

Ordinance No. 2103-11

**AN ORDINANCE AMENDING THE
CODE OF THE TOWNSHIP OF LAWRENCE
TO PROVIDE FOR THE LICENSING AND REGULATION
OF TOWING AND STORAGE SERVICES**

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

Section 1. The Code of the Township of Lawrence be and is hereby amended by the addition of the following new Chapter 13A which provides for the licensing and regulation of vehicle towing and storage services provided at the request of the Township:

CHAPTER 13A
TOWING AND STORAGE OF MOTOR VEHICLES

Sec. 13A-1. Purpose and Scope.

- (a) The purposes of this Chapter are:
- (1) To establish a requirement and procedure for the licensing of individuals and entities providing towing and storage services to the Township;
 - (2) To establish, in the interest of public safety, a uniform policy for the towing and storage of motor vehicles towed and stored at the request of the Township; and
 - (3) To establish uniform fees for towing and storage services.
- (b) This Chapter shall apply to all motor vehicle towing and storage operations performed at the request of the Township of Lawrence.

Sec. 13A-2. Definitions

- (a) "BASIC TOWING SERVICE" means the removal and transportation of a motor vehicle from a highway, street or other public or private road, or a parking area, or from a storage facility, and other services normally incident thereto, such as clean-up, invoicing and billing, but does not include a recovery of a motor vehicle from a position beyond the right-of-way or berm, or from being impaled upon any other object within the right-of-way or berm. Basic Towing Service Fees are for the first hour, any time over the first hour is pro-rated at ¼ hour intervals.
- (b) "MOTOR VEHICLE" includes all vehicles propelled otherwise than by muscular power, except such vehicles as run only upon rails or tracks, or motorized bicycles.

- (c) **"TOW OPERATOR"** means a person engaged in the business of towing and storing motor vehicles or offering the services of a tow vehicle or tow truck and storage services.
- (d) **"TOW VEHICLE" or "TOW TRUCK"** means those vehicles equipped with a boom or booms, winches, slings, tilt beds, wheel lifts or under-reach equipment specifically designed by their manufacturer for the removal or transport of motor vehicles, including flatbed vehicles, employed for the purpose of towing, transporting, conveying and/or removing motor vehicles which are unable to be operated under their own power from one place to another for which a charge or fee is extracted.
- (e) **"TOWNSHIP"** means the Township of Lawrence.
- (f) **"WINCHING"** means the process of moving a motor vehicle by the use of the cable from a position that is not accessible for direct hook up by conventional means for loading onto a tow vehicle. Winching is not pulling a vehicle onto a tilt bed or carrier, nor lifting a motor vehicle with a conventional tow sling. Winching Fees are for the first hour, any time over the first hour is pro-rated at ¼ hour intervals.
- (g) **"RECOVERY"** can be achieved by several actions which may include, but are not limited to, winching and rigging. A recovery is when the tow operator applies his knowledge in a skillful manner to preserve the condition of the motor vehicle while moving the damaged vehicle to a towable position. Recovery Fees are for the first hour, any time over the first hour is pro-rated at ¼ hour intervals.
- (h) **"VEHICLE REMOVAL CHARGE"** means the charge for a motor vehicle towed into the storage facility of the primary tower that is not mechanically able to be driven and must be towed out of the primary towers storage facility to a public street for towing by the secondary tower.
- (i) **"IMPOUNDED VEHICLE"** means a vehicle that is towed by an officer from the Lawrence Township Police Department for a reason that requires a Vehicle Release Form to be obtained prior to the vehicle being released from the storage facility.
- (j) **"HEAVY DUTY TOW VEHICLE OR TOW TRUCK"** means a designed vehicle equipped to handle DOT Class 7 and Class 8 vehicles.
- (k) **"CLASS"** means Federal Department of Transportation (DOT) standard vehicle classifications based on Gross Vehicle Weight (GVW).

Sec. 13A-3. License Required.

