

2017-13

**AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY DELETING CHAPTER 110 ENTITLED “TOWING AND STORAGE” IN ITS ENTIRETY AND REPLACING IT WITH A NEWLY REVISED CHAPTER 110 ENTITLED “TOWING AND STORAGE”**

**WHEREAS**, Chapter 110 of the Code of the Township of Washington entitled “Towing and Storage” had not been revised since 2007; and

**WHEREAS**, the Washington Township Police Department is desirous of making revisions to the Township’s towing and storage regulations as well as establishing a new uniform schedule of fees for towing and storage services; and

**WHEREAS**, the Washington Township Police Department has submitted proposals to incorporate said changes into Chapter 110 of the Code of the Township of Washington;

**WHEREAS**, the adoption of the newly revised Chapter 110 of the Code of the Township of Washington is in the public interest;

**WHEREAS**, the Township Committee of the Township of Washington is desirous of adopting said changes; and

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Washington, Warren County, State of New Jersey that Chapter 110 entitled “Towing and Storage” shall read as follows:

**Section 1**

**Chapter 110. Towing and Storage**

**§ 110-1. Definitions.**

**AUTOMOBILE**

A private passenger motor vehicle or any vehicles included in the definition of “Automobile” under N.J.A.C. 11:3-38.2.

**BASIC TOWING SERVICE**

The removal and transportation of an automobile 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, but does not include recovery of an automobile 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 which would be subject to additional services and charges.

**CHIEF OF POLICE**

The Chief of the Police Department of the Township of Washington or anyone designated by him.

**INSIDE BUILDING**

A vehicle storage facility that is completely indoors, having one or more openings in the walls for storage and removal of vehicles and that is secured by a locking device on each opening.

**MOTOR VEHICLE.** All vehicles propelled otherwise than by muscular power, except such vehicles as run only upon rails or tracks, or motorized bicycles.

**OUTSIDE SECURED**

An automobile storage facility that is not indoors and is secured by a fence, wall, or other man-made barrier that is at least six 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.

**OUTSIDE UNSECURED**

An automobile storage facility that is not indoors and is not secured by any other man-made barrier, and all other storage facilities not defined above as inside building or outside secured.

**PERSON**

Any person, firm, partnership, association, corporation, company, or organization of any kind.

**STORAGE CHARGES FOR 24-HOUR PERIOD**

The flat rate amount charged by a storage facility for a 24-hour period beginning at 00:01 hours. The day of the tow shall not be billed as a storage day.

**TOW OPERATOR**

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 capability services.

**TOW VEHICLE or TOW TRUCK**

A vehicle 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. Tow vehicles/trucks shall also have proper equipment and materials to provide clean-up of the roadway at the scene.

**TOW VEHICLES BASE OF SERVICE**

The towing operator’s principal place of business where the tow vehicle is stationed when not in use.

**TOWING LIST**

A list maintained by the Washington Township Police Department containing the names of those wreckers licensed by the Township to respond to requests for the towing of vehicles made by the Police Department.

**TOWNSHIP**

The Township of Washington.

**WRECKER**

A specially adapted vehicle used to remove motor vehicles from one place to another; tow vehicle.

**§ 110-2. Application for Contract.**

Any person desiring to perform towing work for the Washington Township Police Department shall submit an application for a wrecker service license, in duplicate, to the Township designated license officer. These forms shall include, but not be limited to the following: the name of the owner; home and business address, home phone number, business phone number, the name under which the person does or will trade; the location, size and security features of the storage lot on which towed vehicles will be stored; the location to which the public must come to claim stored vehicles; a statement of willingness to provide wrecker service on a continuous 24-hour a day basis each day of the year; a complete listing of the insurance policies, carriers and agents of the owner would place in effect upon license approval; a statement that the wrecker owner will indemnify and hold harmless the Township, its officials, officers, employees, agents and/or assignees in the event that any claim or recovery is made against the Township, its officials, officers, employees, agents and/or assignees arising out of the towing service or storage of vehicle, along with a description of the place to be used to adequately protect the property left in towed or stored vehicles; and a description of the type of communication system utilized at the office where calls are to be received.

