 4:16, Towing Procedure,
Reissued September 1, 2004

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

 8/19/25
Department/Division Head Date

APPROVED FOR AGENDA OF: _____

By: 
Marlena A. Schmid, Business Administrator

MEETING DATE: 8/25/25 Ordinance # 2025-14 Resolution # _____
Council Action Taken:

MEMORANDUM

DATE: May 12, 2025

TO: Marlena Schmid, Business Administrator

FROM: Sgt. Walter Silcox#487 - WWPD Traffic Sergeant

RE: Request for a Township Ordinance

On August 7, 2023, acting Governor Nicholas Scutari signed into law S-3374, which concerns fees charged for certain towing and storage of motor vehicles and amends the Predatory Towing Prevention Act. The new law amends NJSA 56:13-16 to require towing companies to charge reasonable fees based on a fee schedule that is established by the municipality.

Currently West Windsor Township does not have an ordinance that sets a guideline or rate schedule for towing companies to follow. I am requesting that West Windsor Township adopts an ordinance that encompasses a set rate schedule for towing and towing related services that are provided by township approved towing companies. This ordinance should also mandate that all township approved towing companies follow the rules and regulations set forth in the New Jersey Predatory Towing Prevention Act. I believe it would be in the township's best interest to follow the NJ State Police Rate Chart. The NJSP towing Rate Chart can be found on the Garden State Towing Association Inc. web page (<https://gsta.org>). The tariffs are annually recalculated based upon a random sampling of reasonable fees utilized by commercial and municipal towers. The NJSP has determined that the average rate per category based upon the Association's census is reasonable. I have attached a copy of the Maximum NJ State Police Rates to this memo.

West Windsor Police Policy 4:16, Towing Procedure, provides a uniformed method for the handling of vehicles towed at the discretion of the police department. This policy also assures that the public receives the best possible service and only qualified tow truck owners / operators are authorized to tow vehicles. A copy of this policy is also attached to this memo.

I have reviewed the New Jersey Predatory Towing Act and the amendments recently signed into law. I have attached copies of both to this memo. Furthermore, this proposed ordinance has been reviewed and agreed upon by the Attorney representing the Township of West Windsor. If you have any questions please don't hesitate to reach out to me. I look forward to hearing from you.

Respectfully,

Sgt. Walter Silcox #487

**TOWNSHIP OF WEST WINDSOR
MERCER COUNTY, NEW JERSEY**

ORDINANCE 2025-14

**AN ORDINANCE ESTABLISHING CHAPTER 166 ENTITLED
“TOWING AND STORAGE OF VEHICLES” OF THE CODE OF
THE TOWNSHIP OF WEST WINDSOR**

WHEREAS, the Township Sergeant, has reviewed N.J.S.A. 40A:48-2.49 to 40A:48-2.51, 40A:48-2.54 and the Rules of the Division of Consumer Affairs in the New Jersey Department of Public Safety, N.J.A.C. 13:45A-31.1 et seq., as such laws and rules may be amended from time to time; and

WHEREAS, pursuant to N.J.S.A. 40:48-2.49, requires the ordinance to set forth non-discriminatory and non-exclusionary regulations governing towing and storage services; and

WHEREAS, the Township of West Windsor desires to implement the minimum standards concerning the adequacy of equipment and facilities, availability and response time, and the security of vehicles towed or stored, as mandated by N.J.S.A. 40:48-2.49(1)(b), within the Township of West Windsor.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the West Windsor Township Council, County of Mercer, State of New Jersey, that Chapter 166 of the Township of West Windsor Code is as follows:

Chapter 166 — TOWING AND STORAGE OF MOTOR VEHICLES

§ 166-1. Authority and Scope.

In accordance with N.J.S.A. 40A:48-2.49 to 40A:48-2.51, 40A:48-2.54 and the Rules of the Division of Consumer Affairs in the New Jersey Department of Public Safety, N.J.A.C. 13:45A-31.1 et seq., as such laws and rules may be amended from time to time, the purposes of this chapter are as follows:

- a. To establish a uniform policy for the handling of certain motor vehicles towed and/or stored in West Windsor Township by towers on the official tower list (OTL) pursuant to requests of the police department.
- b. To assure that in the interest of public safety, the public receives the best possible service and that only qualified tow truck owners/operators will be included on the OTL.
- c. To assure proper storage of vehicles for the purpose of investigation, impoundment, and release of such vehicles to the proper owner, agent or proper authority.

- d. To establish a requirement and procedure for registration of individuals and entities who desire to be included on the OTL.
- e. To establish maximum fees for towing and storage service.

This chapter shall apply to all motor vehicle motor towing and storage operations within West Windsor Township that occur at the initiation of the West Windsor Police Department. Nothing herein limits the right of the owner or operator of a motor vehicle to request or summon a tow operator of his or her own choosing or a tow operator from another municipality, unless a police officer at the scene determines that the operator to be summoned cannot arrive at the scene within a reasonable time frame, or does not have the proper equipment to clear the scene, and the safety of persons or motorists may be jeopardized thereby.

§ 166-2. Definitions.

ABANDONED VEHICLE

Shall mean a vehicle which has remained on or along any highway or other public property or on private property without such consent for a period of more than forty-eight (48) hours or for any period without current license plates.

ACCIDENT VEHICLE

Shall mean a motor vehicle which has been involved in an accident.

BASIC TOW

Means towing and ancillary services that include the following: arriving at the site from which a motor vehicle will be towed; 15 minutes waiting time; hooking a motor vehicle to, or loading a motor vehicle onto, a tow truck; transporting a motor vehicle to a storage facility; unhooking or unloading a motor vehicle from the tow truck; and situating the motor vehicle in the space in which it will be stored. "Basic tow" also includes issuing documents for the release of a motor vehicle to its owner or other person authorized to take the motor vehicle; issuing an itemized bill; three trips to the motor vehicle in storage, which, if applicable, include making a vehicle available to an insurance appraiser or adjuster; issuing documents for the release of a motor vehicle to its owner or other person authorized to take the motor vehicle; and retrieving a motor vehicle from storage during the hours in which the storage facility is open.

CONSENSUAL TOWING

Shall mean towing a motor vehicle when the owner or operator of the motor vehicle has consented to have the towing company tow the motor vehicle.

CONSUMER

Shall mean a natural person.

DECOUPLING

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

DECOUPLING FEE

Shall mean 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.

DISABLED VEHICLE

Shall mean any motor vehicle which is unable to operate under its own power.

FLAT BED TOW TRUCK

Shall mean a tow truck designed to transport a motor vehicle by means of raising the motor vehicle from road level up onto a hydraulic bed for transporting purposes.

HEAVY-DUTY RECOVERY

Shall mean that recovery of any motor vehicle over 10,000 pounds gross vehicle weight which requires the vehicle to be up righted or recovered from either on or off the traveled portion of a public roadway.

HEAVY-DUTY TOWING

Shall mean the towing of any motor vehicle over 10,000 pounds gross vehicle weight.

HEAVY-DUTY TOW TRUCK

Shall mean a tow truck with a gross weight of at least 32,000 pounds.

IMPOUNDED VEHICLE

Shall mean a vehicle which, at the direction of the police department is taken into police custody because the operator of the vehicle was engaged in a violation of the law, including but not limited to the operator being arrested on a DWI charge; operator has been sighted for driving without registration or insurance; the operator has been arrested for stealing the motor vehicle; vehicle involved in a serious accident, e.g.; death by auto.

LIGHT-DUTY TOWING

Shall mean the towing of any motor vehicle up to 10,000 pounds gross vehicle weight.

LIGHT-MEDIUM DUTY TOW TRUCK

Shall mean a tow truck with a gross weight of less than 32,000 pounds.

MOTOR VEHICLE

Includes all vehicles propelled other than by muscular power, excepting such vehicles as run only upon rails or tracks and motorized bicycles, motorized scooters, motorized wheelchairs and motorized skateboards.

NONCONSENSUAL TOWING

Shall mean the towing of a motor vehicle without the consent of the owner or operator of the vehicle, regardless of the reason for the tow.

OPERATOR

Shall mean a person who engages in the business of transporting motor vehicles that are inoperable or parked illegally or otherwise without authorization from public or private property to a site where repairs may be made or the vehicle may be stored, and who may also perform vehicle repairs.

PERSON

Shall mean an individual, sole proprietorship, partnership, corporation, limited liability company or any other business entity.

PRIVATE PROPERTY OWNER

Shall mean the owner or lessee of private property, or an agent of such owner or lessee, but shall not include a private property towing company acting as an agent of such owner or lessee.

