

**TOWNSHIP OF CEDAR GROVE
ESSEX COUNTY, NEW JERSEY**

AGENDA ITEM #3(a)

SEPTEMBER 11, 2023

PASSED ORDINANCE NO. 23-917

**AN ORDINANCE AMENDING CHAPTER 244 OF THE CODE OF THE TOWNSHIP
OF CEDAR GROVE ENTITLED TOWING**

**BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF CEDAR
GROVE AS FOLLOWS:**

SECTION 1. Purpose.

The purpose and intent of this chapter is to provide reasonable, non-exclusionary, and nondiscriminatory criteria and standard operating procedures for the selection and use of tow operators for nonconsensual towing, as defined in the Predatory Towing Prevention Act, N.J.S.A. 56:13-7 et seq.. Tow operators will, on a rotational basis, provide towing, repair, and storage services for vehicles that are abandoned, disabled, illegally parked or stolen, involved in accidents, and/or suspected or identified by the Township as being involved in criminal activities or motor vehicle offenses.

SECTION 2. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless context clearly indicates otherwise:

ABANDONED —A vehicle that the owner or operator leaves on a public roadway where the owner or operator fails to notify the Cedar Grove Police Department and does not attempt to repair or otherwise remove the same within a reasonable amount of time. For purposes of this Chapter, abandoned shall also mean a vehicle that is parked in a public place or on private property, for a period of more than 48 hours or is positioned so as to constitute an obstruction to traffic or impose other hazards, without the property owner's consent, without the current year's registration, or license plates, as required by law.

ADMINISTRATIVE FEE — A one-time fee per vehicle for the purpose of compensating the licensee for inspecting the vehicle, allowing owners to retrieve personal property from the vehicle, and for the preparation of additional paperwork beyond the initial towing bill.

BASE OF SERVICE — The principal place of business where the towing contractor stations tow vehicle(s) when not in use. Each towing operator shall maintain his/her own place of business where trucks, in response to police requests, are normally kept. Towing operators shall not share a base of service. The impound area shall be located adjacent to, or be part of, the base of service and shall comply with the local zoning ordinances.

BASIC TOWING SERVICE — The removal and transportation of a vehicle from a highway, street or other public or private road, parking area, or from a storage facility, but is not to include

the recovery of a vehicle from a position beyond the right-of-way or berm or recovery of a vehicle that is impaled upon any other object within the right-of-way or berm.

CHIEF OF POLICE — The Chief of the Police Department of the Township or his/her designee.

DISABLED VEHICLE — A vehicle which has been abandoned, disabled, impounded or otherwise rendered inoperable as a result of a mechanical failure, involvement in a crash or which is required to be removed by the police for any other reason. A vehicle, the location of which constitutes a hazard to the motoring public, shall be deemed disabled for the purposes of this chapter.

GENERAL WRECKER REQUIREMENTS –

A. All tow truck and flatbed vehicles (light, heavy duty, or recovery) shall have the following:

- 1) Amber emergency lights with proper Amber Light Permit issued by the appropriate State of New Jersey authority.
- 2) No red or blue emergency lights (flashing or steady) on the front, rear, or sides.
- 3) Two (2) flood or work lights to the rear of the wrecker
- 4) Two-way radio or cellular phone
- 5) Assortment of tools
- 6) Flashlight
- 7) Fire extinguisher
- 8) First aid kit
- 9) Broom & shovel
- 10) Jumper cables
- 11) Road flares, triangles, or road cones
- 12) Trailer ball hitch attachment
- 13) Motorcycle towing equipment
- 14) Gas can
- 15) Lug wrench and jack
- 16) Assortment of wood blocks and boards
- 17) Vehicle manufacturer serial plate must be legible and visible for inspection on undercarriage and chassis boom, or under reach and chassis, or certified by manufacturers rating paperwork

HEAVY-DUTY OUTSIDE SECURED STORAGE FACILITY — A storage facility that is not completely indoors and is secured by a fence, wall, or other man-made barrier that is at least six feet in height and is protected with on-site security. The facility is to be lighted at night with continual or motion-detection-actuated lighting. The facility must be capable of storing a minimum two complete tractor-and-trailers.

HEAVY-DUTY ROAD SERVICE — Minor maintenance, such as changing a tire, supplying fuel or water, or jump starting a vehicle with a registered gross weight of 15,001 pounds or more.

HEAVY-DUTY WRECKER:

- A. A tow truck with dual wheels, capable of towing large trucks and which shall meet the following minimum requirements vehicular towing:
- 1) Commercially manufactured wrecker and chassis: 33,000 pounds minimum gross vehicle weight (GVWR).
 - 2) Meeting state and federal DOT requirements governing commercial motor vehicles.
 - 3) Air brakes.
 - 4) Air transfer system — means of controlling the brakes of the towed vehicle.
 - 5) Axle lift with minimal lift capacity of 25,000 pounds and tow capacity of 80,000 pounds.
 - 6) Two safety chains, one-half-inch-by-ten-foot alloy.
 - 7) Two tow chains, five-eighths-inch-by ten-foot alloy.
 - 8) Axle lift safety straps or equivalent retention device.
 - 9) Tow light bar or magnetic tow lights.
 - 10) Two-way radio or cellular phone.
 - 11) T-Bolts/maxi release pins.
 - 12) Angle iron.
 - 13) Two 12-ton snatch blocks per winch
- B. Heavy-duty wreckers shall also meet the following local requirements:
- 1) Environmentally safe drying compound, 50 pounds minimum.
 - 2) Minimum gross combination weight rating (GCWR) of 80,000 pounds.
 - 3) Minimum hydraulic-operated boom of 50,000 pounds or equivalent of a Holmes 750 Mechanical.

HEAVY-DUTY WRECKER SERVICE — The towing and/or removal of a vehicle with a registered gross weight of 15,001 pounds or more.

IMPOUNDMENT — The act of storing and confining a vehicle upon an order of the Police Department at either the towing operator's storage facility or at the Police Department impound location as a result of abandonment, involvement in a crash, or suspected criminal activity.