**§ 110-3. Licensing.**

- A. All applicants for a license to provide services under this chapter shall have their principal business location/operation within the geographic boundaries of the municipalities covered by the Washington Township Police Department. There shall be no more than four (4) licenses permitted at any given time unless recommended by the Chief of Police or designee and approved by the Township Committee.
- B. All applicants for a license shall obtain an application for a wrecker service license and, upon receipt of same, shall forward said completed application to the Chief of Police or designee for investigation of the truth and accuracy of the information contained therein.

Upon completion of his investigation, the Chief of Police shall forward a copy of said application to the Township Committee, along with a recommendation for approval or disapproval of the license and the reasons, if any, for disapproval. Upon receiving the application for a wrecker service license, the Township Committee shall determine whether or not the applicant has complied with the necessary standards and criteria within sixty (60) calendar days of receipt of the Chief's report. All licenses shall expire on December 31 of each year unless an earlier expiration date is indicated on the license. The decision of the Township Committee shall be final and conclusive.

- C. The Township Clerk shall send a copy of the license to the successful applicant, which shall contain the following: (1) name and address of licensee; (2) number of the license and fee paid; (3) date of issuance of license and expiration date; and (4) signature of the Township Clerk and Township seal.
- D. The annual licensing fee for the license issued under this Ordinance shall be a flat fee of one hundred dollars (\$100) for each towing company utilized by the Washington Township Police Department. No portion of the fee shall be prorated.
- E. A license issued under this Ordinance shall not be transferable and each licensee shall produce his license whenever called upon to do so.

**§ 110-4. Insurance.**

- A. No wrecker license shall be issued until the applicant has deposited with the Township Clerk and the Chief of Police copies of a garage liability policy covering the operation of the owner's business, equipment, or other vehicles for any bodily injury or property damage. This policy shall be in the minimum amount of five hundred thousand (\$500,000.00) dollars for any one person injured or killed, and a minimum of one million (\$1,000,000.00) dollars for more than one person killed or injured in any accident, and an additional fifty thousand (\$50,000.00) dollars for property damage.
- B. Each policy must contain an endorsement by the carrier providing ninety (90) calendar days notice to both the Township and the insured in the event of any change in coverage under the policy and/or cancellation of said policy.

**§ 110-5. Responsibilities of Owners or Tow Operator.**

- A. The owner or tow operator, whichever is applicable, shall provide continuous 24-hour a day service each day of the year and shall provide an attendant or answering service for the purpose of receiving calls for service. The owner shall be available to release stored vehicles during the hours of 8:00 am to 5:00 pm Monday through Friday and 9:00 am to 12:00pm on Saturdays, except Sundays and holidays. However, the owner or his designee

reserves the right to release the vehicle at all other off times. The owner shall assume all liability and shall indemnify, defend, and save the Township harmless from each and every liability for damages sustained by vehicles while being towed or stored and for all personal injuries occurring to any of the firm's employees or other persons and shall maintain the required insurance policies. The wrecker shall not release any vehicle directly impounded by the Township without authorization by the Police Department. The tow vehicles shall be in compliance with all applicable laws, rules, and regulations.

- B. The responding tow truck operator or licensee shall be responsible for cleaning the scene of an accident of broken glass, metal, or debris by sweeping the road surface to the satisfaction of the officer in charge of the scene.
- C. The owner of the company reserves the right to create and maintain a company policy regarding the release of personal property from the towed vehicle when the vehicle is not held by the Washington Township Police Department.

**§ 110-6. Minimum Equipment.**

- A. Minimum equipment to be maintained and/or available for light duty service shall include, but not be limited to:
  - 1) Two (2) tow trucks and one (1) flatbed truck, or two (2) flatbed trucks and one (1) tow truck.
  - 2) All units must have a fire extinguisher of ABC type, safety chains, stiff push broom, speedy dry type material, dust pan or flat shovel slings, amber warning lights (with permits), the necessary equipment to handle all makes of passenger cars and small trucks up to one (1) ton such as pick-up and small panel trucks, and State approved safety vests for their employees while outside of the tow vehicle.
- B. Minimum equipment to be maintained or available for heavy duty service shall include, but not be limited to:
  - 1) Two (2) heavy duty tow trucks with a minimum gross vehicle weight (GVW) of 36,000 pounds.
  - 2) All units must have air brakes, fire extinguisher of ABC type, safety chains, stiff push broom, speedy dry type material, dust pan or flat shovel, slings, under frame lift, amber warning lights (with permits), the necessary equipment to handle all types of heavy duty trucks, and State approved safety vests for their employees while outside of the tow vehicle.

