

Chapter 227

TOWING REGULATIONS

- § 227-1. Definitions.
- § 227-2. License required.
- § 227-3. Contents of application.
- § 227-4. Filing of application; investigation; conditions for issuance.
- § 227-5. Issuance of license; contents; expiration; records; license fee.
- § 227-6. Transferability of license; display.
- § 227-7. Towing rates; fee cards.
- § 227-8. Insurance requirements.
- § 227-9. Licensee qualifications.
- § 227-10. Agent for service of process.
- § 227-11. Storage capabilities.
- § 227-12. Enforcement; choice of towers.
- § 227-13. Additional restrictions and requirements.
- § 227-14. Equipment and personnel requirements.
- § 227-15. Violations and penalties.
- § 227-16. Revocation of licenses; notice of hearing.
- § 227-17. Appeals; notice; hearing.
- § 227-18. Operation by persons not regularly engaged in business.
- § 227-19. Copy on file.

[HISTORY: Adopted by the Mayor and Council of the Borough of Wood-Ridge 11-9-1999 by Ord. No. 99-20. Amendments noted where applicable.]

§ 227-1. Definitions.

- A. As used in this chapter, the following terms shall have the meanings indicated:

HIGH-FREQUENCY POLICE RADIO RECEIVING SET — A radio receiving set capable of receiving any message sent out by any police communications system.

WRECKER — A public vehicle employed for the purpose of towing, transporting and/or conveying or removing any and all kinds of vehicles which are unable to be and/or are actually not operated under their own power, for which service a charge or fee is exacted.

- B. In addition to the above definitions, all those words defined in N.J.A.C. 11:38.1 et seq., as well as all pertinent statutory laws are hereby incorporated herein as if same were more particularly set forth in this chapter.

§ 227-2. License required.

No person who wishes to engage in municipal police towing shall engage in the business of operating wreckers or tow trucks for the aforementioned purpose within the Borough without first obtaining a license therefor.

§ 227-3. Contents of application.

- A. Every applicant for a license under this chapter shall complete, sign and verify a written application, in duplicate, on forms furnished by the Borough Clerk.
- B. The application shall state:

- (1) Name and address of the applicant.
- (2) Residence address and full local address, if any, of the applicant.
- (3) Serial number and registration of each vehicle to be operated by the applicant.
- (4) Location of storage area for wreckers and cars and the amount of available space for storage of towed cars.
- (5) Name and address of insurer, policy numbers of garagekeeper's liability and garage liability policies.
- (6) Consent to appointment of the Borough Clerk as the applicant's true and lawful attorney for the purpose of acknowledging service out of any court of competent jurisdiction to be served against the applicant.
- (7) Agreement to be available for service or on call 24 hours a day and to abide by the fees contained in this chapter.

§ 227-4. Filing of application; investigation; conditions for issuance.

- A. The applicant shall file the completed application forms, in duplicate, with the Police Department of the Borough annually between August 1 and no later than October 30 of each year. The said filing period shall be applicable for licenses issued in the succeeding three calendar years.
- B. A designee in the Police Department shall be charged with the investigation of prospective licensees and shall recommend the issuance of a license when he finds that:
 - (1) The public convenience and necessity require the proposed wrecker service for which application has been submitted.

- (2) Applicants and tower employees of applicants shall be fingerprinted by the Borough of Wood-Ridge at the applicant's cost as part of the application process so that the required investigatory background check be accomplished in proper fashion. Such persons shall also be subject to a driver's license check as part of the application inquiry.
 - (3) The application submitted by the applicant complies with the requirements of this chapter and all other applicable ordinances of the Borough.
- C. The Borough Clerk and the Police Department designee shall make such determination on the number of licenses to be issued in any given term based upon public convenience and necessity and the difficulty of administering and/or enforcing the terms of this chapter upon a large and/or unwieldy number of licensed towers.
- D. The Mayor and Council of the Borough of Wood-Ridge shall be the final arbiter in determining whether a certain number of licensees per term shall be required in accordance with the provisions of this subsection.

§ 227-5. Issuance of license; contents; expiration; records; license fee.

- A. The Borough Clerk shall promptly notify the applicant of the approval of his application by a designee of the Police Department and shall issue the license.
- B. The license shall contain the following:
- (1) Name and address of licensee.
 - (2) Number of the license and amount of fee paid.
 - (3) Date of issuance of the license and expiration date.
 - (4) Signature of the Borough Clerk and the Seal of the Borough.