INSIDE BUILDING VEHICLE STORAGE FACILITY — A storage facility that is completely indoors, having one or more openings or storage bins for the storage of vehicles, and that is secured by a locking device on each bin or opening.

LABOR — The additional work done at the scene by the tow truck operator beyond that required to perform a basic tow or any additional manpower needed to complete a recovery, winching or towing of a vehicle. Labor charges for additional manpower shall be based on a per-man, per-hour basis.

LEASED VEHICLE — A vehicle leased by the towing operator, through a leasing company, and showing the licensee on the registration as the owner or lessee. If the registration is such that the lessee is not listed, the towing operator will be required to show lease agreement.

LIGHT-DUTY FLATBED —

- A. A car carrier of the roll back or tilt type, with dual wheels, capable of removing and transporting passenger cars damage free meeting the following minimum requirements for vehicular towing:
 - 1) Commercially manufactured flatbed and chassis of 14,500 pounds GVWR minimum.
 - 2) Seventeen feet or longer hydraulically operated slide back or tilt bed.
 - 3) Three-eighths-inch-by-fifty-foot cable or OEM specifications.
 - 4) Four safety chains, three-eighths-inch-by-ten-foot-high test minimum.
 - 5) One bridle chain high test with "J" and "T" hooks and grab hooks.
 - 6) One four-ton snatch block.
 - 7) Assortment of wood blocks and boards.
- B. Light-duty flatbed shall meet the same requirement as a light-duty wrecker, defined infra, plus the following requirements:
 - 1) Commercially manufactured flatbed and chassis of 14,500 pounds GVWR minimum.
 - 2) Seventeen feet or longer hydraulically operated slide back or tilt bed.
 - 3) Three-eighths-inch-by-fifty-foot cable or OEM specifications.
 - 4) Four safety chains, three-eighths-inch-by-ten-foot-high test minimum.
 - 5) One bridle chain high test with "J" and "T" hooks and grab hooks.
 - 6) One four-ton snatch block.
 - 7) Assortment of wood blocks and boards.
- C. Light-duty flatbeds shall have the following equipment as specified by the Township:
 - 1) Environmentally safe drying compound, minimum of 50 pounds.

LIGHT-DUTY ROAD SERVICE — Minor maintenance, such as changing a tire, supplying fuel or water, or jump starting of a vehicle with a registered gross weight of 15,000 pounds or less.

LIGHT-DUTY WRECKER —

- A. A tow truck with dual rear wheels, capable of removing and transporting passenger cars damage-free and shall meet the following minimum requirements for vehicular towing:
 - 1) Minimum gross vehicle weight (GVW) commercially manufactured wrecker and chassis of 10,000 pounds.
 - 2) Dual rear wheels.
 - 3) Minimum chassis lift/under-reach of 3,000 pounds.
 - 4) Minimum winch capacity of 8,000 pounds.
 - 5) Hydraulic-operated boom of 8,000 pounds minimum.
 - 6) Cable size and length, 3/8 inch and 100 feet or OEM specifications minimum.
 - 7) Two safety chains, three-eighths-inch-by-ten-foot-high test.
 - 8) Two tow chains, three-eighths-inch-by-ten-foot high test with "J" and "T" hooks and grab hooks.
 - 9) Wheel lift safety straps or equivalent retention device.
 - 10) One four-ton snatch block per winch.
 - 11) Trailer ball hitch attachment.

- 12) Motorcycle towing equipment.
- B. Light-duty wreckers shall also have the following equipment as specified by the Township:
 - 1) Environmentally safe drying compound, minimum of 50 pounds.

LIGHT-DUTY WRECKER SERVICE — The towing and/or removal of a vehicle with a registered gross weight of 15,000 pounds or less.

MOTOR VEHICLE CRASH — An occurrence where one a vehicle comes into contact with any other object causing the vehicle to be towed or removed for placement in a storage facility. This includes all situations which are accidental involving one person, even if caused by the intentional acts of another.

OUTSIDE SECURED STORAGE FACILITY — A storage facility that is not completely indoors and that is secured by a permanent fence, wall or other man-made barrier that is at least six feet in height and is protected with on-site security. The facility is to be lighted at night with continual or motion-detection-actuated lighting. The facility must be capable of storing a minimum of thirty passenger-sized vehicles.

OWNER — A person, firm, corporation, company, or partnership that owns and/or operates a vehicle on the roads and highways within the Township of Cedar Grove, which vehicle, by reason of being abandoned, disabled or unlawfully on said roads, requires towing services.

PERSONAL PROPERTY — As used in this chapter shall mean personal property of the vehicle owner or operator that, if removed from the vehicle, does not detract from the salvageable value of the vehicle.

RECOVERY DUTY — Service for all crashes, recovery, and winching incidents for any vehicle weighing over 15,000 pounds GVWR; removal of vehicle from an off-road location to a towable position while preserving the condition of the vehicle.

RECOVERY UNIT — A tow truck with dual wheels, capable of recovering large trucks and shall meet the following minimum requirements:

- A. Commercially manufactured wrecker and chassis 26,001 pounds minimum gross vehicle weight (GVW).
- B. Meeting state and federal DOT requirements governing commercial motor vehicles.
- C. Minimum gross combination weight rating (GCWR) of 80,000 pounds.
- D. Hydraulic-operated boom of 50,000 pounds minimum or equivalent of a Holmes 750 Mechanical.
- E. Minimum winch capacity of 50,000 pounds.
- F. Minimum chassis lift/under-reach rated of 35,000 pounds.
- G. Cable size and length: 5/8 inch and 200 feet or OEM specifications minimum.
- H. Air brakes.
- I. Air transfer system.
- J. Two safety chains, one-half-inch-by-ten-foot Grade 10 alloy.
- K. Two tow chains, one-half-inch-by-ten-foot Grade 10 alloy and four chain binders.

