

§ 5-8. TOWERS AND WRECKERS.

§ 5-8.1. Title. [Ord. #91-761]

This section shall be known as and may be called the "Borough of Tinton Falls Towing Ordinance, 1989".

§ 5-8.2. Definitions. [Ord. #91-761; Ord. No. 2017-1419]

As used in this section:

ABANDONED VEHICLE — Shall mean a vehicle or vessel partially dismantled, not readily capable of operation under its own power, not currently used for transportation, not currently licensed, wrecked, or junked.

ABSORBENTS — Shall mean products used to soak up spills or vehicle fluids.

ADMINISTRATIVE CHARGE — Shall mean charges for services including but not limited to removal of personal items, copying of forms, inspection, telephone and/or emails, and any additional paperwork.

CRUISING — Shall mean the driving of a wrecker to and fro along any Borough street for the purpose of soliciting business within the Borough of Tinton Falls.

DEBRIS CLEAN-UP — Shall mean the amount of debris at the scene of a motor vehicle accident from the point of impact, the final resting point of the vehicle and the associated debris field.

FLATBED — Shall mean a special wrecker for removal of special vehicles which could not be lifted by a normal wrecker without causing undue damage.

GARAGE — Shall mean a building in which motorcars can be sheltered, stored, repaired and made ready for use. It is specifically intended not to include within the meaning of this definition, a gasoline service station used principally for furnishing gasoline, oil, lubrication service, and minor service for automobiles.

GROSS VEHICLE WEIGHT — Shall mean the registration weight, the manufacturer's gross vehicle weight rating or actual weight.

HEAVY DUTY WRECKER — Shall mean a commercial manufactured truck with a wrecker body. Minimum GVWR 26,001 lbs. used to tow and recover commercial-type vehicles over 26,000 GVW as well as passenger vehicles unable to be recovered by other means. **[Amended 2-16-2021 by Ord. No. 2021-1469]**

OPERATOR — Shall mean owner or agent of servicing garages.

PERSON — Shall mean individuals, partnerships, corporations, companies, and any other similar association of person or persons engaged in business.

RESPONSE TIME — Shall mean the time the operator receives the telephone call from the Tinton Falls Police Department until the time the operator arrives on the scene.

SERVICE CALL — Shall mean a response to a motorist to provide aid for the changing of flat tires and/or providing fuel/jump start.

STORAGE FEES — Shall mean the maximum allowable amount to be charged by an operator

for a twenty-four-hour period. Storage includes vehicles taken to the police department or licensee yard as a result of a motor vehicle crash, impound, or disabled vehicle.

TOWING — Shall mean removal of a vehicle by taking the same in tow or placing it on a flatbed.

TOWING OPERATORS ROTATIONAL LIST — Shall mean a schedule prepared by the Traffic Safety Unit of towing operators that were approved by the Borough, to be called by the Police Department for vehicle assistance.

UPRIGHTING — Shall mean returning of a vehicle to its proper position on all four wheels or under carriage.

WAITING TIME — Shall mean the time a licensee has equipment and personnel waiting at a scene to perform a towing operation.

WINCHING — Shall mean the process of moving a motor vehicle by the use of chains, nylon slings from a position that is not accessible for direct hook up for towing a motor vehicle. Winching includes recovering a motor vehicle 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.

WRECKER — Shall mean a public vehicle employed for the purpose of towing, transporting, and/or conveying or removing vehicles which are unable to be and/or actually not operating under their own power, from the place they were disabled to some other place and a service fee is exacted.

§ 5-8.3. License Required. [Ord. #91-761]

No person shall operate a tow truck or conduct any towing service within the Borough without first having obtained a license therefor.

- a. Application for License. The application for a license as required by subsection 5-8.3 shall be made to the Chief of Police and shall accurately specify the following information, the truth of which shall be sworn to by the applicant:
 1. The year, make, type, weight and registration number of the tow truck;
 2. The name and address of the applicant or applicants and if a corporation, the name and address of each officer and director thereof;
 3. The name and address of the owner of the tow truck, if other than the applicant;
 4. The location or locations of the premises at which the tow truck is domiciled or garaged;
 5. The location or locations of the premises to which vehicles are to be towed for storage and the maximum number of vehicles to be stored at such premises.

§ 5-8.4.1. Expiration of License; Renewal Fee. [Ord. #91-761]

- a. Any license issued hereunder may be renewed for additional periods of one year upon:
 1. Submission to the Chief of Police of a renewal application containing the same information previously required in subsection 5-8.3a.

