

*Township of Pequannock, NJ
Thursday, November 21, 2019*

Chapter 185. Wreckers

§ 185.01. Short title.

This chapter shall be known and may be called as the "Township of Pequannock Wrecker Ordinance."

§ 185.02. Definitions.

Whenever used in this chapter, unless a different meaning clearly appears from the context, the following terms shall have the meanings indicated:

CRUISING

The driving of a wrecker along any Township street for the purpose of soliciting business in the Township.

OWNED

Owned, rented or leased.

PERSON

Any individual, sole proprietorship, firm, partnership, association, corporation or other organization, and the singular or plural, masculine, feminine or neuter thereof, unless the contrary is clearly expressed.

WRECKER

A vehicle used for the purpose of towing, transporting or otherwise removing any and all kinds of vehicles which are disabled.

§ 185.03. Permit required to participate in police towing rotation.

No person, firm or corporation shall participate in the police towing rotation within the Township without first obtaining the necessary permit as hereinafter provided from the Clerk of the Township.

§ 185.04. Expiration of licenses.

All licenses issued under this chapter shall be issued to expire and shall expire on the 31st day of December, next succeeding the date of issuance, unless sooner suspended or revoked by the Chief of Police as hereinafter provided.

§ 185.05. Fees; term of license; renewal.

- A. The fee for a license issued under this chapter shall be \$125, paid on receipt of the license.
- B. The license shall remain valid from January 1 to December 31 of each year or part thereof.
- C. It may be renewed annually by the operator paying a fee of \$125, provided that the operator continues to comply with all terms and conditions of this chapter.

§ 185.06. Application for wrecker license.

[Amended 2-24-1998 by Ord. No. 98-02]

Applications for licenses issued hereunder shall be made upon blank forms prepared and made available by the Chief of Police and shall state under oath:

- A. The name, home address and proposed or actual business address of the applicant, and whether he is owner, lessee or bailee.
- B. Description of wrecker for which the license is desired, including year, make, model, type, serial number of body and motor capacity and the length of time for which the wrecker has been in use as a wrecker.
- C. That the applicant has available space within the Township of Pequannock for properly accommodating and protecting all disabled motor vehicles to be towed or otherwise removed from the place where they are disabled, and that the disabled vehicles will not be stored or allowed to remain on public property or Township owned streets or on any property without the consent of the owner. The applicant shall be required to obtain and provide written confirmation from the Township Zoning Officer that the use of the proposed space for towing storage is permitted under the Township Zoning Ordinance.
- D. Such other information which the Chief of Police shall deem necessary or proper to effectuate the purpose of this chapter and to determine whether there has been compliance with the terms thereof.

§ 185.07. Investigation of applicant.

Within seven days after receipt of an application as herein provided, the Chief of Police shall cause an investigation to be made of the applicant and of his proposed business operation to be licensed. The Chief of Police may delegate the inspection of the wrecker to an independent person, who may or not be engaged in business in the Township, who shall be qualified by experience and training to make such inspection and who shall report to the Chief of Police whether the wrecker is in a thoroughly safe and sanitary condition. Within 14 days after completion of the inspection and investigation, the Chief of Police shall either approve or deny the application.

§ 185.08. Standards for approval by Chief of Police.

The Chief of Police shall approve an application when he finds that the following requirements have been met:

- A. That the wrecker to be licensed is in a thoroughly safe and sanitary condition.
- B. That the requirement of this chapter and all other governing laws, statutes and ordinances have been met.
- C. That the wrecker has been properly licensed and equipped in compliance with Title 39 of the Revised Statutes (Motor Vehicle and Traffic Regulations). No wrecker shall be licensed as a wrecker which is using dealer license plates.
- D. That the insurance policies or certificates of insurance as required herein have been procured and supplied.
- E. That the wrecker to be approved, on inspection, meets the minimum standard for wrecker or tow trucks.

§ 185.09. Minimum standards for wreckers and tow trucks.

The following shall serve as minimum standards for wreckers:

- A. A wrecker shall be able to handle all makes of passenger cars and small trucks, such as pickup and small panel trucks up to 1 1/2 tons, and must have or be equipped with the following:
 - (1) All wreckers shall be minimum of 3/4 ton according to the manufacturer's specifications.
 - (2) A power takeoff-controlled winch with a minimum cable thickness of 3/8 inch or equivalent.
 - (3) Gross weight equal to the vehicles to be towed, with a minimum of 5,500 pounds.
 - (4) A 3/4-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.
 - (5) Front and rear flashing hazard lights.
 - (6) A 360° rotating amber beacon light mounted over the cab or approved light bar.
- B. All lights shall be of such candle power in the intensity as to be visible 1/4 mile away.
- C. All towing company drivers will carry their business cards and must give it to the owner/driver of the vehicle to be towed.
- D. All companies will have the company name, address and phone number permanently affixed (in letters and numbers, a minimum of three inches) on both sides of the wrecker prior to said wrecker being used on any Township rotation calls.
- E. The wrecker is equipped with a portable car dolly and sufficient equipment to clean up the debris on the roadway. The operator must clean away the accident debris at the scene.

