

**ORDINANCE NO. 3432-17**

**ORDINANCE AMENDING CHAPTER 117, SECTIONS 1 AND 10, RESPECTIVELY  
ENTITLED "DEFINITIONS" AND "TOWING RATES; FEE CARDS; INVOICING"  
OF THE REVISED GENERAL ORDINANCES OF  
THE BOROUGH OF RUTHERFORD, COUNTY OF BERGEN  
AND STATE OF NEW JERSEY**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Rutherford, County of Bergen and State of New Jersey

**Section 1:** That Chapter 117, Sections 1 and 10, of the Code of the Borough of Rutherford respectively entitled "Definitions" and "Towing rates; fee cards; invoicing" shall be amended and that those portions of the Ordinances set forth below are hereby amended as follows and that those portions of the Ordinances not set forth below shall remain unchanged:

§ 117-1 Definitions.

**BASIC TOW**

Basic tow means private property towing and other non-consensual towing as defined in this section and other 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.

**WINCHING**

Winching means 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 right a motor vehicle that is on its side or upside down, but does not include pulling a motor vehicle onto a flatbed tow truck.

§ 117-10 Towing rates; fee cards; invoicing.

[Amended 12-17-2002 by Ord. No. 3017-02]

A. No fees shall be charged or collected by any towing operator, owner, driver, or employee, for any tow occurring in the Borough of Rutherford, except as permitted under this section. Permissible towing rates and other charges shall be as follows:

(1) Basic towing rates.

(a) **Automobiles** - **\$125.00**

~~Category 1 vehicles (all light-duty vehicles weighing 6,000 lbs or less GVW; four tires).~~

~~[Amended 4-26-2011 by Ord. No. 3226-11]~~

| <b>Type</b>                                | <b>Fee</b> |
|--|------------|
| Tows beginning 8:00 a.m. through 6:00 p.m. | \$125      |
| Tows beginning 6:01 p.m. through 7:59 a.m. | \$125      |
| Fee at scene if tow is ended               | \$35       |

(b) **Trucks, SUV's & Pickups (under five Ton GVW)** - **\$175.00**

~~Category 2 vehicles (all light-duty vehicles weighing between 6,001 and 10,000 lbs. GVW; four tires).~~

~~[Amended 4-26-2011 by Ord. No. 3226-11]~~

| <b>Type</b>                                | <b>Fee</b> |
|--|------------|
| Tows beginning 8:00 a.m. through 6:00 p.m. | \$145      |
| Tows beginning 6:01 p.m. through 7:59 a.m. | \$145      |
| Fee at scene if tow is ended               | \$40       |

(c) **Trucks, Buses, and other vehicles (over five tons GVW) - \$250.00 per hr. (2-hour min)**

~~Category 3 vehicles (all medium-duty vehicles weighing between 10,001 and 26,000 lbs. GVW; six tires or more).~~

~~[Amended 4-26-2011 by Ord. No. 3226-11]~~

| <b>Type</b>                             | <b>Fee</b> |
|---|------------|
| Tows beginning any time of day or night | \$300      |

Fee at scene if tow is ended \$75

**(d) Motorcycles or Motor Scooters - \$135.00**

~~Category 4 vehicles (all other vehicles).~~

~~[Amended 4-26-2011 by Ord. No. 3226-11]~~

**Type Fee**

Tows beginning any time of day or night \$300

Fee at scene if tow is ended \$150

**(e) Winching fee.**

**Type Fee**

Category 1 and Category 2 vehicles (flat fee) \$40

All other vehicles (per hour or per portion of hour) \$40

~~(f) Winching. Winching is defined as the process of moving a motor vehicle by the use of the cable from a position that is not accessible for direct hookup by conventional means for loading onto a tow vehicle. Winching is not pulling a vehicle onto a tilt bed or carrier. Winching is not lifting a vehicle with a conventional tow sling. Such winching charges must be justified and there must be a documented need for the winching service. THIS DEFINITION WILL BE ADDED TO THE DEFINITION SECTION AT THE BEGINNING OF SECTION 117 ALONG WITH THE DEFINITION OF "BASIC TOW"~~

~~(g) Ended tow. The tow truck operator or driver is specifically authorized to end a tow and charge the fee set forth above at the behest of an owner or driver of the vehicle who interrupts the tow at the scene or location. The tow truck operator and/or the police officer at the scene must be satisfied that the vehicle is being released to the person properly. The tow truck operator must require that the owner or driver of the vehicle sign a document or form acknowledging the fee to be charged and paid at the scene or location.~~

**(2) In cases of a motor vehicle involved in an accident, the following fees shall apply to additional services, if actually performed:**