- (5) A list of all drivers and employees with evidence of their articulated vehicle driver's license or commercial driver's license, as well as their official social security number.
- C. All licenses shall expire on December 31 three years from the date issued unless an earlier expiration date is indicated on the license. Yearly fees shall be payable in accordance with Subsection E hereinbelow.
- D. The Borough Clerk shall send a copy of the license to the Police Department for filing and shall keep permanent record of all licenses issued.
- E. The yearly fee for a license issued pursuant to this chapter is \$500. No portion of said fee shall be prorated for any part of a year.
- F. Any and all licensees holding a license for a three-year term as provided for herein shall file an annual renewal license between December 1 and December 15 of each year thereof and shall pay the annual fee provided for hereinabove.
- G. If during any such three-year license period a particular licensee voluntarily surrenders its license for any reason whatsoever and/or is suspended and/or debarred as a licensee for any reason under the terms of this chapter or any other such proper reason, then in that event it shall be within the discretion of the Mayor and Council to fill such licensee slot in accordance with the criteria set forth in § 227-4B (4) hereinabove.

§ 227-6. Transferability of license; display.

- A. A license issued under this chapter shall not be transferable.
- B. Each licensee shall produce his license whenever called upon to do so.

§ 227-7. Towing rates; fee cards.**A. Roadside service. [Amended 10-12-2004 by Ord. No. 2004-11; 8-16-2011 by Ord. No. 2011-12]**

- (1) Passenger cars, tire change, jump start: \$60.

B. Towing.

- (1) Cars (wheel lift or flatbed): \$125.
- (2) Vans, SUVs, pick-up trucks (under four tons): \$175.
- (3) Heavy duty trucks, buses, trailers & tractors (over 4 tons): \$300.
- (4) If heavy duty under-lift is needed (two-hour minimum): \$250 per hour.
- (5) Motorcycles or motor scooters: \$100.
- (6) Anything not covered in this rate list: the usual and customary fee should apply.

C. Storage of vehicles per twenty-four-hour period:

- (1) Vehicles under four tons, outside storage: \$30.
- (2) Vehicles under four tons, inside storage: \$40.
- (3) Vehicles over four tons: \$125.

D. Any and all Borough vehicles shall be provided services by each licensee hereunder at no cost.**E. Fees for towing vehicles into or out of the Borough must be agreed upon by the owner of any such vehicle, in writing, prior to the vehicle being towed. The owner or operator of a vehicle shall have the right to select a tower of his or her choice, including towers with a place of business outside of the Borough, provided that such disabled vehicle is not then interfering with the vehicular or pedestrian flow of traffic and that the location of such vehicle does not present a danger to vehicular or pedestrian traffic.**

- F. Fee cards. Fee cards conspicuously indicating the maximum rates for towing and storage of a vehicle within the Borough shall be kept in the possession of the drivers of all wreckers and presented to the driver or owner of any vehicle to be towed.
- G. The owner and/or occupier of any towed vehicle shall be presented with an itemized bill detailing all of the charges which the tower has billed on or before payment has been made by such vehicle owner.

§ 227-8. Insurance requirements.

- A. No license shall be issued to an applicant until he shall have deposited with the Police Department the following insurance policies:
 - (1) Comprehensive general liability insurance. Limit of liability shall not be less than \$300,000 combined single limits (bodily injury and property damage) per occurrence and aggregate, including premises operations and procedures/completed operations.
 - (2) Automobile liability insurance. Limit of liability shall be not less than \$300,000 combined single limits (bodily injury and property damage) per occurrence. (Note: Liability insurance policies shall be specifically endorsed to provide collision insurance for vehicles in tow.)
 - (3) Worker's compensation insurance statutory coverage, including liability coverage, with a limit of at least \$100,000.
 - (4) Excess umbrella, in the amount of \$1,000,000, giving protection in excess of the \$300,000 general and auto liability coverage.
- B. On all liability policies, the Borough of Wood-Ridge shall be named as an additional insured, and insurance certificates shall indicate such coverage.

