

Explanation: This Ordinance amends Section 4-13 entitled "Licensing of Towing" by increasing the license fee and revising certain requirements for tow operators.

**TOWNSHIP OF WARREN  
ORDINANCE NO. 17-07**

**AN ORDINANCE OF THE TOWNSHIP OF WARREN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, TO AMEND SECTION 4-13 ENTITLED "LICENSING OF TOWING" OF CHAPTER IV ENTITLED "LICENSING-GENERAL" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WARREN**

**BE IT ORDAINED** by the Township Committee of the Township of Warren, in the County of Somerset, State of New Jersey, as follows:

**SECTION 1.** Subsection 4-13.2 entitled "Definitions" of Section 4-13 entitled "Licensing of Towing" is hereby amended by the amendment of the definition of "Basic tow" to read as follows:

Pursuant to the Administrative Rules of the Division of Consumer Affairs, N.J.A.C. 13:45A-31.1 et. seq., *Basic tow* shall mean private property towing and other non-consensual towing as defined in this section and other ancillary services that include the following: arriving at the site from which a motor vehicle will be towed; 15 minutes waiting time; hooking a motor vehicle to, or loading a motor vehicle onto, a tow truck; transporting a motor vehicle to a storage facility; unhooking or unloading a motor vehicle from the tow truck; and situating the motor vehicle in the space in which it will be stored. "Basic tow" also includes issuing documents for the release of a motor vehicle to its owner or other person authorized to take the motor vehicle; issuing an itemized bill; three trips to the motor vehicle in storage, which, if applicable, include making a vehicle available to an insurance adjuster or appraiser; issuing documents for the release of a motor vehicle to its owner or other person authorized to take the motor vehicle; and retrieving a motor vehicle from storage during the hours in which the storage facility is open.

**SECTION 2.** Subsection 4-13.4 entitled "Application" of Section 4-13 entitled "Licensing of Towing" is hereby amended to read as follows:

*4-13.4 Application.* Any person who desires to provide services as a wrecker at the request of the Police Department in the Township shall submit an application for a license to the Chief of Police or his designee, accompanied by a fee of [one hundred seventy-five (\$175.00)] two hundred (\$200.00) dollars, made payable to the Township of Warren, [and the application to the Chief of Police or his designee.] The application shall set forth the following information:

a. The full name, address and telephone number of the applicant. If the applicant is a corporation, the name of the corporation and the name of the officers, directors, principals and its registered agent. If the applicant is a partnership, the names and addresses of the partners.

b. The year, make and type of each vehicle used in said wrecker business by the applicant, the vehicle's serial number, registration number, a clear photograph of each vehicle showing the registration plate, and the name and address of its registered owner.

c. The address of the wrecker's base of operation, where the wrecker's vehicles will be regularly garaged, stored and located. The wrecker's "base of operation," for the purposes of this section, is defined as where the wrecker's vehicles shall be garaged, stored and located, and shall be not more than [~~three (3)~~] two (2) miles, by roadway legally traveled in consideration of weight restrictions on certain roads, from any Township border.

d. The telephone number or numbers available on a 24-hour, seven day per week basis, and the names, addresses and New Jersey Motor Vehicle driver's license numbers of all the wrecker's operators.

e. The location, size and security features of the storage lot where vehicles shall be towed, a clear photograph or photographs of the lots, which lot shall be screened from public view, and which lot shall conform with all municipal ordinances, land use laws and the applicable zoning code. The wrecker agrees to ensure that the storage facility is safe and secure, utilizing all reasonable means to prevent theft, vandalism, damage to vehicles and/or any criminal activity. Any storage lot located outside of the Township shall be not more than [~~five miles~~] two (2) miles, by roadway legally traveled in consideration of weight restrictions on certain roads, from any Township border.

f. The name and address of the insurance carrier and agents and the policy limits and policy numbers of all insurance policies held by the applicant in regard to the wrecker and storage services.

g. A certified statement of the willingness of the wrecker to be available on a 24 hour, seven day per week basis, and to abide by the instructions and directions of the Chief of Police, his subordinates, and the provisions of this section.