§ 185.10. Insurance.

- A. No wrecker shall be licensed hereunder nor shall any licensed wrecker be operated within the Township unless there shall be deposited with the Township Clerk the following insurance policies or certificates of insurance:
- (1) Auto garage keeper's policy. Auto garage keeper's legal liability policy covering fire, theft, and explosion on the minimum amount of \$25,000 and collision coverage subject to \$100 deductible, with each accident deemed a separate claim.
 - (2) Garage liability policy. A garage liability policy covering the operation of the applicant's equipment or vehicles for any bodily injury or property damage. This policy shall be in the amount of \$100,000/\$300,000.
- B. Each policy required must contain an endorsement providing 10 days' notice to the Township in the event of any material change or cancellation for any cause.
- C. In the event that the policy is changed so as to fail to conform to the above requirements, or if any policy of any approved wrecker is cancelled for any reason, the Chief of Police shall notify the person responsible for the policy within 10 days after the notice is received and before the date of cancellation. If the policy or certificate is not corrected, reinstated or replaced within the required time, the Chief of Police shall immediately suspend the wrecker permit.
- D. The Township of Pequannock must be named as an additional insured under the liability portion of the insurance coverage.
- E. Indemnification and liability.
- (1) The licensee shall indemnify and hold harmless the Township for liability from any and all obligations, liabilities, judgments, claims and demands, for personal injuries, including wrongful death, as well as all claims for damages to property which may arise out of this agreement and the work performed hereunder, provided that the same results from the negligent actions or omissions of the licensee.
 - (2) The licensee further agrees to save and hold harmless the Township and to defend at its own cost and expense any such claims or lawsuits instituted by third parties against the Township, provided that the same results from the negligent actions or omissions of the licensee.

§ 185.11. Identification card.

The Chief of Police shall issue to the person owning an approved wrecker a card, in such form as may be set by the Chief of Police, which shall be at all times displayed on the passenger side of the rear window of each wrecker. The card shall bear the name of the owner, rate of charges, and a notice that in case of any complaint, the complainant may notify the Chief of Police, giving the license number of the wrecker. The card shall also have the signature of the Chief of Police and the date of inspection of the wrecker.

Recovery and cleanup fees

Basic winching	\$150 per hour
Overtured; upright or off-road winching	\$250 per hour
Axle pull/drive shaft	\$50 flat rate
Hook-up air	\$25 flat rate
Basic roadside clean up	\$50 per hour
Absorbent	\$25 per bag
Additional personnel after driver	\$75 per hour
Administration fee for vehicles involved in MVA	\$45

§ 185.14. Conditions for issuing wrecker permit; conduct of owners and operators.

A wrecker permit hereunder shall be issued subject to the following conditions:

- A. No person owning or operating a wrecker shall engage in cruising.
- B. No person shall solicit, demand or receive from any person any commission or fee except the proper fee for transporting the disabled vehicle in accordance with 185.13.
- C. No person shall solicit or attempt to divert prospective patrons of another wrecker nor shall he solicit or divert prospective patrons of a given garage in the Township to another garage.
- D. No person shall pay any gratuity, tip or emolument to any third person not involved in the accident or to any police officer for any information as to the location of any accident or for soliciting the employment of the operator's services, nor give any gratuities, fees or other compensation or gifts to any members of the Police Department.
- E. No wrecker which happens to be passing by is permitted to solicit business from any of the drivers involved in the accident. Any wrecker at the scene may be used by the investigator to clear the scene if traffic conditions preclude waiting for the authorized wrecker; however, this may not authorize them to tow the vehicles from the scene.
- F. Wreckers shall respond within 15 to 20 minutes under normal conditions.
- G. The owner or operator shall clean all debris at the scene emanating from the accident.
- H. The owner or operator shall maintain a ledger of all towing or wrecking jobs handled, the name of the owner or operator, if known, the charges made for the service and the date and amount of payment.

§ 185.15. Scope.

Except as to the prohibition against cruising, the provisions of this chapter are applicable to the engaging of wreckers by the Police Department of the Township of Pequannock.

§ 185.12. Powers and duties of Chief of Police.