- L. Four winching chains, one-half-inch-by-eight-foot Grade 10 alloy.
- M. Four tie-down chains, 5/16 inch by 10 feet and four chain binders.
- N. Two recovery straps, minimum of six inches by 20 feet.
- O. Axle lift safety straps or equivalent retention device.
- P. Two scotch blocks or recovery stiff legs mounted into body of the truck.
- Q. Two twelve-ton snatch blocks.
- R. Hydraulic bottle jack.
- S. Environmentally safe drying compound, minimum of 50 pounds.
- T. Additional equipment, either owned or subcontracted:
 - 1) Air cushion recovery system, including starter cushions, with motor-driven air pump, with a lifting capacity of 100,000 pounds.
 - 2) Semi-tractor with fifth wheel.
 - 3) Lowboy or Landoll-type trailer with minimum hauling capacity of 40,000 pounds.
 - 4) Relief trailer or truck capable of transferring loads off damaged trucks.
 - 5) One Fork Lift.
 - 6) Two Pallet Jacks.

SUBCONTRACTOR — An approved Township wrecker service used to supplement the needs of a wrecker service under extraordinary circumstance.

TOTAL TOW CHARGE — As used in the Fee Schedule, shall mean the total of the basic towing service, excluding any mileage charge imposed by the towing operator, for towing to their storage facility. Mileage charges, if any, are only allowed for vehicles towed out of the Township at the request of the vehicle owner.

TOWING OPERATOR — A person, firm, corporation, company or partnership engaged in the business of providing towing, road and storage services for vehicles towed pursuant to this chapter.

TOWING/WRECKER VEHICLE — A vehicle driven by mechanical power and employed for the purpose of towing, transporting, conveying or removing any and all kinds of vehicles or parts of vehicles which, by reason of being disabled, abandoned or unlawfully on the roads, require towing and/or storage.

VEHICLE - means every device in, upon or by which a person or property is or may be transported upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks or low-speed electric bicycles, low-speed electric scooters, or motorized bicycles. Additional definitions for types of vehicles will be the same as those contained in N.J.S. Title 39, Chapter 1, Definitions.

WAIT TIME — Additional time a tow operator spends at the scene other than the time required for the actual tow and/or recovery. Examples of wait time may include but are not limited to EMS services which must be performed and/or police investigations.

WINCHING — The process of moving a vehicle by the use of the tow cable from a position

that is not accessible for direct hook up by conventional means for loading onto a tow vehicle. Winching shall not mean pulling a vehicle onto a flatbed or carrier or lifting a vehicle with a conventional tow truck.

SECTION 3. Administration, application and enforcement procedures.

- A. The Chief of Police or any member of the Police Department designated by him/her is authorized to administer and enforce all provisions of this chapter.
- B. The Chief of Police shall have the discretion to determine the maximum number of towing operators (light, heavy and/or recovery) needed for the Township, up to a maximum of three (3) licenses. Licenses shall not be transferable or assignable.
- C. Application procedures for police-initiated towing.
 - 1) No towing operator shall participate in the police towing rotational list within the Township without first submitting an application for inclusion on the rotational duty list and receiving written approval from the Chief of Police.
 - 2) Application to participate in the rotational duty list shall be made on the official application form available from the Township Clerk and submitted, together with an application fee in the amount of \$50 payable to the Township of Cedar Grove.
 - 3) The application shall include the name, business address, telephone number, driver's license number, social security number of the owner of the towing company. If the owner is a corporation, the application shall contain the name, residence, business address, and telephone number of every stockholder owning more than 10% of issued stock, as well as the entity's employer identification number.
 - 4) The applicant shall also provide the names, addresses, and telephone numbers of two business references who have known the applicant for at least two years.
 - 5) Certification that the applicant will be able to provide towing services anywhere in the Township with a maximum response time of 20 minutes.
 - 6) Certification that storage facilities and service will be available as provided in this chapter.
 - 7) The applicant shall complete a request for criminal history form for each individual associated with the applicant who will provide services pursuant to this chapter and shall submit the form(s), along with a certified check or money order in the amount of the current state rate for each form, made payable to the Township of Cedar Grove. The request for criminal history forms shall be obtained from the Chief of Police.
 - 8) The Police Department will conduct a background check of the towing contractor, its officers, and employees prior to making a determination of placement on the towing list. Any persistent violations and/or high incident of motor vehicle crashes in the past 10 years may warrant a driver ineligible. A conviction of a felony will disqualify any contractor unless waived by the Township upon application and for good cause.
 - 9) Applicants are required to comply with the requirements of N.J.S.A. 10:5-1 et seq. and N.J.A.C. 17:27-1.1 et seq. with regard to affirmative action employment.
 - 10) All rotational list approvals will be issued by the Chief of Police under this

chapter and shall remain valid for the calendar year and shall expire on the 31st day of December next succeeding the date of issuance unless sooner suspended or revoked by the Chief as hereinafter provided. If, during the term of a towing operator's approval, the towing operator relocates its business, the towing operator may request in writing to the Chief of Police that its rotational list approval be transferred to the new business location. The Chief of Police or his designee may approve such transfer if the new business location satisfies all of the criteria required under this chapter. The term of any such transfer approval shall expire on the date upon which the towing operator's approval would have expired had no transfer occurred.

SECTION 4. Qualification criteria.