**SECTION 3.** Subsection 4-13.5 entitled "Investigation" of Section 4-13 entitled "Licensing of Towing" is hereby amended to read as follows:

4-13.5 *Investigation.* The Chief of Police shall investigate each application submitted to determine:

- a. The truth and accuracy of all information contained in the application.
- b. Whether public convenience and/or necessity will be served by awarding the license to the applicant wrecker.
- c. The applicant's practical and technical ability to perform the wrecker service as described in this section.

d. The applicant's and his operators' fitness to engage in the wrecker business licensed pursuant to this section.

e. Whether the applicant has demonstrated, by the adequacy of its equipment and facilities, availability and response time (see requirements of subsection 4-13.10d.) and the security of its storage facilities that it shall be able to comply with the requirements of this section.

f. Whether the applicant wrecker's equipment is safe and in good and sound condition, and that it complies with the rules, regulations and standards of this section, as well as any applicable provision of New Jersey law, including, without limitation, New Jersey Motor Vehicle law.

g. That the applicant wrecker have a minimum of [four] three vehicles which meet the minimum standards set forth below:

1. At least one light duty wrecker[s with a minimum chassis rating of 11,000 pounds gross vehicle weight] and equipped with a minimum four ton capacity lifting device;

2. At least two flat bed type wreckers with a minimum chassis rating of 11,000 pounds gross vehicle weight;

3. At least one of the above vehicles must have four-wheel drive;

4. All required vehicles as set forth above must be operable.

[4.] 5. All vehicles must be equipped with two-way radios, cab mounted amber emergency warning lights (conforming to New Jersey Motor Vehicle law standards and all light permits being obtained), tow sling type bars with rubber straps and/or wheel lift capability with safety straps to prevent damage to towed vehicles, and with steering locks for towing vehicles from the rear.

h. In addition to the requirements of subsection 4-13.6g. above, the applicant must own or have access to a heavy duty wrecker and equipped with a minimum 25 ton capacity lifting device.

The Chief of Police, upon completion of the foregoing investigation, shall forward a copy of the wrecker's application for licensure to the Township Committee, along with any recommendation for approval or disapproval of the license and the reasons, if any, for disapproval. The Township Committee shall then determine whether or not the applicant has complied with all the necessary standards and criteria, and thereupon award or deny the wrecker's license. If the license shall be awarded to the applicant, the applicant's name shall be added to the end of the rotation list for towing, pursuant to subsection 4-13.11 of this section.

**SECTION 4.** Subsection 4-13.6 entitled "Issuance of License" of Section 4-13 entitled "Licensing of Towing" is hereby amended to read as follows:

4-13.6 *Issuance of License.* The [Township Clerk of the Township] Chief of Police shall issue a license for a term of three years to the applicant wrecker, upon notice from the Township Committee that the applicant has been approved by the Township Committee, and has complied with all the requirements of this section. [The fee for a three-year license shall be one hundred seventy-five (\$175.00) dollars, paid to the Township.]

**SECTION 5.** Subsection 4-13.8 entitled "Insurance" of Section 4-13 entitled "Licensing of Towing" is hereby amended to read as follows:

4-13.8 *Insurance.* Each operator must have the insurance coverage required by N.J.A.C. 13:45A-31.3. Each policy (except employer's liability) is to name the Township of Warren as an additional insured. Insurance coverage shall be as follows:

[a. Motor vehicle liability for a tow truck capable of towing a motor vehicle that is up to twenty-six thousand (26,000) pounds, for the death of, or injury to, persons and damage to property for each accident or occurrence in the amount of \$750,000, single limit; and]

[b.]a. Motor vehicle liability [for a tow truck capable of towing a motor vehicle that is more than twenty-six thousand (26,000) pounds,] for the death of, or injury to, persons and damage to property for each accident or occurrence in the amount of one million (\$1,000,000) dollars, single limit.

[c.]b. For every tow truck, an operator shall secure and maintain insurance that covers garage keeper legal liability in the amount of [one hundred thousand (\$100,000) dollars] two hundred and fifty thousand (\$250,000) dollars, and "on-hook" coverage, either as an endorsement on the insurance required by (a) [or (b)] above, or in the amount of [one hundred thousand (\$100,000) dollars] two hundred and fifty thousand (\$250,000) dollars.

[d.]c. *Garage Liability Policy.* [A garage liability policy covering applicant's business, equipment, and vehicles in the minimum amount of five hundred (\$500,000) dollars for any one person injured or killed, and a minimum of one million (\$1,000,000) dollars for more than one person killed or injured in any accident and an additional one hundred thousand (\$100,000) dollars for any damage arising from injury or destruction to property, and/or a combined single limit of one million (\$1,000,000) dollars. In addition to each policy containing an endorsement showing the township as an additional insured, such policy shall also provide an endorsement entitling the township to 30 days prior written notice to the Chief of Police in the event of any change in coverage under the policy, or in the event of cancellation of the policy.]A garage liability policy shall be maintained with a combined single limit of one million (\$1,000,000.00) dollars per occurrence with a one million (\$1,000,000) dollar aggregate for bodily injury, death or property damage.