No person shall engage in the business of towing or storing motor vehicles at the direction of the Township of Lawrence without first obtaining a Tow Operator's License therefore. Nothing herein shall require licensing for the rendering of road service or for the provision of towing and storage services within the Township of Lawrence other than at the request of the Township.

Sec. 13A-4. Application for License

- (a) **Applicants for a license under this Chapter shall file with the Township Clerk a sworn application on a form to be furnished by the Clerk which shall include the following information and certification:**
- (1) **The full name and address of the applicant. If the application is made for a corporation, it shall state the name and addresses of the officers and directors thereof, it's registered agent, and the names and residential addresses of every stockholder owning more than ten percent of the issued stock.**
 - (2) **The year, make and type of each tow vehicle used in said business, its serial number, registration number and registered owner.**
 - (3) **The address where the tow vehicle or vehicles shall be regularly garaged the telephone number or numbers and the hours during which service is available at those numbers, and the names, addresses and New Jersey driver license number of all operators.**
 - (4) **The location, size and security features of the storage lot or space in which towed vehicles will be stored, including the number of spaces available. The storage lot shall be designated either as:**
 - (i) **"Inside storage": a vehicle storage facility that is completely indoors, having one or more openings in the walls for storage and removal of vehicles that is secured by a locking device on each opening;**
 - (ii) **"Outside Storage": a vehicle storage facility that is not indoors and is secured by a fence, walls or other man-made barrier that is at least six (6) feet high and is installed with a passive alarm system or a similar on-site security measure. The facility is to be lighted at night.**
 - (iii) **"Outside unsecured": a vehicle storage facility that is not indoors and is not secured by a fence, wall or other man-made barrier, and all other storage facilities not defined above as inside building or outside secured.**
 - (5) **The name and address of the insurance carriers, and the policy numbers of all insurance policies as required by Sec. 13A-9 of this Chapter.**
 - (6) **A certification that on-call towing and storage services will be available 24 hours per day, every day of the year.**
 - (7) **A certification that the fees and procedures required by this Chapter shall be complied with at all times.**
 - (8) **Certifications that all tow vehicles are equipped with two-way radios or cellular phones.**

- (9) A statement that the Chief of Police or his designee may at any reasonable time conduct an inspection of the tow vehicles, storage facility or billing of any applicant or licensee for the purpose of determining compliance with this Chapter.
 - (10) Such other information as the Township Manager may prescribe.
- (b) Applications for Tow Operator's license shall be accompanied by a fee of [\$200] \$350 to cover the Township's costs in processing the application. All applications for tow operator's license shall be filed with the Clerk's office no later than October 1st of 2011 and thereafter on September 1st the year prior to the effective date (January 1st) of the license.

Sec. 13A-5. Application Review

The Township Clerk shall forward all complete applications to the Chief of Police, who shall conduct or cause to be conducted such investigation as he deems necessary to determine the truth and accuracy of the information contained in the application and whether the applicant meets the following minimum standards:

- (1) Neither the applicant nor any tow vehicle operator has any criminal convictions or prior motor vehicle infractions which might adversely affect public safety or welfare. All tow vehicle operators must be submitted to the Police Department prior to towing for the Township.
 - (2) The applicant has the ability to arrive to any request for assistance within twenty (20) minutes.
 - (3) The applicant can provide on-call towing services 24 hours per day, every day of the year with a minimum of two tow trucks.
 - (4) The tow trucks and equipment are in safe and sound condition and in compliance with all applicable laws, rules and regulations.
 - (5) The applicant has the ability to perform mechanical inspections of and minor repairs to disabled vehicles.
 - (6) The applicant owns or has a valid lease to a storage facility within three (3) miles of the Township in an area legally zoned for such use, and such storage facility includes a minimum of ten (10) outside spaces and an inside secured facility for storage of impounded vehicles.
 - (7) The approved storage facility is required to be open to the public at least 6 days in a calendar week and at least 40 hours in that week, excluding weeks that contain State holidays. An employee is required to be at the storage yard during these hours, unless the employee is out on a towing assignment. The business hours of operation are to be posted in a conspicuous location.
 - (8) The applicant is in compliance with and/or has the ability to comply with all other requirements and standards set forth herein.
- (b) The Chief of Police shall endorse his approval or disapproval of the application within ninety (90) days of receipt by him. If the application is disapproved, the reasons therefore shall be set forth in writing. The Township Clerk shall notify