The Chief of Police, or his/her designee, shall be responsible for approving all applications by towing operators for inclusion on the rotational list when the Chief determines that the following requirements have been met by the applicant:

- A. All applicants shall have their base of service and storage facility, the address of which shall be the same as the business address on the application, which shall be within seven (7) road miles of the Township of Cedar Grove Municipal Building, 525 Pompton Avenue, Cedar Grove, NJ 07009. Mileage will be calculated by shortest roadway travel route. The storage facility shall accommodate a minimum of thirty passenger sized vehicles. The facility shall be lighted, have a fenced, secure area, and twenty-four-hour security cameras that record.
- B. All applicants doing heavy-duty towing and recovery shall have their base of service and storage facility, the address of which shall be the same as the business address on the application, which shall be within seven (7) road miles of the Township of Cedar Grove Municipal Building, 525 Pompton Avenue, Cedar Grove, NJ. Mileage will be calculated by shortest roadway travel route. The storage facility shall accommodate a minimum of two complete tractor trailers. The facility shall be lighted, have a fenced, secure area and twenty-four-hour security cameras that record.
- C. The storage facility cannot stack wrecked vehicles, one on top of the other, to meet the storage requirements. Only one level of storage is permitted, all vehicles must be stored individually and arranged as to permit inspection and subsequent removal.
- D. All towing operators must own or lease and have available at least one light-duty wrecker tow truck and one light-duty flatbed truck, as defined in §244-2, in addition to other equipment which is necessary for the safe performance of towing, emergency road and storage services. Only one company can utilize the same tow vehicles. There can be no common ownership or sharing of towing vehicles.
 - 1) Each light-duty driver must obtain a Level 1, National Driver Certification from a tow truck operator's course or equivalent. New hires must obtain a certificate within nine months from the start of employment. Certificates must be provided for each application year.
 - 2) The towing operator must provide a detailed listing of the equipment to be utilized. The listing shall include the following information:
 - a. Manufacturer, type, and specifications for each truck.
 - b. Ownership and/or lease information.
 - c. Manufacturer's certifications of the lifting capabilities of the devices for

each vehicle or a certified testing laboratory test result for the rating lift capacity.

- 3) All wreckers must be properly licensed and inspected by the State of New Jersey having the necessary stickers affixed.
- E. All heavy-duty towing operators must own or lease and have available at least one conventional heavy-duty wrecker, as defined in §244-2, in addition to other equipment which is necessary for the safe performance of towing, emergency road and storage services. Only one company can utilize the same tow vehicles. There can be no common ownership or sharing of towing vehicles.
- 1) Heavy-duty drivers must obtain a Level 2, National Driver Certification from a tow truck operator's course or equivalent. New hires must obtain a certificate within nine months from the start of employment. Certificates must be provided for each application year.
 - 2) Heavy-duty tow operators must have available one employee who has obtained a Level 3, National Driver Certification from a tow truck operator's course or equivalent and have training from an industry-recognized recovery course. Certificates must be provided for each application year.
 - 3) Heavy-duty drivers must have a CDL endorsement on their license. When applicable they shall also have the following endorsements for (H) hazardous material, (N) tanker vehicle and (T) double/triple trailers. They must have proof of medical clearance and medical card in possession.
 - 4) The towing operator must provide a detailed listing of the equipment to be utilized. The listing shall include the following information:
 - a. Manufacturer, type, and specifications for each truck.
 - b. Ownership and/or lease information.
 - c. Manufacturer's certifications of the lifting capabilities of the devices for each vehicle or a certified testing laboratory test result for the rating lift capacity.
 - 5) All wreckers are to be properly licensed and inspected by the State of New Jersey having the necessary stickers affixed.
- F. All towing operators' trucks must be equipped with either two-way radios and/or mobile telephone communications equipment with the ability to communicate with the towing operator's principal place of business, including their garages and/or facilities, to ensure the proper availability of services and equipment on behalf of the Township and motorists.
- G. All towing operator's trucks shall be equipped with brooms, shovels and other street sweeping equipment for the purpose of clearing and removing debris off the roadways. Such trucks shall also be equipped with but not limited to large plastic bags and a minimum of 50 pounds of environmentally safe drying compound for the purpose of absorbing and removing fluids that have discharged from a damaged vehicle.
- H. All towing operators' wreckers and all other vehicles shall be owned or leased, as defined in § 244-2, in the towing operator's name and shall be properly licensed and registered with the New Jersey Division of Motor Vehicles. All towing operator vehicles shall display commercial license plates.
- I. The towing operator's company name, address and telephone number(s) shall be prominently displayed on both sides of all wreckers and other tow vehicles.

- J. All drivers of towing/wrecker vehicles shall have valid New Jersey driver's license and/or commercial driver's license, with endorsements, as may be appropriate. Each towing contractor will provide a list of driver's license numbers for each application year.
- K. All drivers of towing/wrecker vehicles shall furnish their social security number and necessary information needed to conduct criminal background checks.
- L. At the time of the application or at any time a new tow truck driver is added or assigned, the towing operator shall submit to the Police Department the name, driver's license number, social security number and date of birth of the tow truck driver prior to the driver's operation of any tow truck pursuant to a Township Police Department request.
- M. All drivers of towing/wrecker vehicles shall be required to wear clothing upon which shall be contained the name of the business and the name of the driver.
- N. All drivers of towing/wrecker vehicles shall be required to wear high visibility safety apparel as required by the current edition of the Manual on Uniform Traffic Control Devices (MUTCD) when exposed to vehicular traffic.
- O. All drivers of towing/wrecker vehicles shall be familiar with the "State of New Jersey Traffic Incident Management Safety Guidelines for Emergency Responders," (available at <http://www.njtim.org>).
- P. Certificate of insurance. All towing operators shall submit a certificate of insurance to the Chief of Police, annually or upon request, which certificate shall name the Township of Cedar Grove Police Department as additional insured. The certificate shall provide evidence that the towing operator carries the following insurance coverage:
 - 1) Comprehensive general liability: a minimum amount of \$1,000,000 combined single limits.
 - 2) Garage keepers' legal liability insurance policy in an amount not less than \$500,000. Said policy must include both comprehensive and collision, and an endorsement to include "on hook."
 - 3) Excess/umbrella liability. In the event that garage liability and/or automobile liability cannot be purchased up to the required \$1,000,000 limit, an excess liability or umbrella liability policy must be purchased to reflect a total liability limit of \$1,000,000. Excess or umbrella liability policies will not be required for garage and automobile policies that meet or exceed the \$1,000,000 minimum limit.
 - 4) Automobile liability: coverage in a minimum amount of \$500,000 combined single limits. Coverage shall include non-owned and hired automobiles.
 - 5) Insurance must also include adequate coverage to protect the owners of private vehicles that are in the care, custody and control of the towing operator. Said coverages must provide at least \$10,000 in minimum coverage per vehicle for damages or losses arising out of theft of the vehicle's contents, the vehicle itself or losses due to fire or explosion.
 - 6) Workers' compensation: coverage in accordance with the statutory limits for each Company, if more than one is owned.
- Q. Information from the Better Business Bureau, Consumer Affairs and similar sources can also be utilized for qualification purposes.
- R. All towing/wrecker vehicles shall be equipped with flashing amber lights. The lights shall be utilized in accordance with the standards established in the amber light permit that is issued separately for each towing/wrecker vehicle that is listed on the application

to participate in the rotational duty list as required in this section.