**(a) Waiting Time (after the first 15 mins.) \$15.00 per 15 min increments**

**(b) Brush Cleaning (Sweep Roadway) \$30.00**

**(c) Site Clean-up (Speedy Dry) \$20.00 per bag**

**(d) Winching Light Duty \$75.00 per ½ hour**

**Heavy Duty \$175.00 per ½ hour**

- (e) Window Wrap (Collision Wrap) \$75.00
- (f) Tarping \$75.00
- (g) Transmission Disconnect \$50.00
- (h) Flatbed Fee (If a vehicle can only be transported by flatbed) \$65.00

(3) Special Equipment (Equipment other than the first tow truck to recover a motor vehicle that cannot be recovered by winching or pieces of a motor vehicle that cannot be moved by hand:

**Labor** \$75.00 per person

**Equipment**

**Light Duty** \$100.00 per ½ hour

**Medium Duty** \$150.00 per ½ hour

**Heavy Duty** \$175.00 per ½ hour

**Rotator** \$225.00 per ½ hour

~~(2)~~ (4) Mileage fees. There shall be no mileage fees charged to an owner or driver for any Category 1 or Category 2 vehicle for any mileage within the borders of the Borough of Rutherford or for any mileage within the borders of the Borough of Rutherford to the tow operator's facility. Mileage fees for ~~Category 3 or Category 4~~ vehicles are permitted at the rate of \$2.50 per mile.

~~(3)~~ (5) Storage rates. (Storage fees are calculated per 24-hour period or any part of)

(a) Outside Storage – cars \$35.00

~~Per day storage inside building.~~

| Type                                 | Fee                |
|--------------------------------------|--------------------|
| <del>Category 1 and 2 Vehicles</del> | <del>\$25.00</del> |
| <del>All other vehicles</del>        | <del>\$35.00</del> |

(b) Outside Storage – Trucks, buses and others (over five tons GVW)  
\$50.00

~~Per day storage outside building.~~

| Type                                 | Fee                |
|--------------------------------------|--------------------|
| <del>Category 1 and 2 Vehicles</del> | <del>\$15.00</del> |

All other vehicles

\$25.00

**(c) Outside Storage – Trucks, buses, & others (over ten tons GVW) \$125.00**

**(d) Inside Storage – Cars**

**\$50.00**

**(e) Inside Storage - Trucks, buses, & others (over five tons GVW)**

**\$100.00**

**(f) Inside Storage - Trucks, buses, & others (over ten tons GVW)**

**\$175.00**

**(h) Administrative fee (if more than three trips are made to the vehicle)**

**\$65.00**

**(i) After Hours Release (After normal business hours/weekends)**

**\$45.00**

~~(c) (j) No storage fees shall be charged for a vehicle that is retrieved within twelve hours after its initial placement at the tow operator's storage facility.~~

~~(d) (k) No storage fees shall be imposed for the day an owner or motorist retrieves the vehicle if such retrieval occurs before 11:00 a.m.~~

~~(4) (6) Road service.~~

~~(a) Jump start: \$40.~~

~~(b) Tire change: \$40.~~

~~(c) No jump-start fee shall be charged if the motor vehicle is subsequently towed during the same call.~~

~~(d) No tire-change fee shall be charged if the motor vehicle is subsequently towed during the same call.~~

~~(5) Additional charges for Category 1 or Category 2 vehicles. Additional charges which are not specified in this section are allowable only for Category 1 or Category 2 vehicles if the services are rendered in connection with a motor vehicle accident. Such additional charges~~

must be justified and there must be a documented need for additional services, personnel, equipment, and/or supplies.

~~(6) Additional charges for Category 3 or Category 4 vehicles. Additional charges which are not specified in this section are allowable only for Category 3 or Category 4 vehicles. Such additional charges must be justified and there must be a documented need for additional services, personnel, equipment, and/or supplies.~~

**B.** Towing service to a location other than the licensee's storage area when requested by the motor vehicle owner or driver shall be at a rate agreed upon by both the licensee and the motor vehicle owner or driver, but shall be limited to reasonable fees and charges.

**C.** Fee cards. Each tow truck operator or driver shall present a fee card to each driver or owner of any vehicle to be towed or serviced at the time the tow is performed or the services are rendered. Each fee card shall clearly display the maximum rates for towing, mileage, storage, and service as permitted under this section.

**D.** Invoice. Each tow truck operator or driver shall present an itemized invoice for services rendered to each driver or owner of any vehicle to be towed or serviced at the time the tow is performed or the services rendered, if that driver or owner is present at the scene. The driver or owner shall be required to sign the invoice. The police officer at the scene, if any, shall be required to initial the invoice after the owner or driver has signed it. Nothing herein shall prevent invoicing of additional charges to the driver or owner of the vehicle for additional services rendered after the initial invoice has been signed.

**Section 2:** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**ATTEST:**

**BOROUGH OF RUTHERFORD**

Margaret M. Scanlon

Joseph DeSalvo Jr.

Margaret M. Scanlon, Borough Clerk

Joseph DeSalvo Jr., Mayor

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Mayor and Council at a meeting held on [September 25, 2017](#).

Margaret M. Scanlon

Margaret M. Scanlon, Borough Clerk