PRIVATE PROPERTY TOWING

Shall mean nonconsensual towing from private property or from a storage facility by a motor vehicle of a consumer's motor vehicle that is parked illegally, parked during a time at which such parking is not permitted or otherwise parked without authorization or the immobilization of or preparation for moving or removing of such motor vehicle, for which a service charge is made, either directly or indirectly. This term shall not include the towing of a motor vehicle that has been abandoned on private property in violation of N.J.S.A. 39:4-56.5, provided that the abandoned vehicle is reported to the appropriate law enforcement agency prior to removal and the vehicle is removed in accordance with N.J.S.A. 39:4-56.6.

SECURE STORAGE FACILITY

Shall mean a storage facility that is either completely indoors or is surrounded by a fence, wall or other man-made barrier that is at least six feet high and is lighted from dusk to dawn.

SITE CLEAN-UP

Shall mean the use of absorbents to soak up any liquids from a motor vehicle at the site from which a motor vehicle will be towed.

STORAGE FACILITY

Shall mean a space at which motor vehicles that have been towed are stored.

STORAGE RATES

Shall mean fees charged for the storage of motor vehicles.

TARPING

Shall mean covering a motor vehicle to prevent weather damage.

TOWING

Shall mean the moving or removing from public or private property or from a storage facility by a motor vehicle of a motor vehicle that is damaged as a result of an accident or otherwise disabled, recovered after being stolen or is parked illegally or otherwise without authorization, parked during a time at which such parking is not permitted or otherwise parked without authorization, parked during a time at which such parking is not permitted or otherwise parked without authorization or the immobilization of or preparation for moving or removing of such motor vehicle, for which a service charge is made either directly or indirectly. Dues or other charges of clubs or associations, which provide towing services to club or association members, shall not be considered a service charge for the purposes of this definition.

TOWING COMPANY

Shall mean a person or entity owning or operating a tow truck service for compensation.

TOWING LIST

Shall mean a rotating list of all towing services registered with the township kept by the township Police Chief. When the police require the towing and storage of a motor vehicle from public roadways, they shall contact the towing service on the top of the rotating towing list as determined by this chapter.

TOWING RATES

Shall mean fees charged by a towing service for removal and transportation of the vehicle.

TOWING SERVICE

Shall mean a business engaged in the towing or storing of motor vehicles which has been approved for the towing list.

TOWING VEHICLE

Shall mean a motor vehicle employed by the towing service for the purpose of towing, transporting, conveying or removing of motor vehicles from public roadways.

TRANSMISSION DISCONNECT

Shall mean manipulating a motor vehicle's transmission, so that the motor vehicle may be towed.

VEHICLE

Shall mean any device in, upon or by which a person or property is or may be transported upon a highway.

WAITING TIME

Shall mean any time a towing company spends at the site from which a motor vehicle will be towed, during which the towing company is prevented from performing any work by another individual, beyond the time included as part of a basic tow.

WINCHING

Shall mean the process of moving a motor vehicle by the use of chains, nylon slings or additional lengths of winch cable from a position that is not accessible for direct hook up for towing a motor vehicle. "Winching" includes recovering a motor vehicle that is not on the road and righting a motor vehicle that is on its side or upside down, but does not include pulling a motor vehicle onto a flatbed tow truck.

WINDOW WRAP

Shall mean any material used to cover motor vehicle windows that have been damaged.

166.3. Towing Service Registration.

- a. No towing service shall be placed upon the towing list for the towing or storing of motor vehicles within the Township, unless the towing service shall first register with the Police Department. In order to be placed upon the towing list for light-duty towing, a towing service must be located within five miles of the geographic center of West Windsor Township. Registration applications shall be made available by the township police department. A towing service that has met all the specifications and requirements of this chapter and has registered with the Township shall be placed on the towing rotation list by the Police Chief. No towing service on the West Windsor Police Department towing rotation list shall exceed the fees set forth in the fee schedule found in Section 166-5.
- b. The towing service owner or its authorized representative shall sign the registration application form indicating that the full requirements of this chapter have been met by the towing service applicant.

- c. If any information provided by a towing service in its registration application changes, the towing service is responsible for notifying the Police Department of the change in the registration information within thirty (30) days of such change. Failure to comply with this provision will be deemed a violation of the chapter.

§ 166-4. Insurance.

- a. The minimum amounts of insurance a towing company shall secure and maintain are:
 - 1. Motor vehicle liability for light-medium duty tow truck, for coverage for the death of, or injury to, persons and damage to property for each accident or occurrence in the amount of \$750,000; and
 - 2. Motor vehicle liability for a heavy-duty tow truck for coverage for the death of, or injury to, persons and damage to property for each accident or occurrence in the amount of \$1,000,000, single limit.

§ 166-5. Rates and Fees.

- a. Towing and storage rates and fees of motor vehicles damaged in accident's, utilized in the commission of crimes, recovered after being stolen, or otherwise impounded by the police department shall not exceed the prevailing Garden State Towing Association (GSTA) posted rates for the calendar year in which the service is provided or most recent posted rates. The rates posted on the GSTA website may increase year-to-year, and shall be presumed fair and reasonable. The website www.gsta.org provides a link to GSTA rates.
- b. A towing company that engages in private property towing or other nonconsensual towing shall calculate storage fees based upon full twenty-four-hour periods a motor vehicle is in the storage facility. For example, if a motor vehicle is towed to a storage facility at 7:00 p.m. on one day and the owner of the motor vehicle picks up the motor vehicle before 7:00 p.m. the next day, the towing company shall charge the owner of the motor vehicle only for one day of storage. If a motor vehicle is stored for more than 24 hours, but less than 48 hours, the towing company may charge for two days of storage.
- c. A towing company shall not charge any fee for private property towing or other nonconsensual towing and related storage services not included in Subsection a above.
- d. If a towing company charges a consumer a fee for a private property or other nonconsensual towing service that is disputed by the consumer, the parties shall use good faith efforts to resolve the dispute. If the parties are unable to resolve the dispute and the Police Chief or his designee determines the fee to be unreasonable under this chapter or N.J.A.C. 13:4 A-31.5, the Police Chief may order the towing company to reimburse the consumer for an amount equal to the difference between the charged fee and a reasonable fee, plus interest, as calculated pursuant to Subsection e below.

- e. The interest rate imposed pursuant to Subsection (d) above shall be based on the average rate of return, to the nearest whole or 1/2%, for the corresponding preceding fiscal year terminating on June 30, of the State of New Jersey Cash Management Fund (State accounts) as reported by the Division of Investment of the Department of the Treasury.
- f. A towing company performing a private property tow or other nonconsensual tow shall take the motor vehicle being towed to the towing company's storage facility having the capacity to receive it that is nearest to the site from which the motor vehicle is towed.
- g. A bill for a private property tow or other nonconsensual tow shall include the fee at which a towed motor vehicle was delivered to a towing company's storage facility.
- h. All storage fees associated with vehicles impounded for investigative purposes by the police department are to be paid by West Windsor Township, and the associated fees shall be governed by N.J.S.A. 40:48-2.50, as the same may be amended from time to time. These charges shall be accrued until the date the vehicle was authorized for release. Any and all additional storage fees that accumulate beyond the date of police authorized release, are at the sole responsibility of the vehicle owner.
- i. Any vehicle involved in a collision that is consensually towed solely for a brake inspection, will be at the authorization of the vehicle's owner or operator, and all associated fees will be paid by the person providing consent.

§166-6. Rules and Regulations.

- a. All towing services placed on the police department towing list shall be available to respond to a police request for a tow 24 hours a day, seven days a week, including holidays.
- b. All towing companies shall respond to a call in any part of the township within 20 minutes. If a towing company does not respond within 20 minutes of a call, the towing company next on the list shall be called and entitled to provide services as needed, and the first towing company shall lose any claim to compensation.
- c. All drivers and operators of towing vehicles shall be properly licensed to operate a motor vehicle within the State of New Jersey and are subject to driver's license checks by the township police department at the time of registration and at least on an annual basis thereafter. All towing vehicles shall be properly registered and inspected in accordance with any applicable law.
- d. All vehicles must be towed in a safe manner.
- e. All towing companies shall be capable of providing reasonable roadside services to disabled vehicles such as, but not limited to, jump-starting, changing of flat tires and providing fuel. Such services will only be performed if they can be done so safely, as determined by the police officer on the scene.

- f. All towing companies shall make available a copy of its basic rates and a business card to all owners and operators of motor vehicles which will be towed.
- g. Towing companies shall not remove any motor vehicle which has been abandoned or involved in an accident in any public roadway without first notifying the township police department.
- h. The towing company shall notify the police department of all vehicle found by the towing company to have been abandoned and not claimed within fourteen (14) days after being stored. The police department shall, upon notification, process the vehicle in accordance with the New Jersey Motor Vehicle Code concerning abandoned and unclaimed motor vehicles.
- i. The Police Chief may promulgate an application and minimal requirements for vehicular towing, which requirements shall not be inconsistent with this chapter and which shall be enforced pursuant to the procedures set forth in this chapter.