- C. Insurance coverage shall indemnify the Borough of Wood-Ridge and the public against any loss due to injuries, accidents or damages of any character whatsoever, where any such damage is the result of, act or omission of the licensee, his agents or employees in or due to the execution of the work called for under this chapter.
- D. The applicant shall provide the Borough with certificates of insurance evidencing the coverages required above. Such certificates shall provide that the Borough be given at least 30 days' prior written notice of any cancellation of, intention not to renew or material change in such coverage. These certificates must be provided before commencing work in connection with this chapter. Failure to submit same with the application shall subject such applicant to immediate disqualification.
- E. The providing of any insurance required herein does not relieve the applicant of any of the responsibilities or obligations pursuant to this chapter or for which the applicant may be liable by general law or otherwise.
- F. Failure to provide and continue in force such insurance as required hereinabove shall be deemed a material breach of this chapter and shall immediately nullify any license then in force.

§ 227-9. Licensee qualifications.

A licensee must comply with the following requirements:

- A. Any person, company or corporation requesting this license must have had a towing business for a minimum of three years and must be of known good reputation in the field of wrecking, towing, etc.
- B. The licensee shall be available to provide service 24 hours per day, seven days per week.
- C. The wrecker/tow truck shall have a passenger seat to transport the driver of the vehicle to be towed, under

appropriate circumstances, at no additional cost to the owner of the vehicle.

- D. Wreckers/tow trucks shall have paging capabilities with their dispatching center on a twenty-four-hour basis.
- E. Calls must be answered within 15 minutes of the Wood-Ridge Police Department notice to a licensee to respond to a call, unless a mutually agreed time is approved.
- F. The licensee shall provide each wrecker/tow truck with a shovel, broom and other equipment necessary to clean up broken glass and debris from the scene of an accident to which it is summoned. The driver of such wrecker/tow truck shall be responsible for such cleanup.
- G. All wreckers/tow trucks used and employed in towing of vehicles shall be kept in a clean, good working condition and the name, address and telephone number of the licensee shall be conspicuously displayed on each vehicle.
- H. All licensees shall be required to comply with all state and local laws and be licensed, as required.
- I. The licensee shall, when performing under this license, follow the lawful directions of the officers of the Wood-Ridge Police Department, agents or representatives of the Borough of Wood-Ridge.
- J. A person retrieving his vehicle shall be able to transact all business, including the pick up of the vehicle and payment of fees, at the same location.
- K. There shall be no piling of vehicles.
- L. Vehicles shall be towed and stored in a safe manner so as to prevent any damage to such vehicles.
- M. The licensee shall be responsible for the towing of any disabled Borough-owned vehicle when requested by the

Borough. This service will be furnished to the Borough for the minimum applicable showup charge.

- N. The licensee shall provide a clean waiting room for the public with a restroom and access to a public telephone.

§ 227-10. Agent for service of process.

No license shall be granted to an applicant unless and until he has appointed the Borough Clerk as his true and lawful attorney for the purpose of acknowledging service out of any court of competent jurisdiction served against the applicant.

§ 227-11. Storage capabilities.

- A. All licensees must have a minimum of 5,000 square feet to accommodate a minimum of 15 vehicles and may be divided into two parcels so as to provide indoor storage for a minimum of two motor vehicles. The parcels must be fenced in and secured and in an area that permits the towing and storage of vehicles. Any and all cars towed from the Borough of Wood-Ridge must be stored in the facility storage area designated by the licensee and approved by the Borough of Wood-Ridge. In order to facilitate the transaction of business between the tower and the parties towed, all licensees shall maintain a business office approved by the Borough of Wood-Ridge for the transaction of any such business required under this chapter.
- B. If the licensee is the owner in fee simple of the required number of square footage, he is to submit with his license a certified copy of the deed for the land containing a metes and bounds description of same.
- C. If the licensee has a lease for the required number of square footage, he is to submit with his license a copy of the lease or leases containing a metes and bounds description of same. Licensees must have a lease which

extends to at least six months after the termination date of the towing portion of this license.