the applicant in writing that the application has been granted or denied. If it is denied, the reasons for such denial shall be set forth in the notice, along with the applicant's right to appeal the denial pursuant to Section 13A-8.

- (c) In the event the application has been denied, the applicant will have ten (10) business days to provide written notice to the Office of the Chief of Police stating if the applicant requests a re-inspection of a storage site, equipment or request to amend any information contained in the written application. No more than two re-inspections or application amendments may be requested.
- (d) All re-inspections or review of application amendments must be completed within (20) twenty business days from the receipt of denial of the initial application.
- (e) There shall be a fee of \$75.00 for each re-inspection or review of application amendments, in addition, to any application fees.

Sec. 13A-6. Issuance of License, Fee, Renewal, Display, Transferability.

(a) A Tow Operator's License shall be issued by the Township Clerk to an approved applicant upon provision of insurance certification pursuant to 13A-9. The Township Clerk shall send a copy of the license to the Police Department for filing and shall keep a permanent record of all licenses issued.

- (b) All licenses issued under this Chapter shall expire at the end of the calendar year in which issued. Renewal applications will be forwarded to the Chief of Police for review and any necessary investigation in accordance with the procedures and standards set forth in 13A-5. If approved, a renewal license shall be issued upon payment of the license fee and provision of required insurance certifications.
- (c) All licenses issued under this article, or certified copies thereof, shall be displayed prominently on all tow vehicles and at the tow operator's principal place of business.
- (d) All licenses issued under this Chapter are nontransferable.

Sec. 13A-7. Revocation.

- (a) Licenses issued under this Chapter may be revoked by the Chief of Police after reasonable notice for any of the following reasons:
 - (1) False or materially inaccurate information in the application, or a change of circumstances that would have caused disapproval of the application if existing at the time of approval.

- (2) Failure to comply with any of the requirements of this Chapter, any additional regulations promulgated by the Chief of Police, or any state, federal or local law relating to motor vehicle operation.
 - (3) Unsatisfactory service that Jeopardizes public safety, unexcused failure to respond and/or valid complaint, including but not limited to failing to respond to a tow request within twenty minutes (as determined by the Chief of Police after investigation) shall be considered grounds for revocation.
- (b) Notice of revocation shall be in writing and shall include the reasons therefore and notice of the licensee's right to appeal pursuant to Sec. 13A-8.

Sec. 13A-8. Appeals.

Any person aggrieved by the action of the Chief of Police or the Township Clerk in the denial of an application for a license, or in revocation thereof, or in the suspension from the Township's on-call towing list, may appeal by filing with the Clerk, within fourteen (14) days of receiving notice of the denial, suspension, or revocation. The Council will set a time and a place for a hearing on such appeal and notice shall be served on or mailed to the applicant or licensee at least five (5) days prior to the hearing. The Council's determination shall be made by Resolution and shall become effective immediately.

Sec. 13A-9. Insurance Requirements

- (a) Every licensee shall carry insurance as follows:
- (1) As required by N.J.S.A. 39:3-84.8:
 - (2) Workers Compensation coverage as required by State law.
 - (3) Garage Keeper's Liability in an amount not less than \$60,000.
 - (4) Garage Liability in an amount not less than \$500,000 combined single limits.
 - (5) Endorsements providing for collision coverage for vehicles in tow.
 - (6) Endorsements incorporating the indemnification provision set forth in

Sec. 13A-9(b).