Violations. In addition to the procedures and penalties set forth in Section 166-12., a violation of any of the rules in this shall be considered an unlawful practice under P.L. 1960, c. 39 (N.J.S.A. 56:8-1 et seq.).

- k. The towing service must operate in compliance with New Jersey's Predatory Towing Prevention Act.

§166-7. Towing List: Rotation.

- a. A towing list will be kept with the Chief of Police. The towing list shall include all towing companies which have registered with the township. A towing company shall be placed on the bottom of the towing list upon registration with the township. The towing list shall be a rotating list as provided for in paragraphs b, c and d.
- b. When the need arises, the police department will call the towing company on the top of the list. The towing company called, if it shall perform any of the services covered by this chapter, shall be placed on the bottom of the towing list and not called again until all other towing companies on the towing list have been called.
- c. If a towing company is unavailable to perform required services when called by the police department, for whatever reason, said towing company shall be charged with a call and placed on the bottom of the towing list, and the next available towing company shall be called. The towing company that responds in its place shall remain at the top of the list.
- d. If a towing company, after being dispatched, is recalled and does not perform any duties or services covered by this chapter, the towing company shall remain on the top of the towing list. However, if a towing company arrives at the scene of an incident in which its services are required and cannot perform said services, it shall lose its place on the towing list, and the next towing company on the list shall be called.

- e. All requests, other than AAA request, owner's requests or where special tow vehicles are needed and/or public safety is threatened, shall be on a strict rotation basis.

§166-8. Storage Facilities.

- a. All towing companies shall have an indoor storage facility at its disposal for motor vehicles which have been involved in criminal activity and impounded by the police department.
- b. All towing companies shall have an indoor storage facility at its disposal for motor vehicles which have been involved in criminal activity and impounded by the police department.
- c. All storage facilities shall have a business office open to the public between 8:00 a.m. and 6:00 p.m. at least five days a week, excluding holidays.
- d. A towing company shall provide reasonable accommodations for after-hours release of stored motor vehicles.
- e. All towing companies shall have secure storage facilities.
- f. A towing company that engages in private property towing or other nonconsensual towing shall provide or arrange for after-hours release of stored motor vehicles.
- g. A towing company that does not release a stored motor vehicle to its owner, or other person authorized to take the motor vehicle, during normal business hours when requested, as required by paragraph c above, shall not charge a fee for after-hours release of the stored motor vehicle.
- h. All towing companies shall keep accurate records of all motor vehicles towed and stored at the direction of the township police department and retain them for three years. A copy of such records shall be provided to the township upon request.

§166-9. Record Keeping

- a. A towing company that performs private property or other nonconsensual towing shall retain, for three years, the following records:
 - 1. Invoices for both consensual towing and nonconsensual towing services;
 - 2. Job orders;
 - 3. Documentation of waiting time;
 - 4. Logs, which shall include the time when a towed motor vehicle was delivered to the towing company's storage facility from a private property or other non-

consensual tow and the date and purpose of each trip to the motor vehicle in storage;

5. Documents relating to private property and other nonconsensual towing services performed and rates charged for services; and
 6. Any contracts under which the private property towing company is authorized to perform private property towing services.
- b. A towing company that engages in private property towing or other non-consensual towing shall make records retained pursuant to paragraph (a) above available for review by the police department upon request.

§166-10. Towing and Vehicle Equipment Specifications.

- a. All towing companies engaged in light-duty towing shall have at least one rollback truck and one wrecker, with necessary brooms and equipment to do the complete removal. Each truck must have a manufacturer's capacity of at least 10,000 pounds, gross vehicle weight and a manufacturer's boom capacity of four tons. Proof of capacity must be supplied to the Police Department at the time of registration.
- b. All towing companies engaged in heavy-duty towing shall have one heavy-duty wrecker with a manufacturer's capacity of not less than 33,000 pounds gross vehicle weight and a boom capacity of not less than 12 tons independently or 24 tons jointly; air brakes so constructed as to lock rear wheels; heavy-duty underreach.
- c. All towing companies engaged in heavy-duty recovery shall have two heavy-duty wreckers with manufacturer's capacity of not less than 33,000 pounds gross vehicle weight and boom capacity of not less than 12 tons independently or 24 tons jointly; two power winches with pulling capacity of not less than 12 tons each; at least 200 feet of cable at least nine-sixteenths of an inch diameter on each drum; double boom to permit splitting, or single boom hydraulically elevated and extendible with a 360° swivel on the end of the boom; air brakes so constructed as to lock rear wheels; heavy-duty underreach; two snatch blocks with a 12 ton rating and two scotch blocks.
- d. All towing vehicles must have radio equipment with a twenty-four-hour dispatch service or a cellular telephone for the purpose of maintaining communications with the police department radio desk.
- e. All towing vehicles must be equipped with at least one five-pound ABC-type fire extinguisher, safety chains, substances for application to small liquid spills, and stiff push brooms to clean up debris at scene.
- f. Proof of towing vehicle and equipment specifications shall be provided to the Township with the registration application.

- g. All towing vehicles are to conform with all applicable State and Federal laws and shall be subject to inspection by township officials during normal business hours at the time of registration and on an annual basis thereafter.

§166-11. Rights of Owners/Operators of Motor Vehicles Required to Be Towed.

- a. If a motor vehicle operator or owner wishes to have his vehicle towed by a particular towing company, their request shall be honored, providing the police officer in charge at the scene has not already dispatched a towing company or the police officer has determined that the motor vehicle in question will not be removed in an expeditious or safe manner and will jeopardize the public safety, in which case the motor vehicle operator or owner shall be required to utilize a compensated dispatched towing company.
- b. The owner or operator of any motor vehicle required to be towed or stored shall have the right to remove all personal items and effects from the motor vehicle unless the police department has placed a ("police hold") on any such items.

§166-12. Collection of Fees.

- a. In accordance with the Predatory Towing Prevention Act, for services rendered, or to redeem a motor vehicle from storage, the operator shall accept in payment, cash, a check issued by an insurance company, a valid debit card, or a valid major credit card or charge card subject to the provisions of subsection b. of this section.
- b. The operator may request additional identification, as determined by the Director of the Division of Consumer Affairs, before proceeding with repairs or towing. Unless the motorist is unable to produce such identification, or the operator has a bona fide reason to believe the card or other identification is fictitious, altered, stolen, expired or revoked or not valid for any other cause or is clearly offered with intent to defraud the issuer, the debit card, charge card or credit card shall be deemed an acceptable form of payment in lieu of cash if the operator ordinarily accepts the card at his/her place of business. Nothing in this ordinance shall preclude payment by a motorist in the form of check or money order, if this form of payment is acceptable to the towing service.
- c. It is the responsibility of the towing company to recover all charges for vehicle towing and recovery operations from the vehicle owner or the owner's insurance carrier. The West Windsor Police Department shall not be responsible for collecting any fees that are owed to the towing company.

§ 166-13. Complaints; Violations; Hearings.

- a. All violations of this chapter and all complaints by the public or police departments against any towing company shall be forwarded to the Police Chief or his/her designee.
- b. The Police Chief or his/her designees shall determine if any complaint or violation against a towing company is of such a serious nature as to warrant a hearing and

possible disciplinary action. If the Police Chief decides that a hearing is required, he/she shall upon proper notice to all interested parties, conduct a hearing in which all parties may present evidence. If, after a hearing, the Police Chief finds that a towing company has violated any provision of this chapter, the Chief may, depending on the seriousness of the offense:

1. Fine the violating party not more than \$1,000;
2. Suspend the violating party from the towing list for not more than three months for a first offense; not more than six months for a second offense; not more than one year for a third offense;
3. Permanently remove the violating party from the list for any violation after its third offense.

§166-14. Enforcement.

This chapter shall be enforced by the Police Chief or his/her designee.

Repealer, Severability, and Effective Date.

A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

B. Severability. In the event that any clause, section, paragraph, or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Council hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

C. This Ordinance shall take effect upon passage and publication according to law.

This Ordinance becomes effective after 20 days.

INTRODUCTION:

PLANNING BOARD:

PUBLIC HEARING:

ADOPTION:

MAYORAL APPROVAL:

EFFECTIVE DATE:

Predatory Towing Prevention Act

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56:13-1. Definitions relative to operators engaged in repair or removal of inoperable, illegally parked vehicles.

As used in this act:

"Charge card" means a credit card on an account for which no periodic rate is used to compute a finance charge.

"Credit card" means any card, plate, coupon book, or other single credit device that may be used from time to time to obtain credit.

"Operator" means a person who engages in the business of transporting motor vehicles that are inoperable or parked illegally or otherwise without authorization from public or private property to a site where repairs may be made or the vehicle may be stored and who may also perform motor vehicle repairs.

L.2002, c.67, s.1; amended 2007, c.193, s.19.