- D. If the licensee has an option or options to lease or purchase the required number of square footage, he is to submit with his license a copy of the option agreements containing a metes and bounds legal description of same.
- E. The deeds, leases or options to lease, or purchase are to be approved as to form and legality by the Borough Attorney.
- F. Visual on-site inspection of the land shall be made before award of a license by the Borough or its designees. All the land proposed to be utilized by the licensee for storage must be level and clear of debris and must be clearly marked as having the area necessary to maintain the minimum capacity of 15 vehicles for the Borough.
- G. The entire land area or areas must be enclosed by a fence of sturdy construction and at least seven feet in height or the maximum permitted by the applicable section of the Zoning Ordinance¹, whichever is less, so that the storage will not be visible to the public.
- H. The operation of the site(s) shall conform at all times to fire regulations of the Borough of Wood-Ridge or the municipality in which the site(s) is located.
- I. The storage facility must provide a minimum of eight hours per day (9 a.m. to 5 p.m.), Monday through Friday, and four hours on Saturday (9 a.m. to 1 p.m.), for reclaiming of towed vehicles. There shall be no release fees charged for releasing vehicles after normal business hours.
- J. Prior to the awarding of any license hereunder, the licensee shall prove to the Borough of Wood-Ridge that his said locations are legally zoned for such storage of vehicles. The licensee shall comply with all applicable laws where such place of business is located.

1. Editor's Note: See Ch. 248, Zoning

- K. No impounded vehicle shall be parked upon a public street or sidewalk, quasi-public street or sidewalk or any public area, but must be stored by the licensee within the storage area so provided; the licensee, his agents or representatives shall not use the vehicles for the use of the licensee or their personal use. License plates shall not be removed from any vehicle, except when lawfully required by the Wood-Ridge Police Department, or other government agency or switched to any other vehicle.
- L. The impounded areas must be properly lighted from dusk to dawn and must be properly safeguarded from vandalism and/or theft.
- M. The Borough of Wood-Ridge shall have access to any part of storage areas at any time of the day or night for the purpose of inspection and/or investigation. This shall include indoor and outdoor areas.
- N. There shall be no unescorted access to the storage area by the public. The Wood-Ridge Police Department, from time to time, shall establish rules and regulations regarding the public access to the vehicle so impounded and/or stored; such rules and regulations may also be amended from time to time. This requirement must be strictly enforced. Failure to follow these rules and regulations shall be cause to cancel an issued license.

§ 227-12. Enforcement; choice of towers.

- A. The governing body hereby designates the Police Department generally and a designee of the Police Department in particular as its agent to supervise the enforcement of the terms and provisions of this chapter and the rules and regulations adopted hereunder.
- B. No individual, owner or operator of a wrecker, shall respond to the scene of an automobile accident except upon notification by the officer in charge of police headquarters

or upon request of the driver or owner of the vehicle involved.

- C. The officers investigating accidents which require a wrecker shall get authorization from the drivers or owners of cars as to whom is to perform the towing.
- D. To amplify and expedite the enforcement of the provisions of this chapter, a designee of the Police Department is authorized to establish a system of rotation in the assignment of wreckers when the owner or the driver declines to indicate any specific choice of wrecker to remove the disabled vehicle. The system of rotation shall be nondiscriminatory and antiexclusionary in that licensed towers and/or wreckers shall be summoned in order as their name appears on a rotation list. The list shall be established by date of license issuance, i.e, first license issued, first name on list, etc.

§ 227-13. Additional restrictions and requirements.

- A. No wrecker shall maintain a high-frequency police radio receiving set for the purpose of intercepting police calls in regard to disabled vehicles.
- B. At the direction of the Wood-Ridge Police Department, licensees hereunder shall be required to remove from the roadway or any other public property, including but not limited to municipal parking lots, parks, playgrounds and Board of Education property, all junk and abandoned vehicles in accordance with the following:
 - (1) A "junk vehicle" shall be defined as a motor vehicle incapable of being operated safely or of being put in a safe operational condition except at a cost in excess of the value thereof. If the vehicle is unclaimed by the owner or other person having legal right thereto for a period of 15 business days, the licensee shall notify a designee of the Police Department that the

vehicle has been held for the statutory time and that the vehicle is ready for sale.

- (2) An "abandoned vehicle" shall be defined as a motor vehicle which cannot be certified for a junk title certificate pursuant to N.J.S.A. 39:10A-3. If the vehicle is unclaimed by the owner or other person having legal right thereto for a period of 20 business days, the licensee shall notify a designee of the Police Department that the vehicle has been held for the statutory time and that the vehicle is ready for sale.
- (3) Proceeds from the sale of junk or abandoned vehicles shall be used to satisfy any towing or storage charges which may have accumulated on the vehicle. Excess proceeds shall be paid to the Borough treasury. If the proceeds are insufficient to cover the accumulated costs, such excess cost shall be waived by the licensee and no further funds will be due from the Borough or the purchaser of the vehicle.
- (4) The Wood-Ridge Police Department, on behalf of all of the licensees hereunder, shall be charged with the obligation to obtain junk titles from the Director of the Division of Motor Vehicles whether any such vehicles are denominated as a junk vehicle and/or an abandoned vehicle pursuant to N.J.S.A. 39-10A-1 et seq. For purposes of this section, all such licensees shall be defined as a "motor vehicle repair facility" by either trade name and/or corporate designation. The owner of vehicles towed by order of the Police Department for violations of law and/or are deemed to be abandoned shall be subject to provide any licensee hereunder with the necessary title provided for in N.J.S.A. 39:10A-1, et seq.
- (5) This section will be administered in accordance with N.J.S.A. 39A:10A-1, et seq.