**§ 110-7. Costs; Records.**

All costs incident to towing and/or storage shall be paid by the owner or person in charge or possession of the towed and stored vehicle to the owner of the wrecker company and a receipt for payment shall be issued to said person. The Township shall assume no liability or responsibility for any vehicle removed from any place without the expressed written authority of the Chief of Police or designee. The wrecker owner shall maintain approved records and claim check system to assure release of vehicles to the rightful owner or authorized person. Such records shall be open to the Washington Township Police Department for investigation of specific complaints and for compiling surveys under this section. The owner of any wrecker service shall permit any person appointed by the Chief of Police or designee to inspect his wreckers, security form, or storage area at such times as the Chief of Police or designee shall deem appropriate.

**§ 110-8. Rotation; Exception.**

- A. Towing services shall rotate on a weekly basis. The week will start at 00:00 hours on Sunday and will continue to 23:59 hours on the Saturday immediately following. During the week that the towing service is assigned, all calls for service requested through the Washington Township Police Department will be accepted. Refusal or inability to respond will automatically result in the next wrecker on the list being summoned. Response time shall be reasonable [no greater than fifteen (15) minutes during regular business hours listed herein and twenty (20) minutes all other times] and the police officers may cancel and reassign the call when the response time is unreasonably long. The Chief of Police or designee shall not call or cause to be called any wrecker not licensed with the Township unless all such wreckers are unavailable. It is specifically permitted for the Chief of Police or designee to call a wrecker out of sequence where proximity to the wreck and estimated response time makes it more practical to do so. Failure to comply with this Ordinance will result in removal from the list by decision of the Township Committee after a full disclosure of the facts by all parties involved.
- B. A wrecker company that cannot respond when called shall not have any other wrecker company, whether on the rotation list or not, respond in their place. The next wrecker called shall be at the Township officer's discretion.
- C. Any wrecker company unable to respond to four (4) or more police requests per month will be subject to removal from the approved list for the next rotation week of being on service. Any wrecker company using a paging system will be granted a five (5) minute wait period to respond before police call the next wrecker company on the list.

**§ 110-9. Impounded Vehicles; Storage; Release**

- A. A covered, secured facility shall be provided for security of autos impounded by the police when they determine it is of evidential value. This vehicle shall not be disturbed by anyone not involved in the investigation. The covered facility must be on the grounds of the towing service and must meet the approval of the Washington Township Police Department. No one shall release an impounded vehicle without permission of the Chief of Police or designee.
- B. A fenced-in area for all other impounded vehicles shall be provided.
- C. Hours available for release of vehicles: Monday through Friday 8:00 am to 5:00 pm and Saturdays 9:00 am to 12:00 pm. This excludes Sundays and legal holidays. The release of a vehicle or gaining access to a vehicle outside of normal available hours may result in an additional fee. Specific “impounded vehicles” by police shall require a release form from the Police Department prior to release.

**§ 110-10. Availability of Towing Rates.**

Wrecker services are required to have copies of established rates available for the vehicle owner or driver at the time of the tow.

**§ 110-11. Summoning Other Tow Operators.**

This section in no way denies the right of a motorist to request or summon a tow operator of his/her own choosing, providing that the officer at the scene determines that the tow operator to be summoned can arrive at the scene in a time limit as specified herein, has the proper equipment to clear the scene, and the safety of persons or motorists will not be jeopardized by the time involved. No Washington Township Police Officer will be required to accept a towing service unknown to him when the safety of the public is potentially threatened by a disabled or wrecked vehicle. This section does not apply when the vehicle is impounded under the authority of the Police Department.

**§ 110-12. Rates and Fee Schedule.**

Fees and rates for towing and storage of motor vehicles shall not exceed the following limits:

**A. Light Duty Tow Service: (GVW under 10,000 pounds)**

- 1) Day rate (8:00 am – 5:00 pm) shall be fixed at two hundred (\$200.00) dollars per vehicle towed plus any additional fees allowed within this Ordinance. There shall be no mileage charged from the tow location back to the tow company location. If Police release said

vehicle and allow it to be towed to a location agreed upon by the responsible person of the vehicle and the tow company, then from that point on the tow is no longer covered under this chapter and is up to the policies of the tow company.

- 2) Saturday/Sunday/Nights/Holiday rates shall be a fixed two hundred twenty-five (\$225.00) dollars per vehicle towed plus additional fees as noted above.