56:13-2. Operator's compliance with motorist's reasonable repair or transport request

An operator who either responds to a call for assistance from a motorist with an inoperable vehicle or who offers to transport or repair the vehicle of such a motorist shall comply with any reasonable request of the motorist either to repair the vehicle or to transport it to a site where the repair may be made.

L.2002,c.67,s.2.

56:13-3. Transport, repair; payment rights of operator, motorist.

If the operator cannot repair the inoperable vehicle to the satisfaction of the motorist he shall, with the motorist's consent, subject to the provisions of P.L.2007, c.193 (C.56:13-7 et al.), transport the vehicle to the operator's place of business or to another mutually agreed upon location. The vehicle, once repaired, may be retained in the possession of the operator or other repairer, as the case may be, pending payment, pursuant to N.J.S.2A:44-20 et seq. The operator, if other than the repairer, shall be eligible for reimbursement for transporting the vehicle to the repair site. If the estimated cost of repairs exceeds \$50, the motorist shall be given a written estimate of the repair costs.

L.2002, c.67, s.3; amended 2007, c.193, s.20.

56:13-4. Acceptability of payment; forms.

a. For services rendered, or to redeem a motor vehicle from storage, the operator shall accept in payment either cash, a check issued by an insurance company, a valid debit card, or a valid major credit card or charge card subject to the provisions of subsection b. of this section.

b. The operator may request additional identification, as determined by the Director of the Division of Consumer Affairs, before proceeding with repairs or towing. Unless the motorist is unable to produce such identification, or the operator has a bona fide reason to believe the card or other identification is fictitious, altered, stolen, expired or revoked or not valid for any other cause or is clearly offered with intent to defraud the issuer, the debit card, charge card or credit card shall

be deemed an acceptable form of payment in lieu of cash if the operator ordinarily accepts the card at his place of business. Nothing in this act shall preclude payment by a motorist in the form of check or money order, if this form of payment is acceptable to the operator.

L.2002, c.67, s.4; amended 2007, c.193, s.21.

56:13-5. Violation, fine

A violation of this act shall be punishable by a fine of \$500. The second and any subsequent offense shall be punishable by a fine not to exceed \$1,000.

L.2002,c.67,s.5.

56:13-6. Rules, regulations

The Director of the Division of Consumer Affairs shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate the purposes of this act.

L.2002,c.67,s.6.

56:13-7. Short title.

This act shall be known and may be cited as the "Predatory Towing Prevention Act."

56:13-8. Findings, declarations relative to towing, towing operators.

The Legislature finds and declares that:

- a. While the majority of tow truck operators in New Jersey are reputable service providers, some unscrupulous towers are engaged in predatory practices victimizing consumers whose vehicles are parked on public streets and private property;
- b. Predatory towing practices include charging unwarranted or excessive fees, particularly in connection with towing vehicles from private parking lots which do not display any warnings to the vehicle owners, or overcharging consumers for towing services provided under circumstances where the consumer has no meaningful opportunity to withhold consent;
- c. The legitimate business interests of tow truck operators and the needs of private property owners for relief from unauthorized parking must be balanced with the interest in providing appropriate protection to consumers;
- d. Whatever authority exists in the law to regulate towing and towing companies is fragmented among various State agencies and local governments, so that inconsistent or inadequate regulation often results, with insufficient recourse provided under the law; and
- e. Therefore, it is in the public interest to create a coordinated, comprehensive framework to establish and enforce minimum standards for tow truck operators.

L.2007, c.193, s.2.

56:13-9. Definitions relative to towing, towing operators.

As used in this act:

"Basic towing service" means towing as defined in this section and other ancillary services as may be specified by the director by regulation.

"Consumer" means a natural person.

"Decoupling fee" means 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 tower, but prior to the vehicle actually having been moved or removed from the property.

"Division" means the Division of Consumer Affairs in the Department of Law and Public Safety.

"Director" means the Director of the Division of Consumer Affairs.

"Motor vehicle" includes all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks and motorized bicycles, motorized scooters, motorized wheelchairs and motorized skateboards.

"Non-consensual towing" means the towing of a motor vehicle without the consent of the owner or operator of the vehicle.

"Person" means an individual, a sole proprietorship, partnership, corporation, limited liability company or any other business entity.

"Private property owner" means the owner or lessee of private property, or an agent of such owner or lessee, but shall not include a private property towing company acting as an agent of such owner or lessee.

"Private property towing" means the non-consensual towing from private property or from a storage facility by a motor vehicle of a consumer's motor vehicle that is parked illegally, parked during a time at which such parking is not permitted, or otherwise parked without authorization, or the immobilization of or preparation for moving or removing of such motor vehicle, for which a service charge is made, either directly or indirectly. This term shall not include the towing of a motor vehicle that has been abandoned on private property in violation of section 1 of P.L.1967, c.305 (C.39:4-56.5), provided that the abandoned vehicle is reported to the appropriate law enforcement agency prior to removal and the vehicle is removed in accordance with section 1 of P.L.1973, c.137 (C.39:4-56.6).

"Private property towing company" means a person offering or performing private property towing services.

"Towing" means the moving or removing from public or private property or from a storage facility by a motor vehicle of a consumer's motor vehicle that is damaged as a result of an accident or otherwise disabled, is recovered after being stolen, or is parked illegally or otherwise without authorization, parked during a time at which such parking is not permitted, or otherwise parked without authorization, or the immobilization of or preparation for moving or removing of such motor vehicle, for which a service charge is made, either directly or indirectly. Dues or other charges of clubs or associations which provide towing services to club or association members shall not be considered a service charge for purposes of this definition.

"Vehicle" means any device in, upon or by which a person or property is or may be transported upon a highway.

L.2007, c.193, s.3; amended 2009, c.39, s.1.

56:13-12. Maintenance of liability insurance by towing company.

a. A towing company shall maintain liability insurance which meets or exceeds the requirements of this section, or such other amounts as the director may determine by regulation, including in the case of each light-medium duty tow truck, motor vehicle liability insurance coverage for the death of, or injury to, persons and damage to property for each accident or occurrence in the amount of at least \$750,000 single limit, and in the case of each heavy-duty tow truck, motor vehicle liability insurance coverage for the death of or injury to persons and damage to property for each accident or occurrence in the amount of at least \$1,000,000 single limit.

b. (Deleted by amendment, P.L.2009, c.39)

c. Nothing in this section shall preclude a State agency or political subdivision, or the independent authorities or instrumentalities thereof, from requiring additional or higher liability insurance coverage or amounts with respect to contracts for towing and storage services awarded under the authority of such agency, subdivision, authority or instrumentality.

L.2007, c.193, s.6; amended 2009, c.39, s.2.

56:13-13. Consent required for towing from privately owned property.

a. No person shall tow any motor vehicle parked for an unauthorized purpose or during a time at which such parking is not permitted from any privately owned parking lot, from other private property or from any common driveway without the consent of the motor vehicle owner or operator, unless:

(1) the person shall have entered into a contract for private property towing with the owner of the property;

(2) there is posted in a conspicuous place at all vehicular entrances to the property which can easily be seen by the public, a sign no smaller than 36 inches high and 36 inches wide stating:

(a) the purpose or purposes for which parking is authorized and the times during which such parking is permitted;

(b) that unauthorized parking is prohibited and unauthorized motor vehicles will be towed at the owner's expense;

(c) the name, address, and telephone number of the towing company that will perform the towing;

(d) the charges for the towing and storage of towed motor vehicles;

(e) the street address of the storage facility where the towed vehicles can be redeemed after payment of the posted charges and the times during which the vehicle may be redeemed; and

(f) such contact information for the Division of Consumer Affairs as may be required by regulation;

(3) the property owner has authorized the person to remove the particular motor vehicle; and

(4) the person tows the motor vehicle to a secure storage facility that is located within a reasonable distance of the property from which the vehicle was towed.

b. No private property owner shall authorize the towing of any motor vehicle parked for an unauthorized purpose or during a time at which such parking is not permitted from the private property owner's property without the consent of the motor vehicle owner or operator, unless:

(1) the private property owner has contracted with a private property towing company for removal of vehicles parked on the property without authorization; and

(2) a sign that conforms to the requirements of paragraph (2) of subsection a. of this section is posted on the property.

c. (Deleted by amendment, P.L.2009, c.39)

d. This section shall not apply to a motor vehicle parked on a lot or parcel on which is situated a single-family unit or an owner occupied multi-unit structure of not more than six units or in front of any driveway or garage entrance where the motor vehicle is blocking access to that driveway or garage entrance.

e. The requirements of paragraph (2) of subsection a. of this section shall not apply to a residential community in which parking spaces are specifically assigned to community residents, provided that:

(1) the assigned spaces are clearly marked as such;

(2) there is specific documented approval by the property owner authorizing the removal of the particular vehicle; and

(3) a sign, which can easily be seen by the public, is posted in a conspicuous place at all vehicular entrances to the residential community property, stating that unauthorized parking in an assigned space is prohibited and unauthorized motor vehicles will be towed at the owner's expense, and providing information or a telephone number enabling the vehicle owner or operator to immediately obtain information as to the location of the towed vehicle.