- C. No wrecker shall possess or exhibit flashing lights, except as provided under N.J.S.A. 39:1-1, et seq.

§ 227-14. Equipment and personnel requirements.

- A. The licensee must have the following equipment operating at all times and ready for call to a location within the boundaries of the Borough of Wood-Ridge when dispatched by the Wood-Ridge Police Department, pursuant to the terms of the license and for the full term of said license:
- (1) At least one tow truck and one flatbed vehicle for the purposes set forth in this chapter.
 - (2) Two one-ton tow trucks with one-ton chassis and three-ton crane and wheel lifts.
 - (3) One flatbed-type tow truck of at least 26 feet.
 - (4) Equipment for jump starts, changing of flat tires and portable heavy-duty lighting.
 - (5) At all times, at least one employee with an articulated driver's license or commercial license shall be available to operate the above required equipment, 24 hours a day, seven days a week, including holidays.
- B. A licensee hereunder must either directly own the required equipment and/or lease same from a bona fide vehicle leasing company, and said licensee may not utilize other competing and/or joint-venture-type arrangements with other towing companies not licensed in the Borough of Wood-Ridge for the purpose of satisfying the requirements of this section.

§ 227-15. Violations and penalties.

Any person and/or licensee who shall violate the provisions of this chapter shall, upon conviction thereof, be punishable as provided below:

- A. Shall be prohibited from receiving a license for a period of three years from the date of said conviction. Upon the second or subsequent conviction and in the discretion of the Municipal Judge, said person shall be prohibited from receiving a license for a period of 10 years from the date of the second or subsequent conviction; and
- B. Be subject to imposition of the general penalty set forth in the Code of the Borough of Wood-Ridge.²

§ 227-16. Revocation of licenses; notice of hearing.

- A. Licenses issued under the provisions of this chapter may be revoked by the Mayor and Council after notice and hearing for any of the following causes:
 - (1) Fraud, misrepresentation or false statement contained in the application for the license.
 - (2) Any violation of this chapter or any other municipal regulation.
 - (3) Conviction of any crime or disorderly persons offense involving moral turpitude.
 - (4) Unsatisfactory service.
 - (5) Violation of Department of Insurance Rules.
- B. Notice of the hearing for revocation of a license shall be given to the licensee, in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed by registered or certified mail, return receipt requested, addressed to the

2. Editor's Note: See Ch. 1, General Provisions, Art. II, General Penalty.

licensee at his last known address at least five days prior to the date set for hearing.

§ 227-17. Appeals; notice; hearing.

- A. Any person aggrieved by the action of a designee of the Police Department or the Borough Clerk in the denial of license as provided in Sections §§ 227-4 and 227-5 of this chapter shall have the right to appeal to the Mayor and Council. Such appeal shall be taken by filing with the Council within 14 days after notice of such action a written notice of appeal. The 14 days shall begin to run from the post mark date on such correspondence mailed to the applicant at his last known address. The hearing shall be held within 45 days of receipt of the notice of appeal or within such time period as agreed to by the parties to the appeal.
- B. The Council shall set a time and place for the hearing of such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in § 227-16 for the notice of hearing on revocation.
- C. The decision and order of the Council on such appeal shall be final and conclusive.

§ 227-18. Operation by persons not regularly engaged in business.

This chapter shall not prevent the occasional operation at the scene of an accident, upon the request of an owner or driver of a vehicle, of a wrecker or tow truck which is owned by a person not regularly engaged in the business of operating wreckers or tow trucks within the Borough of Wood-Ridge.

§ 227-19. Copy on file.

This chapter and the fee schedules contained herein shall be available to the public during normal business hours of the Borough.