2. Presentation of renewed insurance certificates as required in subsection 5-8.8.
3. A written endorsement of good standing to be prepared by the Chief of Police, which is to be attached to the application prior to its presentation to the Mayor and Council for final approval.
4. Payment to the Chief of Police of a renewal fee in the amount of \$25.

§ 5-8.5. Issuance, Denial of License. [Ord. #91-761]

Upon receipt of all reports as set forth in this section, the Chief of Police shall forthwith transmit the reports to the Mayor, which shall grant or deny the issuance of a license within 30 days after receipt of all reports. Failure to act within the thirty-day period shall be the equivalent of a denial. In the event of any denial, the applicant shall forthwith be notified in writing, after which notification the applicant shall have 10 days in which to make written request to the Borough Clerk for a further hearing before the Borough Council under their investigatory powers.

§ 5-8.6. Call List; Police Department Establish and Publish. [Ord. #91-761]

The Police Department shall establish and publish a call list for all eligible licensees for the performance of towing services within the Borough. Each licensee desiring to be placed upon the call list shall agree with the Borough to provide twenty-four-hour towing and other emergency services upon such terms and conditions as may be approved by the Chief of Police and not inconsistent with the provisions of this chapter. The call list shall be in alphabetical order and shall be rotated so as to provide equal treatment to all licensees. Any licensee shall be removed from the call list upon:

- a. Written request from the licensee; or
- b. Failure to comply with the aforesaid terms and conditions as established by the Chief of Police; or
- c. Revocation of his towing license.

§ 5-8.7. License Not Transferable; Display of Licenses. [Ord. #91-761; Ord. #91-778]

A license issued under this chapter shall not be transferable, nor shall the licensee be permitted to hire any subcontractors.

Each licensee shall produce and display required license. The Chief of Police shall issue to the person owning a licensed wrecker, a card not less than four inches in width, or more than six inches in length in such form as may be set by the Chief of Police to be carried in each wrecker, and produced upon request, and which shall bear the name and business address of the owner, official license number of the wrecker, the rate of fares and conditions of employment under which such wrecker is operating and a notice that, in case of any complaint, the Chief of Police shall be notified.

Such card shall have attached thereto the signature of the Chief of Police and the date of inspection of the wrecker, together with blank space upon which entry shall be made of the date of every inspection of the wrecker by the Chief of Police or his designee.

§ 5-8.8. Insurance Policies/Requirements. [Ord. #91-761; Ord. #91-778]

No wrecker shall be licensed or authorized hereunder, nor shall any licensed wrecker be operated within the Borough of Tinton Falls unless he has deposited with the Borough Clerk the following insurance policies or certificates of insurance:

- a. Auto Garage Keeper's Policy. Auto garage keeper's legal liability policy covering fire, theft and explosion in the minimum amount of \$500,000 and collision coverage subject to a maximum deductible of \$500 with each accident deemed a separate claim.
- b. A liability policy covering the operation of licensee's equipment and wrecker or for any bodily injury or property damage in the minimum amount of \$500,000 for any one person killed or injured and \$1,000,000 for more than one person killed or injured in any one accident. This policy shall also provide for coverage in the minimum amount of \$50,000 for all damage arising out of injury to, or destruction of, property.

Each policy required herein must contain an endorsement providing for 10 days' notice to the Borough in the event of any material change or cancellation. If the policy is not maintained according to the above guidelines, the Chief of Police shall have the authority to immediately suspend the wrecker license and privileges and collect all and any licensing certificates, stickers, cards and other means of identification which were issued for the purpose of this section.

Said insurance policy shall be endorsed to include a standard severability of interest clause. Any additional cost for said endorsement shall be paid by the licensed tower/wrecker service.

Licensees shall indemnify and hold harmless the Borough from any damages or liability which may arise by reason of the action of the licensee, his agents, employees or servants, in connection with furnishing the services required by this chapter.

§ 5-8.9. Twenty-Four-Hour Operation; Response Time. [Ord. #91-761]

No license shall be issued to an applicant hereunder unless he or his employees shall be available or on-call on a twenty-four-hour basis to tow vehicles pursuant to the terms and specifications of this section. All licensees must respond to a call for service from the Tinton Falls Police Department within a reasonable amount of time, preferably within 20 minutes.