The exemption in this subsection shall not apply to any private parking lot or parcel owned or assigned to a commercial or other nonresidential entity located in such residential communities.

L.2007, c.193, s.7; amended 2009, c.39, s.3.

56:13-14. Schedule of services eligible for charging a fee; reasonable fees.

a. The director by regulation shall establish a schedule of private property and other non-consensual towing and related storage services for which a towing company may charge a service fee, and shall specify services that are ancillary to and included as part of basic private property or other non-consensual towing services for which no fees in addition to the basic towing service fee may be charged.

b. All fees charged for private property or other non-consensual towing services and related storage services shall be reasonable and not excessive. Such fees shall be presumptively unreasonable and excessive if they exceed by more than 25 percent, or a different percentage established by the director by regulation, the usual and customary fee charged by the towing company or storage facility for such services when provided with the consent of the owner or operator of the vehicle, or if they exceed by more than 50 percent, or a different percentage established by the director by regulation, the usual and customary fee charged for such nonconsensual towing or related storage service by other towing companies or storage facilities operating in the municipality from which the vehicle was towed. Notwithstanding the foregoing, such fees may not exceed the maximum amounts that may be charged for such services in accordance with any applicable schedule of fees by municipal ordinance adopted pursuant to section 1 of P.L.1979, c.101 (C.40:48-2.49).

(1) (Deleted by amendment, P.L.2009, c.39)

(2) (Deleted by amendment, P.L.2009, c.39)

(3) (Deleted by amendment, P.L.2009, c.39)

c. (Deleted by amendment, P.L.2009, c.39)

d. (Deleted by amendment, P.L.2009, c.39)

L.2007, c.193, s.8; amended 2009, c.39, s.4.

56:13-15. Requirements for storage facility used by towing company.

a. No person shall tow a motor vehicle pursuant to section 7 of P.L.2007, c.193 (C.56:13-13) to a storage facility or store such vehicle at a storage facility unless the storage facility:

(1) has a business office open to the public between 8 a.m. and 6 p.m. at least five (5) days a week, excluding holidays; and

(2) is secured and, if it is an outdoor storage facility, lighted from dusk to dawn.

b. A towing company shall provide reasonable accommodations for after-hours release of stored motor vehicles.

L.2007, c.193, s.9; amended 2009, c.39, s.5.

56:13-16. Unlawful practices for towing company.

It shall be an unlawful practice for any private property towing company or for any other towing company that provides non-consensual towing services:

a. (Deleted by amendment, P.L.2009, c.39)

b. (Deleted by amendment, P.L.2009, c.39)

c. (Deleted by amendment, P.L.2009, c.39)

d. To give any benefit or advantage, including a pecuniary benefit, to any person for providing information about motor vehicles parked for unauthorized purposes on privately owned property or otherwise in connection with private property towing of motor vehicles parked without authorization or during a time at which such parking is not permitted;

e. To fail, when so requested by the owner or operator of a vehicle subject to non-consensual towing, to release a vehicle to the owner or operator that has been, or is about to be, hooked or lifted but has not actually been moved or removed from the property when the vehicle owner or operator returns to the vehicle, or to charge the owner or operator requesting release of the vehicle an unreasonable or excessive decoupling fee. Such a fee shall be presumptively unreasonable and excessive if it exceeds by more than 25 percent, or a different percentage established by the director by regulation, the usual and customary decoupling fee charged by the towing company for a vehicle subject to consensual towing, or if it exceeds by more than 50%, or a different percentage established by the director by regulation, the usual and customary decoupling fee charged for vehicles subject to non-consensual towing by other private property towing companies operating in the municipality in which the vehicle was subjected to non-consensual towing;

f. (1) To charge a fee for a private property or other non-consensual towing or related storage service not listed on the schedule of services for which a fee may be charged as established by the director except as may be permitted by the director by regulation; or

(2) To charge an unreasonable or excessive fee;

g. To refuse to accept for payment in lieu of cash or an insurance company check for towing or storage services a debit card, charge card or credit card if the operator ordinarily accepts such card at his place of business, unless such refusal is authorized in accordance with section 4 of P.L.2002, c.67 (C.56:13-4) as amended by section 21 of P.L.2007, c.193; or

h. To monitor, patrol, or otherwise surveil a private property for the purposes of identifying vehicles parked for unauthorized purposes and towing a motor vehicle parked for an unauthorized purpose from such private property without having been specifically requested to tow such vehicle by the owner of the property.

L.2007, c.193, s.10; amended 2009, c.39, s.6.

56:13-17. Availability of records.

Every towing company that performs private property or other non-consensual towing shall retain and make available for inspection by the division for a period of three years, invoices, job orders, logs, claims for reimbursement from insurance companies and other documentation relating to all consensual and non-consensual towing services performed and rates charged for the services.

L.2007, c.193, s.11; amended 2009, c.39, s.7.

56:13-18. "Towing and Storage Administration and Enforcement Fund."

There is created in the Department of the Treasury a special dedicated, non-lapsing fund to be known as the "Towing and Storage Administration and Enforcement Fund." The fund shall be the depository for fees, cost recoveries and penalties collected under P.L.2007, c.193 (C.56:13-7 et al.). Monies deposited in the fund and the interest earned thereon shall be used for the administration of

this act. The Legislature shall annually appropriate from the fund monies to the division for the administration of this act.

L.2007, c.193, s.12.

56:13-19. Rules, regulations.

a. The director, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may promulgate rules and regulations to effectuate the purposes of this act.

b. (Deleted by amendment, P.L.2009, c.39)

L.2007, c.193, s.13; amended 2009, c.39, s.8.

56:13-20. Effect of act on local government, toll road authority powers.

a. The provisions of P.L.2007, c.193 (C.56:13-7 et al.) shall not preempt any political subdivision from requiring or issuing any registration or license of any towing company.

(1) (Deleted by amendment, P.L.2009, c.39)

(2) (Deleted by amendment, P.L.2009, c.39)

b. The provisions of this act shall not be deemed to limit the authority of the New Jersey Turnpike Authority or the South Jersey Transportation Authority to establish rules and regulations governing the provision of towing and storage services on the roadways and properties under each entity's respective control.

L.2007, c.193, s.14; amended 2009, c.39, s.9.

56:13-21. Unlawful practice, violation.

a. It is an unlawful practice and a violation of P.L.1960, c.39 (C.56:8-1 et seq.) to violate any provision of this act.

b. In addition to any penalties or other remedies provided in P.L.1960, c.39 (C.56:8-1 et seq.), the director may order a towing company that has billed a consumer for any nonconsensual towing or related storage an amount determined by the director to be unreasonable to reimburse the consumer for the excess cost with interest.

L.2007, c.193, s.15; amended 2009, c.39, s.10.

56:13-22. Severability.

If any section, subsection, clause or provision of this act shall be adjudged unconstitutional or to be ineffective in whole or in part, to the extent that it is not adjudged unconstitutional or is not ineffective it shall be valid and effective and no other section, subsection, clause or provision of this act shall on account thereof be deemed invalid or ineffective, and the applicability or invalidity of any section, subsection, clause or provision of this act in any one or more instances or under any one or more

circumstances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance or under any other circumstances.

L.2007, c.193, s.25.

56:13-23. Effective date.

This act shall take effect on the 360th day following enactment, except that section 4 shall remain inoperative for 180 days following the effective date, but the director may take such anticipatory action as may be necessary to effectuate those provisions of this act.

L.2007, c.193, s.25.

27:25A-8.1. Registration of towing operators with South Jersey Transportation Authority.

a. An operator awarded a contract for towing and storage services by the South Jersey Transportation Authority shall register with the authority. Upon issuance of the registration, the authority shall provide the operator with two decals and accompanying notices for each tow truck owned or leased by that operator and to be used under the terms of the contract. The decals and the accompanying notices, which shall be of a distinctive design and color, shall be conspicuously displayed on the exterior of each such tow truck in a manner and location prescribed by the authority.