- S. Each towing contractor must be able to demonstrate to the Township that it is thoroughly qualified and experienced in the towing and removal of vehicles of all types, and that it has adequate facilities, equipment, expertise, licensing, and personnel to perform the services required by these specifications in a manner satisfactory to the Police Department.

SECTION 5. Minimum standards governing operator performance.

- A. All towing operators on the rotational duty service list shall comply with all applicable zoning and land use ordinances and/or property maintenance codes in effect within the Township of their business address and display Certificate of Occupancy for automotive related use from the Township, where applicable.
- B. All vehicles towed under this chapter shall be taken immediately to either the tower's listed storage facility or location specified by the investigating officer at the scene or the vehicle's owner with police approval.
 - (1) Towing operators shall be available 24 hours a day, seven days a week, including holidays.
 - (2) Towing operators shall not use answering machines, beepers or call answering services to receive calls from the Cedar Grove Police Department.
 - (3) Towing operators shall have available enclosed areas with a telephone, sitting area and rest room for the use of vehicle owners/operators to arrange for transportation when necessary.
 - (4) Towing operators shall provide access to vehicle owners/operators for removal of a vehicle six days a week during normal business hours. Business hours are set at 8:00 a.m. until 5:00 p.m., Monday through Friday, and 9:00 a.m. until 12:00 noon Saturday. The Police Department shall be provided twenty-four-hour access to the tow contractor's yard.
 - (5) All towing operators appointed to the rotational duty list shall:
 - (a) Provide the Police Department with the following information for automobiles unclaimed over 30 days:
 - [1] Year, make, color and vehicle identification number;
 - [2] Owner's name and address (if available).
 - (b) Maintain a record showing all vehicles impounded at the request of the Police Department. Those vehicles may include abandoned vehicles, recovered stolen vehicles, or vehicles held for investigation by the Department. This record shall be made available to any police officer for inspection upon request and shall contain the following information:
 - [1] The date, time, location and name of the wrecker driver who towed the vehicle at the Department's request;
 - [2] The physical location of the vehicle after being towed;
 - [3] Identification of the impounded vehicle after being towed;
 - [4] All charges relating to the vehicle after being towed;
 - [5] Identification of the police officer authorizing release of an impounded vehicle, the employee that released the vehicle, and the person to whom the vehicle is released.
 - (6) All towing companies shall be responsible for ensuring the proper and

safe storage of all motor vehicles pursuant to this chapter, and shall be liable for any damage incurred by such motor vehicles while in transit to or while stored in the storage facilities. All outside storage facilities shall be secured and lighted.

- C. All towing operators, prior to departure from the scene of towing services, shall clean and clear the streets of any debris resulting from any crash at such scene when a tow is performed, as per N.J.S.A. 39:4-56.8(b) and to the reasonable satisfaction of the police and at all times carry the necessary equipment to perform such cleaning services and may charge the owner's insurance company for the service. The towing operator shall also be responsible to replace and remove absorbent that the Cedar Grove Fire Department uses at a crash scene. The towing operator may charge the vehicle owner for any bags of absorbent that are given as replacements to the Cedar Grove Fire Department.
- D. All towing operators serving on the rotational duty service list must guarantee the availability of all services to the Police Department seven days a week, 24 hours a day. A towing operator, in this respect, shall immediately respond to any type of towing, emergency road service or storage call with the appropriate vehicle and/or equipment and shall arrive at the scene as soon as possible. Failure to respond to the scene within 20 minutes after receipt of telephone notification by the Police Department dispatcher/desk officer shall be considered a breach of this chapter unless heavy or unusual traffic conditions prevent a towing operator from responding within this time frame. In the event that a towing operator fails to respond within 20 minutes from the time of the call, the Police Department reserves the right to contact the next available tow operator on the rotational list.
- E. If the towing operator is wholly or partially unable to respond due to failure of any equipment or personnel insufficiencies, the towing operator will immediately notify the Police Department, which will contact the next towing company in the rotation to handle the request. If such an incident occurs, the towing operator will furnish, in writing, within five business days, the details of the circumstance which caused the failure to respond to the Township Police Department's Administration, which will make a determination if a follow-up investigation and/or inspection of the tow operator's facility and/or equipment is required.
- F. The Township reserves the right to contact other towing operators, who may not be on the rotational list, in times of emergencies and/or natural disasters.
- G. The owner of a vehicle to be towed under this chapter shall have the right, if he/she so desires, and the investigating officer approves, to designate a towing operator of his/her choice, provided the response time of said towing operator is not greater than 20 minutes. If the towing operator is not on the Township rotational duty list, that operator is still responsible for clearing debris from the scene.
- H. Employees of the towing operator, in responding to a call, shall request and be afforded police assistance during the course of providing towing, emergency road service or removal of abandoned or accident vehicles.
- I. A towing operator shall not permit a vehicle to be removed from the site of a crash, the scene of a crime, or any other instance or situation without the prior approval of the investigating officer at the scene.