- (b) All licensees shall hold harmless and indemnify the Township, its officers, employees and agents, from any and all liability claims, losses or damage arising or alleged to arise from the performance of the towing services requested of or rendered by the licensees.
- (c) All insurance policies shall be written by insurance companies acceptable to the Township and authorized to do business in the State of New Jersey.

- (d) **No license shall be issued or renewed until the applicant has filed with the Township Clerk certificates of insurance evidencing the insurance coverage and endorsements required in Sec. 13A-9(a). All certificates must provide for thirty (30) days prior written notice to the Township of policy cancellation or material change.**
- (e) **Any license issued under this Chapter will be automatically revoked upon expiration or cancellation of the required insurance or material change in coverage which renders that coverage not in compliance with the requirements of Sec. 13A-9(a).**

Sec. 13A-10. On-Call Towing List.

- (a) **The Chief of Police shall maintain a list of those tow operators licensed by the Township to respond to calls from the Township Police Department. In order to be included on the on-call towing list an applicant must meet all of the requirements of this Chapter and shall enter into an Agreement with the Township for a term of one year.**
- (b) **Calls to tow operators on the on-call list shall be made on a non-discriminatory rotating basis pursuant to procedures established by the Chief of Police. Nothing herein shall prohibit the Chief of Police or his designee from calling a tow operator out of sequence or seeking the services of a tow operator not on the on-call list if the circumstances require specialized equipment or if the interests of public safety so require. New tow operators may be entered onto the on-call list at the beginning of each calendar year. The Chief of Police may include a new operator onto an existing on-call list when such inclusion is in the best interest of public safety.**
- (c) **The fees to be charged for towing and storage services shall be as set forth in Sec. 13A-11. The Township shall not be liable for the cost of any towing and/or storage services are performed on a municipal vehicle.**
- (d) **Inclusion on the on-call towing list shall be automatically revoked upon expiration or revocation of the tow operator's license. The Chief of Police may also suspend a licensed tow operator's inclusion on the on-call towing list for such period of time as he considers appropriate for violations of this Chapter. Suspensions may be appealed pursuant to the procedures set forth in Sec. 13A-8.**
- (e) **Nothing in this section shall prohibit a motorist or motor vehicle owner from summoning a tow operator of his or her own choosing except that any Township police officer at the scene of an incident requiring towing services shall be responsible for making the final determination as to when towing shall take place and which tow operator shall be called.**

- (f) All non-impounded vehicles towed at the request of the Township must be removed to an approved storage facility unless the owner or operator of the vehicle specifically requests that it be towed to another destination within three (3) miles of the Township border. Local must be a legal parking area and payment to the tow operator made at the time of service.

Sec. 13A-11. Fee Schedule

- (a) No person shall be liable to any tow operator who tows or stores an automobile for any fees in excess of the following:

Basic Towing Service Fees (first hour, additional time pro-rated at ¼ hour intervals).

	Day	Night
Light Duty (DOT Class 1 & 2)	[\$75.00] <u>\$83.00</u>	[\$85.00] <u>\$94.00</u>
Medium Duty (DOT Class 3,4,5,&6)	[\$125.00] <u>\$138.00</u>	[\$130.00] <u>\$143.00</u>
Heavy Duty (DOT Class 7 & 8)	[\$225.00] <u>\$248.00</u>	[\$230.00] <u>\$253.00</u>

Recovery Service Fees (first hour, additional time pro-rated at ¼ hour intervals).

Light Duty (DOT Class 1 & 2)	[\$85.00] <u>\$94.00</u>
Medium Duty (DOT Class 3,4,5 & 6)	[\$125.00] <u>\$138.00</u>
Heavy Duty (DOT Class 7 & 8)	N/A

Winching (first hour, additional time pro-rated at ¼ hour intervals).