The decals shall set forth a specific registration number for each registered tow truck. The notices shall include a statement indicating substantially the following: "This tow truck is registered with the South Jersey Transportation Authority. The driver is required to provide you with a written schedule of the fees charged for towing and storage services before providing that service to you, including those services for which there is no fee. If the fee charged is in excess of the fee listed on the schedule, please notify the authority or the New Jersey Division of Consumer Affairs." An operator shall file a copy of the schedule of fees with the authority. Upon request of the Division of Consumer Affairs in the Department of Law and Public Safety, the authority shall provide a list of the registered tow trucks to the division, in addition to a copy of the schedule of fees.

b. Prior to providing any towing services, a driver of a tow truck shall provide the person whose vehicle is to be towed a written schedule of fees and shall recite the information contained in the notice.

c. An operator who fails to display the decals and notices required by subsection a. of this section or the driver of a tow truck who fails to provide a person to be towed the written schedule of fees or recite the information contained in the notice prior to providing a towing service as required by subsection b. of this section shall be subject to a fine of \$300 for the first offense. For the second and any subsequent offense the operator or the driver, as the case may be, shall be subject to a fine of \$600.

d. It shall be an unlawful practice and a violation of P.L.1960, c.39 (C.56:8-1 et seq.) for any person to charge a fee in excess of the fee listed in the written schedule of fees provided pursuant to subsection a. of this section.

e. If an operator or the driver of an operator's tow truck is found to have been convicted a third time for violation of any provisions of this section, the authority may, in its discretion, terminate the operator's contract for towing and storage services with the authority.

L.2002, c.77, s.3; amended 2007, c.193, s.17; 2009, c.39, s.12; amended 2013, c.253, s.8.

39:3-84.8. Information contained in application for tow truck registration.

a. An application for tow truck registration shall contain the following information:

- (1) The name and address of the towing company's principal owner or owners;
- (2) The address of the principal business office of the towing company;
- (3) The location of any garage, parking lot, or other storage area, where motor vehicles or other objects moved by the towing company may be stored or placed;
- (4) A valid certificate of insurance and a schedule of insured vehicles that are to be utilized by the towing company from an insurer authorized to do business in the State, including the amounts of the garage keeper's legal liability coverage and any "on hook" coverage as an endorsement or contained in a separate schedule, and liability insurance coverage, including in the case of each light-medium duty tow truck, motor vehicle liability insurance coverage for the death of, or injury to persons and damage to property for each accident or occurrence in the amount of at least \$750,000 single limit, and in the case of each heavy-duty tow truck, motor vehicle liability insurance coverage for the death of, or injury to, persons and damage to property for each accident or occurrence in the amount of at least \$1,000,000 single limit; and
- (5) Documentation of the manufacturer's gross vehicle weight rating for each tow truck.

Except as otherwise provided in this act, the registration for these vehicles shall be issued and renewed pursuant to the provisions of this Title.

L.1999, c.396, s.3; amended 2007, c.193, s.18; 2009, c.39, s.13.

CHAPTER 132

AN ACT concerning fees charged for certain towing and storage of motor vehicles and amending P.L.2007, c.193 and N.J.S.2A:44-21.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section 10 of P.L.2007, c.193 (C.56:13-16) is amended to read as follows:

C.56:13-16 Unlawful practices, towing company.

10. It shall be an unlawful practice for any private property towing company or for any other towing company that provides non-consensual towing services:

a. (Deleted by amendment, P.L.2009, c.39)

b. (Deleted by amendment, P.L.2009, c.39)

c. (Deleted by amendment, P.L.2009, c.39)

d. To give any benefit or advantage, including a pecuniary benefit, to any person for providing information about motor vehicles parked for unauthorized purposes on privately owned property or otherwise in connection with private property towing of motor vehicles parked without authorization or during a time at which such parking is not permitted;

e. To fail, when so requested by the owner or operator of a vehicle subject to non-consensual towing, to release a vehicle to the owner or operator that has been, or is about to be, hooked or lifted but has not actually been moved or removed from the property when the vehicle owner or operator returns to the vehicle, unless the vehicle subject to non-consensual towing has been authorized to be towed by a law enforcement officer of this State, or any political subdivision of the State, while in the actual performance of the officer's duties and as deemed appropriate for public safety, or to charge the owner or operator requesting release of the vehicle an unreasonable or excessive decoupling fee. Such a fee shall be presumptively unreasonable and excessive if it exceeds by more than 25 percent, or a different percentage established by the director by regulation, the usual and customary decoupling fee charged by the towing company for a vehicle subject to consensual towing, or if it exceeds by more than 50 percent, or a different percentage established by the director by regulation, the usual and customary decoupling fee charged for vehicles subject to non-consensual towing by other private property towing companies operating in the municipality in which the vehicle was subjected to non-consensual towing;

f. (1) To charge a fee for a private property or other non-consensual towing or related storage service not listed on the schedule of services for which a fee may be charged as established by the director except as may be permitted by the director by regulation; or

(2) To charge an unreasonable or excessive fee;

g. To refuse to accept for payment in lieu of cash or an insurance company check for towing or storage services a debit card, charge card or credit card if the operator ordinarily accepts such card at his place of business, unless such refusal is authorized in accordance with section 4 of P.L.2002, c.67 (C.56:13-4); or

h. To monitor, patrol, or otherwise surveil a private property for the purposes of identifying vehicles parked for unauthorized purposes and towing a motor vehicle parked for an unauthorized purpose from such private property without having been specifically requested to tow such vehicle by the owner of the property.

i. Nothing contained in any provision of the "Predatory Towing Prevention Act," P.L.2007, c.193 (C.56:13-7 et seq.) shall be construed to prevent a towing company from charging a reasonable fee for storage of a vehicle that has been subject to non-consensual towing authorized by a law enforcement officer of this State or by any political subdivision of this State. Nothing contained in any provision of the "Predatory Towing Prevention Act," P.L.2007, c.193 (C.56:13-7 et seq.) shall be construed to prevent a towing company from charging fees for non-consensual towing or related storage services in accordance with a duly-authorized fee schedule established by a municipality or other political subdivision of this State with respect to a vehicle that has been subject to non-consensual towing authorized by a law enforcement officer of this State or the political subdivision,

and there shall be a rebuttable presumption that fees charged in accordance with a fee schedule are not unreasonable or excessive.

A towing company shall only require that reasonable fees charged in accordance with a duly authorized fee schedule established by a municipality or other political subdivision of this State for towing, authorized by a law enforcement officer of this State or by a political subdivision of this State, or related storage services be paid by the operator, owner, lessor, or lienholder of the vehicle prior to the towing company's release of the vehicle. In the event the owner or operator of the vehicle defaults on payments to the lessor or lienholder of the vehicle, the lessor or lienholder shall be responsible for these reasonable towing and related storage fees.

Notwithstanding the provisions of P.L.1964, c.81 (C.39:10A-1 et seq.), or any other law, rule, or regulation to the contrary, a towing company shall notify the operator, owner, lessor, and lienholder of a vehicle that has been subject to non-consensual towing, authorized by a law enforcement officer of this State or a political subdivision of this State, and related storage services within 30 days of the vehicle being towed and arriving at the towing company lot. If a towing company fails to notify the operator, owner, lessor, and lienholder of the vehicle within 30 days, the towing company may charge a maximum storage fee of \$750, and the towing company shall be responsible for all additional towing or related storage services.

Notwithstanding any provision of this subsection to the contrary, the maximum liability for storage fees for matters pending prior to the date of enactment of P.L.2023, c.132, shall not exceed \$5,000. Towing fees for matters pending prior to the date of enactment of P.L.2023, c.132 shall not be subject to any fee limitation, provided that such fees remain reasonable and are charged in accordance with a duly authorized fee schedule established by a municipality or other political subdivision of this State.

For the purposes of this subsection, non-consensual towing shall be considered to be authorized by a law enforcement officer of this State or a political subdivision if the law enforcement officer or an agent or employee of the political subdivision initiates, directs, orders, or requests the non-consensual towing of the vehicle; and a municipal fee schedule shall be considered duly authorized if it has been established by municipal ordinance or resolution or by contract between the municipality and the towing company which conforms to the requirements of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.) and any related regulations.

2. N.J.S.2A:44-21 is amended to read as follows:

Garage keeper liens; detention of vehicles; notice; priority.

2A:44-21. A garage keeper who shall tow, store, maintain, keep, or repair a motor vehicle or furnish gasoline, accessories or other supplies therefor, at the request or with the consent of the owner or the owner's representative, or at the request of a law enforcement officer of this State or any political subdivision of this State, shall have a lien upon the motor vehicle or any part thereof for the sum due for such towing, storing, maintaining, keeping, or repairing of such motor vehicle or for furnishing gasoline or other fuel, accessories or other supplies therefor, and may, without process of law, detain the same at any time it is lawfully in his possession until the sum is paid. A motor vehicle is considered detained when the owner or person entitled to possession of the motor vehicle is advised by the garage keeper, by a writing sent by certified mail return receipt requested to the address supplied by the owner or person entitled to possession of the motor vehicle, that goods or services have been supplied or performed, and that there is a sum due for those goods or services.

The lien shall not be superior to, nor affect a lien, title or interest of a person held by virtue of a prior conditional sale or a prior chattel mortgage properly recorded or a prior security interest perfected in accordance with chapter 9 of Title 12A of the New Jersey Statutes.