- J. Any towing operator who tows an abandoned vehicle from private property must notify the Police Department of the vehicle information and where the vehicle was towed from. The Police Department will check the vehicle through N.C.I.C.
- K. Conduct of contractors and operators generally. No person owning or operating a tow vehicle shall:
 - (1) Stand at any public street, intersection, or any public property, waiting for employment, without first obtaining the consent of a police officer, or stand on any private property without first obtaining the consent of the owner of the property.
 - (2) Seek employment by repeatedly and persistently driving his tow vehicle in a short space in front of any disabled vehicle or by otherwise interfering with the properly and orderly progress of traffic along the public highways. The contractor shall wait until it receives official notification from the Police Department of the Township before commencing operations.
 - (3) Permit or invite loitering within or near the tow vehicle.
 - (4) Solicit, demand, or receive from any person any pay, commission or compensation whatsoever, except the proper fee for transporting the disabled vehicle in accordance with the schedule of service rates listed in those specifications.
 - (5) Pay any gratuity, tip, moneys or compensation of any kind to any third person not involved in the accident or to any Township employee, for information as to the location of the accident, or for soliciting the employment of licensee's services, nor give any gratuities, fees or other compensation or gifts to any Township employee.
 - (6) Act in an unprofessional manner, be discourteous or disrespectful to members of the public as well as representatives of the Township. While members of the public, especially those whose cars may have been towed or impounded, may at times resort to strong language, threats and unbecoming behavior toward the contractor, the contractor and its employees are expected to exercise restraint and not to respond in kind, and thereby reflect unfavorably on the Township.

SECTION 6. Fee schedules.

- A. The fees set forth in the attached schedule for towing and storage rates are the maximum permitted charges that shall apply to the towing and/or storage of all vehicles. Towing operators transporting multiple vehicles at one time shall receive the applicable fees for each vehicle transported.
 - (1) The towing and storage fees shall apply for passenger vehicles and other vehicles as indicated. Charges for all trucks and recovery equipment are inclusive of the driver, and there will be no separate charge for an operator that drives or operates the truck or recovery equipment. After the first hour, all hourly billable rates will be charged in half-hour increments.
 - (2) The fees charged by the towing operator shall be based on the prevailing Garden State Towing Association (GSTA) posted rates for the calendar year in which the service is provided. These fees may be adjusted from time to time by resolution of the Council of the Township of Cedar Grove, in accordance with revisions of the Garden State Tow Association fee schedule for these

services.

- (3) It is the responsibility of the towing operator to recover all charges for vehicle towing and recovery operations from the vehicle owner or the owner's insurance carrier. The Township shall not be responsible for collecting any fees that are owed to the towing operator.
- (4) In the event that the towing operator has been summoned by the Township for the purpose of towing an abandoned vehicle, and if the owner or the operator appears on the scene before the vehicle is hooked to a tow truck, then the towing operator will make no charge in that instance.
- (5) The towing operator shall provide all towing services free of charge to all Cedar Grove Township vehicles. The Township will incur 1/2 of the tow service fee as set forth in the schedule for towing of all Township vehicles over 10,001 pounds.
- (6) Vehicles that are towed under this chapter and that subsequently become the target of a police investigation (criminal, fatal crash, etc.) and become the responsibility of the Township to pay the tow charged, shall be charged at the current rate for towing of Township-owned vehicles.
- (7) Storage fees start after the first 12 hours of storage; that is, there shall be no charge for the first 12 hours of storage. Thereafter, storage shall be charge on the basis of twenty-four-hour periods. The fees set forth for storage are the maximum storage charges per twenty-four-hour period, and same shall apply to a vehicle that is stored as a result of a crash, abandonment, repairs or suspected criminal activity.
- (8) Road repair services. It shall be the responsibility of the tow operator to first inform the owner/operator of the vehicle in need of road repair services of the hourly labor rates set forth herein and the estimated total cost for parts and/or materials, and receive written consent from the owner/operator, prior to the performance of such additional road repair service.
- (9) The rates applicable to towing services performed will be provided annually to the towing contractors and shall be posted in a conspicuous place, visible to the public at the contractor's place of business.
- (10) The contractor shall, at its expense, prepare a printed bill for distribution to the customer, reflecting the fee to be paid in accordance with the rates set forth in the schedule, unless otherwise approved by the Police Department. The bill shall also include a statement to the effect that all complaints shall be referred to the Police Department. The format of this form shall be approved by the Township Manager.
- (11) The towing operator shall be required to accept as payment currency, any credit or charge card that the operator generally accepts during the normal course of business, certified check or a money order. The towing operator is not required to accept personal checks for payment.
- (12) The towing operator shall, in no instance, request payment from the Township for any services rendered to the owners of private vehicles; except, however, in those cases where the Police Department authorizes the removal of a Township-owned vehicle.
- (13) There shall be no additional charges, other than those provided in the fee

schedule.

- (14) The above towing charges shall not apply when the operator of vehicle elects either a specific tower or to be towed to a destination other than the licensed storage facility. In such cases, the towing charges shall be mutually agreed upon between the operator of the vehicle and the towing contractor.

SECTION 7. Establishment of towing operators' rotational duty lists.

- A. The Chief of Police, or his designee, shall be responsible to establish towing operators' rotational duty lists, which may include separate lists for light-duty and heavy-duty towing, following approval of applications.
- B. The Police Department shall call the towers on each rotational duty list in sequential order, as set forth by the Chief, so that each towing operator will be given the opportunity to respond to individual calls as received by the Police Department.
- C. The Police Department shall be authorized to call the next towing operator on the rotational duty list should a towing operator fail to respond to a call within 20 minutes.

SECTION 8. Supervision of towing operator services.