§ 5-8.10. Storage Areas. [Ord. #91-761]

All licensees must have sufficient storage areas on their own premises to store not less than 25 towed vehicles and shall be available during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday; and 8:00 a.m. to 12:00 noon on Saturday, for the release of the towed vehicles to their owners, pursuant to this section. The licensee will also have to receive a "Vehicle Impound Report" release from claimant, if same was filed by the police officer at time of impoundment request.

Licensees shall have available and must provide for a protected area for storage of impounded vehicles to be used in criminal cases. Protected area shall include inside storage of vehicles or fenced in storage of vehicles so as to preclude in either case access to such vehicle by unauthorized persons. He must also in the case of outside storage, cover-up said vehicle to protect interior from weather elements, if exposed.

No license shall be issued for a tow truck unless tow truck business is located within one mile of the Borough of Tinton Falls and has storage facilities for towed vehicles within two miles of the Borough of Tinton Falls, New Jersey, and in the State of New Jersey, and in or on premises which are zoned for this type of business.

§ 5-8.11. Charges for Towing and Storage Related Services. [Ord. #761, Ord. #778; Ord. #00-1030; Ord. #13-1365; Ord. No. 2017-1416]

- a. No licensee shall charge fees in excess of the maximum fees set forth in this section.
- b. There shall be a reduced fee of \$75 charged to the Borough of Tinton Falls for the towing of any Borough police vehicle within a ten-mile distance from Tinton Falls.
- c. Charges for transportation, hauling or services of disabled vehicles by any licensed wrecker or operator of any licensed wrecker under this section, and storage of said vehicle, shall comply with the rates established by the State of New Jersey for vehicles covered by State Statutes; for vehicles not covered by State Statutes, charges shall not exceed the following rates as established by the Borough:

1. **Vehicles with a GVW up to 10,000 pounds: \$150.**
2. Vehicles with a GVW 10,000 pounds to 26,000 pounds: \$210.
3. Vehicles with a GVW 26,001 pounds and over: \$500 per hour with a one hour minimum. Once over the first hour, charges shall accrue in thirty-minute increments.
4. Service calls for tire changes, jump starts, fuel delivery and roadside repairs shall be \$75.
5. Winching service shall be charged at a rate of \$180, said service to be charged in thirty-minute increments with a one hour minimum. This charge shall include the use of additional equipment to remove the vehicle. This charge shall not be charged by a licensee for simply pulling the vehicle onto the tow truck during the course of a standard tow.
6. **Clean-up and labor charges shall be charged at a rate of \$50 per hour**, plus \$15 for each bag of absorbent material used. This charge is for clean-up and/or removal of debris or mechanical work to ready the vehicle for towing.
7. A one-time administrative fee of \$50 shall be charged for compensating the licensee for allowing owners to retrieve property, inspection of the vehicles by insurance companies, and any additional paperwork beyond the initial towing bill.
8. For conveying a passenger car to other than the tower's facility (i.e., owner's home, another garage) a fee of \$7 per mile shall be charged for all distances of greater than five miles. This is in addition to the prescribed rate for actual towing of vehicle.
9. For conveying a vehicle in excess of four tons, as specified above, a charge of \$10 per mile shall be charged for all distances greater than five miles. This is in addition to the prescribed rate for actual towing of vehicle above.

10. Waiting time shall be charged at a rate of \$60 per hour only after the first 30 minutes on scene.
 11. **Storage fees shall be charged at a rate of \$50 per day with the first 24 hours not charged.**
 12. Any crane service used will be determined for cost by licensee and owner/driver of the vehicle.
- d. All disputes as to fares shall be determined by the Chief of Police. The police officer at the scene shall report any disputes to the Chief of Police in the form of an operational report, as soon as possible.
 - e. During adverse weather conditions, licensed towers may be requested by the Borough to tow stalled, parked or abandoned vehicles for the purpose of plowing or removing snow from the streets or permitting the proper flow of traffic. For such towing service, licensed towers shall charge a maximum fee of \$130 per vehicle. The request for such towing shall be made by the Borough Police Department.
 - f. A fee schedule conspicuously indicating the maximum rate for towing and storage of a vehicle from within the Borough, shall be kept in the possession of the drivers of the wreckers and presented to the driver/owner of any vehicle prior to any vehicle being towed by a licensee. An itemized bill list shall further be supplied to each person towed, upon request.

§ 5-8.12. Enforcement: Towing Procedures and Record of Vehicles Towed. [Ord. #91-761]

The governing body hereby designates the Police Department, generally, and the Chief of Police, in particular, as its agents to supervise and govern the enforcement and provisions of this section and the rules and regulations adopted hereunder.