A garage keeper shall only require that reasonable fees, charged in accordance with a duly authorized fee schedule established by a municipality or other political subdivision of this State for non-consensual towing, authorized by a law enforcement officer of this State or by a political subdivision of this State, or for related storage services be paid by the

operator, owner, lessor, or lienholder of the vehicle prior to the towing company's release of the vehicle. In the event the owner or operator of the vehicle defaults on payments to the lessor or lienholder of the vehicle, the lessor or lienholder shall be responsible for these reasonable towing and related storage fees.

3. This act shall take effect immediately but shall be retroactive to October 18, 2008.

Approved August 7, 2023.

West Windsor Township Police Department



Policies And Procedures

Subject: Towing Procedure		Date Issued: 8/01/93	
		Re-issued: September 1, 2004	
Volume Title / Topical Area: Police Operations (Volume 4)		Number: 4:16	
		Original Number: 93-03	
Distribution: All Sworn Personnel			
Issuing Authority: By Order Of The Chief Of Police			
Revisions: All Policies and Procedures Reviewed, Revised and Re-issued 9/1/2004			
Date:	Approved:	Date:	Approved:
Date:	Approved:		
Accreditation Standard References			

WEST WINDSOR TOWNSHIP POLICE DEPARTMENT

POLICY AND PROCEDURES

TOWING (4:16)

I. POLICY

All vehicles towed by the West Windsor Township Police Department shall be in accordance with the guidelines established in this policy / procedure.

Requests for tow trucks shall be done on a rotational basis except where this procedure otherwise stipulates.

A vehicle tow log shall be maintained by the dispatcher or the officer assigned to the desk in accordance with the requirements of this procedure.

II. PURPOSE

- A. To establish a uniform method for the handling of vehicles towed at the direction of the West Windsor Township Police Department.
- B. To assure that in the interest of public safety, the public receives the best possible service and only qualified tow truck owners / operators are authorized to tow vehicles.
- C. To assure proper storage of vehicles within the Township of West Windsor for the purpose of investigation, impoundment or release to owner, agent or proper authority.
- D. Provide for a tow log records keeping device to maintain an accurate record of vehicles towed at the direction of the police department and ensure that regular towing requests are rotated between towing services registered and authorized by West Windsor Township.
- E. Provide for an additional records keeping device for logging vehicles towed from private property at the direction of the property owner when notification is made to this department.

WEST WINDSOR TOWNSHIP POLICE DEPARTMENT

POLICY AND PROCEDURES

TOWING (4:16)

III. GENERAL INFORMATION

- A. This policy in no way denies the right of a motorist to request or summon a tow operator of his own choosing, providing the officer at the scene determines that the tow operator to be summoned can arrive at the scene within a time limit as specified herein, has the proper equipment to clear the scene and the safety of persons and /or motorists will not be jeopardized by the time involved in requesting an other than registered towing service. No officer shall be expected to accept an unknown towing service when a disabled or wrecked vehicle potentially threatens the safety of the public.
- B. Nothing herein shall be construed as binding on the State Police or other law enforcement agencies that operate by state authority within the jurisdiction of West Windsor Township.
- C. A towing service must register with and receive the approval of the Chief of Police to be listed on the dispatcher's call list.
- D. The officer at the scene of any incident shall be the final authority on when to tow or who shall tow a vehicle. The officer will not be limited to the tow list when it is obvious that special tow vehicles are required for a particular set of circumstances such as large vehicles or when the vehicles requiring removal threaten public safety.

IV. PROCEDURE

A. Towing Services – Minimum Requirements and Regulations

- 1. Tow services must be available to handle calls at all times.
- 2. Tow services must have at least two (2) tow vehicles, one of which is a rollback (flatbed).
- 3. All tow units must be equipped with an "ABC" type fire extinguisher, safety chains, stiff push broom, warning lights, absorbent substance for handling small liquid spills and any other necessary equipment to provide complete towing service for vehicles below the three quarter ton capacity. Vehicles are subject to inspection by the Police Department at least annually with submission of their application.

WEST WINDSOR TOWNSHIP POLICE DEPARTMENT

POLICY AND PROCEDURES

TOWING (4:16)

4. Each towing service must be fully insured.
5. The towing service must assume responsibility for storing and protecting the towed vehicle and its contents. This is to be accomplished utilizing an approved fenced-in security storage facility. This fenced area must be located on the grounds of the towing service within the confines of West Windsor Township and meet with the approval of the Chief of Police
6. An indoor closed facility must be available for security of vehicles impounded by the police in certain incidents. This enclosed facility must be on the grounds of the towing service or meet with the approval of the Chief of Police.
7. All tow truck drivers and / or operators must be trained in the operation of the tow vehicle and its equipment and are expected to display proper behavior while providing service.
8. The towing service must be capable of performing a mechanical inspection of vehicles when requested and be able to perform repair services for disabled vehicles.
9. Rates charged for towing services must be on file with the township and copies of established rates must be made available at the time services are rendered. Business cards should also be available.
10. Towing services are expected to arrive on scene within a reasonable time. This time should not exceed ten (10) minutes after the dispatcher's call.
11. Towing services are expected to clean the roadway at the scene of an accident by removing broken glass, debris, automobile parts, and by using an absorbent substance to eliminate the hazard of small liquid spills, i.e. oil, gas and anti-freeze, to the satisfaction of the officer in charge of the scene.
12. Accurate records of all vehicles towed at the direction of the police department will be maintained by the towing service on approved forms.

WEST WINDSOR TOWNSHIP POLICE DEPARTMENT

POLICY AND PROCEDURES

TOWING (4:16)

13. Measures shall be taken to ensure that impounded vehicles are not released without proper authority.
14. Towing services must agree to honor requests from property owners within the township wishing to remove abandoned vehicles, vehicles blocking rights of way and other vehicles parked without or in excess of the owner's permission to do so. The cost of removing the vehicle shall be borne by the owner /operator of the vehicle

V. REGISTRATION OF TOWING SERVICES

- A. A towing service must register on the application forms provided, by January 1st of each year with the police department Traffic Bureau.
- B. A certificate of insurance commonly referred to as a garage liability policy or the equivalent, in the amount of \$50,000 - \$100,000 - \$300,000 minimum, shall be submitted each year with the application.
- C. The towing service owner will sign the application forms indicating that the requirements set down by this policy are met or have been exceeded by his service.

VI. IMPLEMENTATION OF THE POLICY

A. Rotation

1. All requests, other than AAA, owner's requests and tows by private property owners shall be on a strict rotation basis. The rotation is in effect seven (7) days a week including holidays except in cases where special tow vehicles are needed and / or public safety is threatened.
2. In all instances where more than one vehicle is to be towed, the dispatcher will notify the tow service of the anticipated needs. In the event that the service cannot supply the necessary equipment or manpower, other services will be contacted until the needs are met.

WEST WINDSOR TOWNSHIP POLICE DEPARTMENT

POLICY AND PROCEDURES

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3. In the event that a tow service can only partially satisfy the needs of a particular call and additional equipment is required from another service, the first tow service called is charged with the rotation call.
4. If a tow service is unavailable or refuses a call, it will be noted on the tow log and the next available service will be called. The service that is unavailable or refused the call shall be charged with the rotation call.

B. Tow Log

1. A vehicle tow log will be maintained by the dispatcher or desk officer utilizing the C.A.D. system. The vehicle tow log will be used to log all vehicles towed at the direction of the police department.
Examples: Accidents, disabled motor vehicles, arrests, abandoned or stolen vehicles, etc.
2. Impounded Motor Vehicles
 - a. Vehicles that are impounded will be noted on the tow log entry within the C.A.D. system. A notation that a vehicle report has been initiated and is in the impounded vehicle file will appear on the tow log entry.
 - b. Impounded vehicles shall be authorized for release only after:
 - (1). The violation for which the vehicle was impounded has been corrected or the vehicle is towed away.
 - (2). After proof of ownership has been presented.
 - (3). When the vehicle is no longer needed as evidence.
 - c. No impounded vehicle shall be released unless authorized by a police officer and the owner, agent or other authorized person has signed the vehicle report and been given the third (pink) copy of the report.

WEST WINDSOR TOWNSHIP POLICE DEPARTMENT

POLICY AND PROCEDURES

TOWING (4:16)

3. Vehicle Reports

- a. Vehicle reports will continue to be utilized for vehicles impounded as follows:
 - 1. For a specific purpose which must be corrected prior to release such as unregistered, uninsured, unsafe, etc.
 - 2. Recovered stolen motor vehicles when proof of ownership is required and a record of release is needed.
 - 3. Vehicle is evidence in a crime or contains evidence of a crime that requires that the vehicle be held, such as fatal motor vehicle accidents, homicides, etc.
- b. Completed vehicle reports will be kept in an impound file in the desk area.
- c. After a vehicle report has been signed as acceptance of the vehicle and the third (pink) copy given to the owner, agent or other authorized person, the vehicle report is placed in the daily work and subsequently filed by the Records Bureau.