[e.]d. *Worker's Compensation Policy.* A worker's compensation policy covering all of applicant's employees and operators, containing statutory coverage including liability coverage of at least [five hundred thousand (\$500,000) dollars] one million (\$1,000,000.00) dollars for each accident per person, [five hundred thousand (\$500,000) dollars] one million (\$1,000,000.00) dollar policy aggregate limit per disease, and one [hundred thousand (\$100,000) dollars] million (\$1,000,000.00) dollars for each disease per person.

Each operator shall furnish to the [Township Clerk] Chief of Police a certificate of insurance from an insurance company satisfactory to the Township with the policy limits set forth above and naming the Township as an additional insured. Each certificate of insurance shall identify the coverage provided and shall provide that such insurance shall not be changed or canceled without giving thirty (30) days prior written notice to the Township by certified mail, return receipt requested.

**SECTION 6.** Subsection 4-13.9 entitled "Standards of Operator Performance" of Section 4-13 entitled "Licensing of Towing" is hereby amended to read as follows:

[b. Provide 24 hour, seven day a week service to the Township during the term of the license.]

[c.] b. Provide 24 hour, seven day a week service to the Township during the term of the license.

[d.] c. Respond promptly to all requests for towing services by the Chief of Police. In any event, the wrecker shall respond and be present at the location (all locations in the Township) for towing services within 15 minutes of receipt of notice of the towing required between the hours of eight o'clock in the morning (hereinafter "daytime") and within 25 minutes of receipt of notice between the hours of 5:01 in the evening and 7:59 in the morning (hereinafter "nighttime"), unless otherwise directed by the Chief of Police. In the event a wrecker does not arrive at the tow location within the above time periods, the police officer on the scene shall have the right to have a substitute wrecker called to the location who will have the right to perform the tow services. The originally called wrecker shall have no right to payment from any party.

[e.] d. Not charge any fee for replacement of equipment or materials provided at the scene of the tow.

[f.] e. Tow any and all disabled Township owned or operated vehicle upon request of the Chief of Police to a location within the Township. The wrecker shall not charge the Township for the towing of passenger vehicles or pick-up trucks within two miles of the Township border.

[g.] f. Clean up all broken glass and debris at the scene of accidents (all wreckers must be equipped with a broom and a shovel).

[h.] g. Furnish additional towing equipment and towing services during storm periods, periods of snow emergencies, traffic emergencies, natural disasters, any acts of God, and for any other reason when so designated by the Chief of Police. Such standby service shall begin when the Chief of Police notifies the wrecker and shall end when the Chief of Police notifies the wrecker. The Township reserves the right, during any such emergency, to designate temporary areas owned or leased by the Township and/or wrecker for the storage of disabled vehicles, and to direct the wrecker to remove such disabled vehicles to said areas.

[e.]d. *Worker's Compensation Policy.* A worker's compensation policy covering all of applicant's employees and operators, containing statutory coverage including liability coverage of at least [five hundred thousand (\$500,000) dollars] one million (\$1,000,000.00) dollars for each accident per person, [five hundred thousand (\$500,000) dollars] one million (\$1,000,000.00) dollar policy aggregate limit per disease, and one [hundred thousand (\$100,000) dollars] million (\$1,000,000.00) dollars for each disease per person.

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**SECTION 8.** In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Warren, the provisions hereof shall be determined to govern. All other parts, portions and provisions of *The Revised General Ordinances of the Township of Warren* are hereby ratified and confirmed, except where inconsistent with the terms hereof.

**SECTION 9.** This Ordinance shall take effect immediately upon final passage and publication according to law.

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Note to Codifier: Deleted provisions indicated by brackets [ ].

New provision indicated in underline \_\_\_\_\_.

ATTEST:

  
\_\_\_\_\_  
Cathy Reese, RMC  
Township Clerk

WARREN TOWNSHIP COMMITTEE

By:   
\_\_\_\_\_  
Carolann Garafola, Mayor

INTRODUCED            APRIL 19, 2017

ADOPTED              MAY 18, 2017

EFFECTIVE            June 1, 2017