No individual, owner, or operator of a wrecker shall respond to the scene of an accident except upon notification by Police Headquarters or upon the request of the driver or owner of the vehicle involved. However, if the driver/owner requests a tow truck and a tow truck does not respond within a reasonable amount of time, being 20 minutes, and the vehicle is in a dangerous area, then the police will have the right to call the Borough licensed wrecker.

The licensee shall also be required to keep a daily log of all related towed vehicles reflecting the following:

- a. Date and time of request.
- b. Date and time of vehicle when towed.
- c. Address from where the vehicle was towed and address to where the vehicle was towed.
- d. Name of towing operator performing service.
- e. Complete dates of storage of said vehicle.
- f. Date of release of said vehicle, complete name and address of person obtaining vehicle, and whether police vehicle impound report was required and produced.

- g. Make, model, year and license plate of vehicle.
- h. Description of general condition of vehicle with damages noted.
- i. All other necessary and pertinent information requested by the Police Department.

§ 5-8.13. Qualifications for Driver. [Ord. #91-761]

No person shall drive a wrecker who is under the age of 18 years and who has not in his possession a valid license duly issued to him to operate a motor vehicle in the State of New Jersey.

The wrecker operator shall also have in his possession an I.D. card issued by the Tinton Falls Police Chief authorizing said person to operate a wrecker for the purposes outlined in this section. Furthermore, the operator's name and license number will be kept on file at Police Headquarters and periodically checked for valid status.

If for any reason the operator's drivers license and privileges are suspended or expired, he will not be allowed to operate said wrecker under State law and will notify the Chief of Police, in writing, explaining the reason and duration of suspension.

§ 5-8.14. Equipment on Vehicles. [Ord. #91-761; Ord. No. 2017-1416]

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

- a. A minimum of two flashing yellow lights pointed to the rear and so mounted as not to be obstructed by any motor vehicle being towed by the licensee.
- b. A minimum of two flashing yellow lights spaced at least four feet apart and so constructed as to be mountable on the rear of any vehicle being towed.
- c. A 360° rotating amber beacon light mounted over the cab.
- d. All lights of such candlepower in intensity as to be visible 1/4 of a mile away.
- e. Dual rear wheels or equivalent.
- f. Originate from a garage equipped with a portable car dolly.
- g. A power take off controlled winch with a minimum cable thickness of 3/8ths of an inch or equivalent.
- h. Weight equal to the vehicles to be towed, with a minimum of 5,500 pounds.
- i. A 3/8ths inch safety chain. The lift chain and the safety chain are not to be attached in any form or manner to the same part of the wrecker.
- j. One shovel and one broom for use in removing debris from roadway.
- k. One 20 pound dry chemical fire extinguisher.
- l. One five gallon bucket of sand.

- m. Each tow vehicle shall be permanently lettered on both sides in accordance with Title 39.
- n. Each tow vehicle must satisfy all safety standards as established by Title 39 and applicable regulations.
- o. Each person responding with the tow vehicle shall wear a reflective safety vest.
- p. Each tow vehicle shall be equipped with containers capable of holding loose material to be removed from the scene.

§ 5-8.15. Removal of Debris from Accident Scenes. [Ord. #91-761]

In the event that a licensee is requested by the Police Department to render services in accordance with this section at the scene of a motor vehicle accident, the licensee shall remove from the street all broken glass, metal and other debris resulting from said accident.

§ 5-8.16. Preservation of Evidence. [Ord. #91-761]

Licensee shall take all reasonable precautions required by the Police Department to avoid damage to any evidence, such as fingerprints, when rendering services in accordance with this section.

All motor vehicles which contain or involve evidence necessary to the Police Department and stored by the licensee in accordance with this section shall be stored pursuant to subsection 5-8.10 of this section.

§ 5-8.17. Operation by Other Wreckers. [Ord. #91-761]

This section shall not prevent the occasional operation at the scene of an accident, upon the request of an owner/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 Tinton Falls.

§ 5-8.18. Violation; Penalty. [Ord. #91-761]

Any person found guilty of violating any of the provisions of this section may, in addition to being removed from the towing roster, be liable, upon a determination of guilt by the Chief of Police, to a fine of not more than \$500 and suspension privileges under this section for up to 30 days, or both, for each violation and may be ultimately subjected to revocation of said license provided herein to tow vehicles, as a result of police requests.