**B. Medium Duty Tow Service: (GVW 10,000 – 26,000 pounds)**

1. Day rate (8:00 am – 5:00 pm) shall be fixed at two hundred fifty (\$250.00) dollars per hour per vehicle towed [minimum of one (1) hour] plus any additional fees allowed within this Ordinance. There shall be no mileage charged from the tow location back to the tow company location. If Police release said vehicle and allows it to be towed to a location agreed upon by the responsible person of the vehicle and the tow company, then from that point on the tow is no longer covered under this chapter and is up to the policies of the tow company.
2. Saturday/Sunday/Nights/Holiday rates shall be a fixed two hundred seventy-five (\$275.00) dollars per hour and per vehicle towed [minimum of one (1) hour] plus additional fees as noted above.

**C. Heavy Duty Tow Service: (GVW over 26,000 pounds)**

- 1) When a conventional wrecker can be used, the fixed daytime rate shall be five hundred (\$500.00) dollars per hour per vehicle towed with a one (1) hour minimum.
- 2) Saturday/Sunday/Nights/Holiday rates shall be a fixed five hundred fifty (\$550.00) dollar per hour and per vehicle towed [minimum of one (1) hour] plus additional fees as noted above.
- 3) When under-reach towing is required, the fixed hourly rate shall be five hundred fifty (\$550.00) dollars with a one (1) hour minimum.
- 4) Saturday/Sunday/Nights/Holiday rates shall be a fixed six hundred (\$600.00) per hour per vehicle towed [minimum of one (1) hour] plus additional fees as noted above.

**D. Other Rates for Additional Services:**

- 1) A “day” is defined as a 24-hour period beginning at 00:01 hours. The day of the actual tow shall not be billed as a storage day.



- 2) Storage fees for vehicles shall be fixed at forty-five (\$45.00) dollars per day for motor vehicles under 22 feet in length and one-hundred twenty-five (\$125) dollars per day for vehicles 22 feet in length or longer. Any standard-use type trailer (i.e. boat trailer, landscape trailer, small enclosed trailers) less than 22 feet shall be charged on its own at the same rate as standard vehicles listed herein under 22 feet.
- 3) At the request of the Police Department for a vehicle to be stored securely inside of the tow company's facility, for investigation purposes, the flat storage fee shall be seventy-five (\$75) dollars per day.
- 4) Extra charge of one-hundred twenty-five (\$125) dollars per hour per extra helper.
- 5) Any additional equipment/materials necessary at the scene to complete the required job shall be billed accordingly by the tow company.
- 6) At anytime an additional tow vehicle is physically needed to assist in the required job, the tow company may bill for an additional tow truck(s) at their fixed rates listed within Section 12 of this Ordinance.
- 7) All hours charged are subject to weather conditions. Winching and recovery charges are subject to conditions pertaining to the accident scene and weather conditions. These charges shall be reasonable and fair and shall be explained in the bill.
- 8) An administration fee of forty-five (\$45) dollars may be billed once after three (3) documented communications in regards of the towed vehicle.

#### **E. Mutual Agreement:**

As a side note the towing companies licensed within this agreement have agreed to respond within a 25 mile radius for the recovery of any Washington Township Vehicle. This also extends out to Morris County Police and Fire Academy if outside the 25 mile radius.

#### **§ 110-13: Grievances and Complaints.**

All grievances by Township licensees or the public shall be brought to the attention of the Police Department and the Township Clerk. Complaints of any violation of this Ordinance may result in the suspension of the said wrecker service by the Chief of Police until a hearing can be arranged by the Township Clerk with the Township Committee or designee. If it is found that a violation of this agreement does exist, the Township Committee or designee may terminate the wrecker service's license. All decisions made by the Township Committee or designee shall be considered final and conclusive.

**Section 2:**

**REPEAL**

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

**Section 3:**

**SEVERABILITY**

If any section, subsection, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance. This Ordinance shall take effect immediately upon final publication as provided by law.

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced to pass on the first reading meeting of the Township Committee of the Township of Washington held on November 20, 2017 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on December 19, 2017 at 7:30 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 211 State Route 31 North, Washington, New Jersey at which time all persons interested may appear for or against the passage of said Ordinance.

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Anna Godfrey, RMC  
Municipal Clerk  
Township of Washington