- A. The Chief of Police is hereby authorized to establish rules and regulations for the supervision, operation, inspection, safe operation of tow vehicles, retrieval of personal property by vehicle owners, and subsequent applications for title to vehicles that have been towed at the direction of the Police Department.
- B. The Chief of Police, or his/her designee, shall have the right, at all times, to inspect all towing vehicles and related equipment used by tow operators performing services pursuant to this chapter.
- C. At any time, should the Chief, or his/her designee, determine that the vehicles and/or equipment being used are unsafe, they shall have the power and authority to direct the immediate correction or repair of any automotive defect, malfunction or violation of motor vehicle regulations within a specified period of time to be determined by the Chief.
- D. In order to keep information current, the towing operator will be required to submit a roster of drivers to the Police Department on an annual basis. No driver shall perform services unless previously listed by the contractor and approved by the Police Department.
- E. Complaints of any kind, relative to service, overcharging, theft of parts, damage to towed vehicles, discourteous treatment, and the like, shall be referred to the Police Department for investigations.
- F. Record of vehicles towed.
 - (1) The contractor shall maintain a record of all vehicles towed. The details of each disabled vehicle towed, serviced or transported together with full information of the towed vehicle and name and address of the owner and the charges paid for his services. Full information of the towed vehicle shall include, but not be limited to, the vehicle's license number, VIN registration number, make, model, color and year. The records herein described shall be kept open for inspection at all times by any duly authorized representative of

the Township. A monthly towing record containing the information herein stated above shall be filed with the Police Department and the Township Clerk setting forth the details of all tows by vehicle type, date, time of day, sector, and whether additional services were required. Each incident shall be reported using the invoice number used for billing. The form of these reports shall be approved by the Chief of Police.

- (2) The contractor shall maintain a record of all personal property in a towed vehicle that it can observe in sight at the time the vehicle comes into possession.
- (3) Authorized representatives of the Township shall have access to any of the records required to be kept by the contractor.
- (4) There shall be a consecutive, sequential control number assigned by the Police Department to be used in every instance by the Township and the contractors. All forms, communications, and other documents memorializing the transaction shall use this control number.

G. Abandoned Vehicles

- (1) Abandoned vehicles shall be processed for titles by the Cedar Grove Police Department in accordance with N.J.S.A. 39:10a-1.
- (2) The Cedar Grove Police Department shall be responsible for providing the towing operator with the name and address of the vehicle owner and lien holder of all abandoned vehicles towed. This shall be provided within three days of it being towed.
- (3) The Cedar Grove Police Department shall notify the owner and lien holder by certified mail of the following:
 - i. Cost imposed for towing and storage of the vehicle
 - ii. Provide instructions for recovering the vehicle
 - iii. Failure by the towing operator to provide the appropriate notification within 30 days of receiving the owner or lien holder information may limit the storage fee to \$750.00 as outlined in 39:10A-1.

H. Unclaimed Vehicles

- (1) Impounded vehicles which remain unclaimed for 15 days after the owner has been notified by the Cedar Grove Police Department that it is authorized for release will be processed by the Cedar Grove Police Department as an abandoned vehicle.
- (2) Vehicles towed as a result of a crash or any other vehicle towed on behalf of the Cedar Grove Police Department which remains unclaimed for 30 days after being available for release, will be considered abandoned on private property.

I. Disputes and adjustments.

- (1) Complaints by motor vehicle owners of price gouging or any other objectionable practice by any tow contractor will be referred to the Chief of Police who shall promptly investigate and resolve any disputes.

J. Any disputes over the interpretation of this chapter, including the reasonableness of any charges assessed, shall be settled amicably, if possible, through negotiations between the contractor, the Police Department and the Township Manager.

K. In cases where the Township has mistakenly directed that a vehicle be towed or has

acted on incorrect information supplied by official sources, the contractor will be reimbursed by the Township only for the minimum applicable towing fee as stipulated herein.

- L. The towing operator agrees that the owners or officers of the towing operator shall be responsible, except as otherwise provided by law, for the negligent acts of their employees while acting under this chapter.
- M. The Chief of Police is authorized and empowered to establish from time to time, and transmit to all towing operators on the rotational duty list, such additional rules and regulations not inconsistent herewith as may be reasonable and necessary to carry out the provisions of this chapter, including a procedure to receive complaints and resolve disputes arising from the towing and storage of motor vehicles required by the Township without the consent of the owner.

SECTION 9. Denial, suspension and removal for noncompliance.

- A. When an application for a license is denied by the Township, the applicant may request a hearing on said application by the service of a notice requesting a hearing. Said notice shall be served on the Township Clerk. At the next regularly scheduled meeting of the governing body, a hearing date shall be set which shall be no less than seven days nor more than 30 days from the date of governing body's scheduled meeting.
- B. The Chief of Police shall have the power to suspend a towing operator from the rotational duty service list for a period up to 30 days for failure to comply with any section of this chapter or rule or regulation established under authority of the chapter. A subsequent violation may result in the removal of a towing operator from the rotational duty service list for up to 12 months, except that a violation that is more than three-years-old shall not serve as a basis for determining a subsequent offense.
- C. Proceedings for the suspension or revocation of a license shall be initiated by the service of a notice of charges proffered against the licensee. Said notice shall be served by the Chief of Police or his/her designee, either personally or by certified mail, return receipt requested, and shall contain a date, time and place for a hearing to be held by the governing body of the Township. Said hearing shall be scheduled no less than seven days nor more than 30 days after the notice of the proposed suspension or revocation shall be served upon the licensee. The licensee shall have the right to file an answer to the notice and to appear in person, or be represented by counsel, and give testimony at the place and time fixed for the hearing.
- D. Failure to comply with applicable zoning, land use, property maintenance codes, or any other local ordinances may subject any towing operator to suspension from the rotational duty service list upon request to the Chief of Police from the appropriate Construction Code Official, Zoning Officer, Property Maintenance Officer, or other Township official. Any towing operator suspended from the rotational duty service list for violation of applicable zoning, land use, property maintenance codes or any other local ordinances shall be indefinitely suspended until corrections are made and approved by the applicable Township official, and communicated to the Chief of Police in writing.
- E. A towing license may be denied, suspended, or revoked upon any of the following

grounds:

- (1) Submitting a fraudulent or misleading application.
 - (2) Failure to respond reliably and promptly to calls for assistance or any other unsatisfactory performance action which interferes with the proper operation of the rotating system maintained by the Police Department.
 - (3) Failure to utilize safe and adequate equipment as defined in this chapter.
 - (4) Violations of motor vehicle laws and/or municipal ordinances.
 - (5) Failure or refusal to tow or remove a motor vehicle when requested to do so by an appropriate municipal official.
- F. The Chief of Police shall have the power to suspend or remove a towing operator from the rotational duty service list if that operator or any employee thereof has been convicted of a crime of the fourth degree or higher in this or any other jurisdiction.