Light Duty (DOT Class 1 & 2)	[\$85.00] <u>\$94.00</u>
Medium Duty (DOT Class 3,4,5 & 6)	[\$125.00] <u>\$138.00</u>
Heavy Duty (DOT Class 7 & 8)	[\$250.00] <u>\$275.00</u>

Clean Up Materials

Speed Dry per 50 Lbs ~~[\$15.00]~~ \$17.00

Service Calls

Day ~~[\$55.00]~~ \$61.00 plus parts
 Night ~~[\$65.00]~~ \$72.00 plus parts

Rates for Towing Outside Township 3-Mile Limit

Negotiable between tow operator and owner or operator.

Storage- Per Day

	Outside	Inside
Class 1 & 2	[\$25.00] <u>\$28.00</u>	[45.00] <u>\$50.00</u>
Class 3,4,5, & 6	[\$40.00] <u>\$44.00</u>	[85.00] <u>\$94.00</u>
Class 7	[\$50.00] <u>\$55.00</u>	[100.00] <u>\$110.00</u>
Class 8	[\$100.00] <u>\$110.00</u>	[200.00] <u>\$220.00</u>

Vehicle Removal Charge

Class 1 & 2	[\$40.00] <u>\$44.00</u>
Class 3, 4, 5, 6, 7&8	[\$55.00] <u>\$61.00</u>

- (1) When towing services are required the Day rate shall apply when the time of the accident is between 7:00 a.m. and 4:30 p.m. Monday through Friday except New Jersey State holidays. The Night, Weekend and Holiday rate shall otherwise apply.**
- (2) Storage fees are for each 24-hour period or fraction thereof. A new 24-hour period begins at 12:01 a.m.**
- (3) Tow Operators shall document the time needed to complete each basic towing service, recovery, or winching assignment to alleviate any disputes on charges. Failure to document times will result in the one-hour fee being charged.**
- (4) No person shall be liable to any tow operator of any other towing or storage services for any fees in excess of the Township's approved fee schedule.**
- (5) When basic towing services are rendered as the result of a motor vehicle accident or theft recovery, there shall be no additional charges other than those provided for in (a) above, including, but not limited to, flat bedding, winching, cleanup costs and additional labor. Persons may remove loose personal property one time only from the vehicle without incurring a charge.**

- (6) When basic towing services are rendered as the result of an impounded vehicle no person can remove any personal property from the vehicle without first obtaining a Vehicle Release Form or in the presence of a Lawrence Township Police Officer. Persons may then remove loose personal property one time only from the vehicle without incurring a charge.
- (7) Towing rates shall include total distance traveled from the tow vehicle's base of operations to the job site and return by way of the shortest available route.
- (8) Tow vehicles transporting multiple vehicles at one time may charge the applicable fee for each vehicle transported.
- (9) Prior to hookup or flat bedding of a motor vehicle the tow operator shall present a copy of its fee schedule to the owner or operator of the vehicle. The fee schedule shall also contain the name, address and telephone number of the tow operator and a statement of the hours when the motor vehicle may be claimed.

Sec. 13A-12. Regulations and Procedures

The Chief of Police shall promulgate such rules, regulations and procedure not inconsistent with this Chapter as may be reasonable and necessary to carry out the provisions of this Chapter. Copies thereof shall be provided to all licensed tow operators and shall be made available to the public along with copies of current fee schedules during normal business hours. Failure to comply with applicable rules, regulations and procedures may be cause for revocation of a tow operator's license.

Sec. 13 A-13. Enforcement.

The Chief of Police is hereby designated to enforce the provisions of this Chapter and any applicable rules and regulations.

Sec. 13A-14. Repealer.

This ordinance supercedes all previous Towing Ordinances adopted by the Township of Lawrence.

Sec. 13A-15. Severability.

If any section, paragraph, sentence, clause or phrase of this ordinance shall be declared invalid for any reason the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect.

Sec. 13A-16. Effective Date.

This ordinance shall take effect 20 days after adoption thereof.

Additions are underlined

Deletions are bracketed

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Adopted: September 6, 2011

RECORD OF VOTE

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Bostock	X					X	
Mr. Kownacki	X						X
Ms. Mount	X						
Mr. Powers		X					
Mayor Puliti	X						