- A. The Chief of Police is hereby authorized to establish reasonable rules and regulations for the inspection and operation of wreckers and for the design, construction, maintenance and conditions for the safe conduct of a wrecker service business, in accordance with the standards outlined in this chapter. The Police Department shall maintain due vigilance over all wreckers to see that they are kept in a safe condition for transporting and hauling disabled vehicles and shall have the right at all times to inspect all licensed wreckers.
- B. If at any time the Chief of Police shall find the equipment inadequate or unsafe, he shall have the power to demand immediate correction, and if not corrected to the satisfaction of the Chief, he shall have the power to revoke or suspend the permit and schedule a hearing depending upon the nature and the circumstances of the violation. The Chief of Police is also hereby authorized and empowered to establish from time to time such additional rules and regulations, not inconsistent herewith, as may be reasonable and necessary in carrying out the provisions of this chapter.
- C. An appeal of the Police Chief's ruling shall be filed with the Township Manager within 10 calendar days of the Chief's decision. A hearing may be held within 30 calendar days of the filing, with a ruling forthcoming from the Manager within 20 calendar days of the final hearing.
- D. The Chief of Police shall keep a record of names of all persons owning or operating wreckers approved under this regulation, together with the license number and description of the wreckers and the date and complete record of inspection made of them.

§ 185.13. Service rates.

[Amended 6-27-2000 by Ord. No. 2000-16; 1-23-2018 by Ord. No. 2018-01; 7-10-2018 by Ord. No. 2018-13]

- A. The following is the fee schedule for basic automobile towing services pursuant to N.J.S.A. 40:48-2.49.

Monday - Sunday (Includes weekends, nights and holidays)

Accident or non-accident

Passenger vehicle and motorcycle towing	\$150 (includes in town mileage)
Trucks 5 tons GVW and over	\$280 per hour (includes in town mileage)
Mopeds, ATV's etc.	\$80 (flat rate)
Police vehicle tow	\$50 (flat rate)

- B. The following is the fee schedule for services for all types of vehicles pursuant to N.J.S.A. 40:48-2.49 (twenty-four-hour day)

Outside storage fees in secure facility

Passenger vehicle storage	\$45 per day (24-hour)
Storage for all vehicles over 5 tons GVW	\$55 (24-hour)

§ 185.16. Right of owner to call wrecker of his choice.

Nothing in this chapter shall prevent the owner, agent or lessee of a vehicle which is disabled from calling a wrecker of his choice to remove his vehicle.

§ 185.17. Power of Police Department to require removal of vehicles.

The Police Department shall have the power to require wreckers to remove vehicles where:

- A. There is obstruction of public right-of-way or private property.
- B. A vehicle has been vandalized or presents a fire or safety hazard or an attractive nuisance.
- C. An abandoned vehicle bears no discernible registration or identification data.
- D. An abandoned vehicle that is not licensed or operable.
- E. A vehicle that is violating any emergency no-parking provisions.
- F. Any other condition where permitted or required by law.

§ 185.18. Rotating call list.

[Amended 6-26-2007 by Ord. No. 2007-21]

- A. A licensee performing towing service for the Township of Pequannock or called by a police officer shall perform on a rotating basis. No Licensee shall sub-contract with another Licensee, for covering the Licensee's assigned towing responsibilities. When a Licensee is unable to provide towing service, in the case of a disabled wrecker or a second call, the next Licensee shall be given the assignment, and so on. When possible a second call shall be given to the next licensee in rotation. When the owner or driver of a disabled vehicle indicates a choice of a specific licensee, that licensee shall be called and no wrecker shall be assigned from the rotating list. No licensee shall respond to the scene of an accident except upon notification by the police officer in charge in Police headquarters or upon request of the driver or owner of a disabled vehicle.
- B. All Licensees shall be responsible for coverage of at minimum 85% of their assigned wrecker requests during their assigned time. Any Licensee that does not provide minimum coverage for any two week assignment, within their one year registration, shall be notified in writing and shall be removed from their assigned rotation, and a replacement shall be made.
- C. Whenever a Licensee is unable to provide towing service based on a disabled wrecker, the Licensee shall notify the Police Department, which shall notify the next Licensee in rotation, to cover, until the Licensee's wrecker is repaired and placed back in rotation. Any Licensee whose wrecker is disabled for an extended duration (two week assigned

period) shall notify the Police Department of their intent to continue wrecker service, or removal from rotation.

- D. Such additional rules and regulations regarding the rotation of wreckers as may be hereafter promulgated by the Chief of Police shall take effect immediately after service of a copy thereof to all permit holders for wreckers in the Township. Service on a licensee may be made by sending by ordinary mail a copy of the additional rules and regulations to said licensee's business address.

§ 185.19. Limitation on number of licenses issued.

It is hereby determined under the lawful exercise of the police power of the Township that public convenience and necessity require that the number of wreckers to be licensed within the Township shall be limited to five because of the limited area of the Township.

§ 185.20. Penalties.

[Added 6-26-2007 by Ord. No. 2007-21]

Any Licensee found to have violated any of the rules in Chapter **185** shall be subject to removal as a Licensee and their permit to provide wrecker service shall be revoked by the Chief of Police after his investigation into the violations is conducted.