SECTION 10. Violations and penalties; enforcement

- A. Any person, firm or corporation who violates any of the provisions of this chapter shall, upon conviction, be subject to the following:
- (1) For the first offense, a fine not to exceed \$250 and suspension from the rotational duty list for one month.
 - (2) For the second offense, a fine not to exceed \$500 and suspension from the rotational duty list for six months.
 - (3) For the third offense, a fine not to exceed \$1,000 and suspension from the rotational duty list for one year.
 - (4) For the fourth offense, permanent revocation from the rotational duty list.
- B. Each and every violation of this chapter and each and every day that any violation shall continue shall be construed as a separate and distinct violation.
- C. The Police Department is specifically designated as the enforcement agency, which shall serve and execute process for violations of this chapter in accordance with law.

SECTION 11. Indemnification.

The towing operator agrees that, to the fullest extent permitted by law, it shall indemnify, defend, and hold harmless the Township from and against any and all:

- 1) Claims, suits, judgments and demands whatsoever, including, without limitation, costs, litigation expenses, counsel fees and liabilities with respect to injury to or death of any person or persons whatsoever; and
- 2) Damage to property of any kind arising out of or caused in whole or in part by the acts or omissions of the towing operator or any other person directly or indirectly employed by the towing operator while in the performance or rendering of any services pursuant to this chapter.

Cedar Grove Towing and Storage Fee Schedule	
Road Service	
Cars (Light)	\$150.00 PER HOUR PLUS PARTS
Trucks (Medium/ Heavy)	\$200.00 PER HOUR PLUS PARTS

Towing - Basic	
Light Duty- up to 10,000 lbs.	HOOK-UP \$155
Medium Duty- 10,001-16,000 lbs.	\$300.00 PER HOUR
Heavy Duty- 16,001 and above	\$500.00 PER HOUR
Decoupling Fee (if tow is not performed)	½ OF BASIC RATE
On-Hook Mileage	
Light Duty	\$7.00/ Per Loaded Miles
Medium Duty	N/A
Heavy Duty	N/A
Specialized Recovery Equipment	
Rotator/ Crane Recovery Unit	\$1200.00 Per Hour
Tractor With Landoll Trailer Or Detach Trailer	\$500.00 Per Hour
Tractor/ Transport Hauler Only	\$350.00 Per Hour
Refrigerated Trailer W/ Tractor	\$550.00 Per Hour
Box Trailer W/ Tractor	\$500.00 Per Hour
Air Cushion Unit	\$1000.00 Per Hour
Light Tower	\$250.00 Per Hour
Pallet Jack	\$200.00 Flat Rate
Rollers	\$200.00 Flat Rate
Any Other Specialized Equipment	\$300.00 Per Hour
Loader/ Backhoe/ Telescopic Handler/ Bulldozer/ Bobcat	\$400.00 Per Hour Each
Forklift	\$400.00 Per Hour
Dump Truck/ Dump Trailer W/ Tractor	\$400.00 Per Hour
Roll-Off With Container	\$400.00 Per Hour Plus Disposal
Recovery Supervisor Vehicle	\$150.00 Per Hour
Scene Safety Equipment, Communication Equipment, Traffic Management Equipment, Etc.	\$250.00 Per Hour Each Type Used
Recovery Support Vehicle/ Trailer Additional Recovery Equipment	\$350.00 Per Hour
Labor – All Labor Min of 1 Hour	
Accident Minor Clean-Up And Disposal Of Debris	\$75.00 Per Hour One Hour Minimum Plus Absorbant Materials Used
Recovery Supervisor And/ Or Level III Recovery Specialist	\$250.00 Per Hour *Charges Limited To One Per Incident
Certified Towing Operator	\$150.00 Hour Per Man
Manual Laborers	\$125.00 Per Hour Per Man

Storage – Per Calendar Day (Inside Rates are Two Times the Outside Rate)	
Cars/ Light Trucks -10' X 20' Space	\$50.00 Per Day
Trucks (Dual Wheels)/ Single Axle	\$125.00 Per Day
Tractor/ Dump Truck/ Tractor And Trailer Combo/ Trailers	\$125.00 Per Unit Per Day
Buses	\$150.00 Per Day
Roll-Off	\$125.00 Per Day For Each
Cargo/Accident Debris/ Load Storage/ Vehicle Components 10' X 20' Space	\$50.00 Per Space Used Per Day
Rental Of Any Tow Company Supplied Trailer Post Incident	\$500.00 Per Day
Additional Services / Notes	
Fuel/ Haz-Mat/ Cargo Spills Clean-Up And Disposal	Time And Material
Hazmat And Trash Recovery	Surcharged 10%
Subcontractor Mark-Up	20%
Administrative Charge Only After 3rd Visit To Vehicle	Cars Only - \$50.00
Administration Charge	Medium/ Heavy Truck - \$200.00
After Hours Release	\$85.00
Notification Documentation Fee	\$75.00
Tarping/ Wrapping Vehicle	\$90.00 Per Car \$250.00 Per Truck
Fuel Surcharge	See Chart Below
Fuel Surcharge Chart – Tow and Mileage Cost Only	
Fuel Cost	Fuel Surcharge Percentage
\$2.50	0%
\$3.00	1%
\$3.50	2%
\$4.00	3%
\$4.50	4%
\$5.00	5%
\$5.50	6%
\$6.00	7%
\$6.50	8%
\$7.00	9%
\$7.50	10%
\$8.00	11%

SECTION 12.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity of constitutionality of any other sections or parts thereof.

SECTION 13.

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby

repealed as to their inconsistencies only.

SECTION 14.

This Ordinance shall take effect immediately as provided by law.

INTRODUCED BY: Councilman Maceri

SECONDED BY: Councilwoman Mega

ROLL CALL VOTE				
COUNCILMEMBER	YES	NO	ABSTAIN	ABSENT
Maceri	X			
Mega	X			
Zazzali				X
Skabich				X
Peterson	X			