4. Vehicles Towed from Private Property by the Property Owner

- a. In the event a property owner notifies this police department that a vehicle was towed from his / her property at their direction, the desk officer shall enter the vehicle on the vehicle tow log as stipulated in this policy. The words "private property" shall be written in the remarks section of the vehicle tow log. Tow services used in this situation will not be charged with a rotation call.
- b. Incident number: Enter the incident number. An incident number and an operations report, accident report or investigation report shall be submitted anytime a towing service is dispatched.
- c. Date: Date of the incident.

WEST WINDSOR TOWNSHIP POLICE DEPARTMENT

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- d. Location: Location of the incident or where the tow service is requested.
- e. Reason: Enter the reason the tow service was requested, i.e. AAA, MVA, disabled MV, abandoned, stolen, private property, etc.
Refusal: Enter the word "refused" when a tow service indicates that it cannot handle a call. The service refusing a call is charged with that call. Enter "R" in block #1. The second or subsequent service shall be logged in as a new entry but will not be charged with a rotation call.
- f. Authority: Officer / Other – enter the person who has authorized the tow. Enter the badge number if one of our officers requested the tow. Enter "owner / operator", whichever is applicable, if a particular service was requested by the owner or operator of the vehicle. If another person requests the tow enter that person's name.
- g. Registration Number: Enter the registration (plate number) of the vehicle towed.
- h. Make: Enter the make of the vehicle towed.
- i. Impound Check: Place a checkmark in this column if the vehicle is considered impounded. If this vehicle is impounded complete the rest of the log.
- j. Remarks: Reason for impounding the vehicle, i.e. unregistered, stolen, evidence, etc.
- k. Vehicle Report Made Check: Place a checkmark in this column when the vehicle report is completed and filed in the impounded vehicle file.
- l. Impound Release Date: Date that the impounded vehicle was released.
- m. "Released By" Initials: Initials of the officer authorizing the release of the vehicle. This person is responsible for the vehicle report being completed and signed, and for providing the second copy to the person picking up the vehicle and authorizing the release.



(<https://gsta.org>)

[ps://www.twitter.com/GSTA_NJ/](https://www.twitter.com/GSTA_NJ/)) 

[s://www.linkedin.com/company/garden-state-towing-association/](https://www.linkedin.com/company/garden-state-towing-association/))

[S://GSTA.ORG/RENEW-MEMBERSHIP/](https://GSTA.ORG/RENEW-MEMBERSHIP/))

LEGAL/LEGISLATIVE FUND ([HTTPS://GSTA.ORG/DONATE/](https://GSTA.ORG/DONATE/))

MAXIMUM N.J. STATE POLICE RATES

For calendar year 2025

Towers engaged in towing for the NJSP shall not charge a fee in excess of the following enumerated rates. These tariffs are annually recalculated based upon a random sampling of reasonable fees utilized by commercial and municipal towers. The NJSP has determined that the average rate per category based upon the Association's census is reasonable and is acceptable for use by each Troop.

Please regularly review these rates. Changes may be made throughout the year.

ROAD SERVICE

CARS (LIGHT)	\$150.00 PER HOUR PLUS PARTS
TRUCKS (MEDIUM/ HEAVY)	\$200.00 PER HOUR PLUS PARTS

TOWING – Basic

LIGHT DUTY- up to 10,000 lbs.	HOOK-UP \$155
MEDIUM DUTY- 10,001-16,000 lbs.	\$300.00 PER HOUR
HEAVY DUTY- 16,001 and above	\$500.00 PER HOUR
DECOUPLING FEE (IF TOW IS NOT PERFORMED)	½ OF BASIC RATE

ON-HOOK MILEAGE

LIGHT DUTY	\$7.00/ PER LOADED MILES
MEDIUM DUTY	N/A
HEAVY DUTY	N/A

RECOVERY/ WINCHING (In Addition to Towing – per truck

including driver)

LIGHT/ MEDIUM DUTY 10,001-16,000 lbs.	\$350.00 PER HOUR CHARGED IN ½ HOUR INCREMENTS OF \$175. PER ½ HOUR
HEAVY DUTY 16,001 and above	\$650.00 PER HOUR

SPECIALIZED RECOVERY EQUIPMENT

ROTATOR/ CRANE RECOVERY UNIT	\$1200.00 PER HOUR
TRACTOR WITH LANDOLL TRAILER OR DETACH TRAILER	\$500.00 PER HOUR
TRACTOR/ TRANSPORT HAULER ONLY	\$350.00 PER HOUR
REFRIGERATED TRAILER W/ TRACTOR	\$550.00 PER HOUR
BOX TRAILER W/ TRACTOR	\$500.00 PER HOUR
AIR CUSHION UNIT	\$1000.00 PER HOUR
LIGHT TOWER	\$250.00 PER HOUR
PALLET JACK	\$200.00 FLAT RATE
ROLLERS	\$200.00 FLAT RATE
ANY OTHER SPECIALIZED EQUIPMENT	\$300.00 PER HOUR
LOADER/ BACKHOE/ TELESCOPIC HANDLER/ BULLDOZER/ BOBCAT	\$400.00 PER HOUR EACH
FORKLIFT	\$400.00 PER HOUR
DUMP TRUCK/ DUMP TRAILER W/ TRACTOR	\$400.00 PER HOUR
ROLL-OFF WITH CONTAINER	\$400.00 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
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LABOR- ALL LABOR MIN OF 1 HOUR

ACCIDENT MINOR CLEAN-UP AND DISPOSAL OF DEBRIS	\$75.00 PER HOUR ONE HOUR MINIMUM PLUS ABSORBANT MATERIALS USED
RECOVERY SUPERVISOR AND/ OR LEVEL III RECOVERY SPECIALIST	\$250.00 PER HOUR *Charges limited to one per incident
CERTIFIED TOWING OPERATOR	\$150.00 HOUR PER MAN
MANUAL LABORERS	\$125.00 PER HOUR PER MAN

STORAGE – PER CALENDAR DAY (INSIDE RATES TWO TIMES OUTSIDE RATE)

CARS/ LIGHT TRUCKS -10' X 20' SPACE	\$50.00 PER DAY
TRUCKS (DUAL WHEELS)/ SINGLE AXLE	\$125.00 PER DAY
TRACTOR/ DUMP TRUCK/ TRACTOR AND TRAILER COMBO/ TRAILERS	\$125.00 PER UNIT 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	\$50.00 PER SPACE USED PER DAY
RENTAL OF ANY TOW COMPANY SUPPLIED TRAILER POST INCIDENT	\$500.00 PER DAY

**** STORAGE BILLED PER CALENDAR DAY****

ADDITIONAL SERVICES/ NOTES

FUEL/ HAZ-MAT/ CARGO SPILLS CLEAN-UP AND DISPOSAL	TIME AND MATERIAL
HAZMAT AND TRASH RECOVERY	SURCHARGED 10%
SUBCONTRACTOR MARK-UP	20%
ADMINISTRATIVE CHARGE ONLY AFTER 3RD VISIT TO VEHICLE	CARS ONLY - \$50.00
ADMINISTRATION CHARGE	MEDIUM/ HEAVY TRUCK - \$200.00
AFTER HOURS RELEASE	\$85.00
NOTIFICATION DOCUMENTATION FEE	\$75.00
TARPING/ WRAPPING VEHICLE	\$90.00 PER CAR \$250.00 PER TRUCK
FUEL SURCHARGE	SEE CHART BELOW

FUEL SURCHARGE CHART - TOW AND MILEAGE COST ONLY

FUEL COST	FUEL SURCHARGE PERCENTAGE
\$2.50	0%
\$3.00	1%
\$3.50	2%
\$4.00	3%
\$4.50	4%
\$5.00	5%
\$5.50	6%
\$6.00	7%
\$6.50	8%
\$7.00	9%
\$7.50	10%

\$8.00






11%

***** PLEASE USE THE FOLLOWING LINK TO DETERMINE FUEL COST FOR FUEL SURCHARGE % IN YOUR AREA*****

**<https://www.eia.gov/petroleum/gasdiesel/>
(<https://www.eia.gov/petroleum/gasdiesel/>)**

NOTES: *AFTER THE FIRST HOUR, ALL HOURLY BILLABLE RATES WILL BE CHARGED IN HALF HOUR INCREMENTS. **CHARGES FOR ALL BASIC TOWS ARE INCLUSIVE OF THE OPERATOR. YOU MAY NOT SEPARATELY CHARGE FOR AN OPERATOR THAT DRIVES/OPERATES THE TOWING EQUIPMENT. * Waiting time: means any time a towing company spends at the site from which a motor vehicle will be towed, during which the towing company is prevented from performing any work by another individual, beyond the time involved as part of a basic tow.**

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