

**TOWNSHIP OF ROCKAWAY
COUNTY OF MORRIS, STATE OF NEW JERSEY**

ORDINANCE NO. O-22-13

**AMENDING CHAPTER 4, SECTION 6 "TOWING, ROAD SERVICE AND STORAGE
OF VEHICLES" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP
OF ROCKAWAY**

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the Township of Rockaway desires to amend certain provisions of Chapter 4, Section 6, "Towing, Road Service and Storage of Vehicles" of the Revised General Ordinances of the Township of Rockaway, more specifically, amending the language of Sections 4-6.5 A (1) (a) (b) (c) and (d); amending the fee language of Sections 4-6.8 (F) and (G), and replacing Section 4-6.10 with Sections 4-6.10 (A) (B) (C) and (D).

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Rockaway, County of Morris and State of New Jersey as follows:

SECTION 1.

§ 4-6.5 Towing Operator Qualifications: Application Procedures

A. *It shall be the responsibility of the Business Administrator or his/her designee, with the advice of the Chief of Police, to approve all applications for towing operators, to be utilized on a rotational basis for the purpose of providing emergency towing, road and storage services to the owners of motor vehicles utilizing Township roads when he or she determines that the following requirements have been met by the applicant. On forms prepared by the Township, and provided by the Business Administrator or his/her designee, all towing operators shall submit written documentation that they are in compliance with the insurance qualification requirements set forth below:*

(1) *Submission of proof of Insurance. All towing operators shall submit a certificate of insurance to the Business Administrator which certificate shall name the Township as "an additional insured" for all coverages with such additional insurance providing primary and non-contributory coverage to the Township. The proofs of insurance required shall provide evidence via a vis the applicable policy, endorsements, and certificate that the towing operator carries the following insurance coverages:*

(a) *Automobile liability. Combined single-limit coverage in the minimum amount of \$1,000,000 per accident \$2,000,000.00 aggregate.*

- (b) *Garage liability. A minimum of \$1,000,000 for each occurrence.*
- (c) *Garage keeper's liability. A minimum of \$100,000 for each occurrence.*
- (d) *30-day direct notice of cancellation. The insurance shall contain and endorsement providing that the insurance carrier shall provide the Township with 30-day advanced notice of cancellation or with such notice at the same time one may be provided to the towing operator.*

§ 4-6.8. Towing and storage fee schedule.

The following fees represent the maximum fees permitted under this section. It shall be unlawful for any towing operator to charge a fee in excess of the fees prescribed in this section for the services regulated therein. The fees prescribed in paragraphs A and B herein represent the initial flat towing fee from the site of the incident or the vehicle location in the Township of Rockaway to the towing operator's storage facility, even if towed without the consent of the owner.

Subsections A to E and H & I. are unchanged

F. Light duty vehicle recovery. The fee for light duty vehicle recovery shall be a minimum of \$175 for winch and service up to one hour with every hour thereafter being charged at a rate of \$175.00 per hour.

G. Medium duty vehicle recovery. The fee for medium duty vehicle recovery shall be a minimum of \$250.00 for winch and service up to one hour with every hour thereafter being charged at a rate of \$250.00 per hour.

§ 4-6.10 Supervision of Towing Operators

- A. The Chief of Police is hereby authorized to undertake a continual six-month review of tow truck operators' maintenance and operation of tow trucks, wreckers and other related vehicles and equipment. It shall be the towing operators' sole responsibility to maintain all vehicles and equipment and to semi-annually submit to the Police Department a certification, on a form provided by the Business Administrator or his/her designee, verifying that all towing vehicles and equipment have been inspected and are fit for operation in all aspects, including, but not limited to, safety.*
- B. Should a towing operator fail to timely provide the Police Chief or his designee with the semi-annual certification of inspection indicating that all vehicles and/or equipment being used by the towing operator are fit for use in all aspects of towing service, the Police Chief or his designee shall have the power to suspend the towing operator's license to operate until such certification is supplied.*
- C. Should a vehicle or any equipment fail a semi-annual certification of inspection, the failed vehicle and/or equipment shall be removed from service by the towing operator until such time that all defects are repaired, reinspected, certified as fit in all aspects, and the certification is submitted to the Police Department for review and approval.*

D. *The Chief of Police is authorized and empowered to establish and transmit to all towing operators on the rotational list, such additional rules and regulations as may be consistent with and reasonable and necessary to carry out the provisions of this section.*

SECTION 2. All ordinances, resolutions and regulations, or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, paragraph, article, subdivision, clause or provision of this Ordinance shall be judged invalid, such adjudication shall apply only to the section, paragraph, article, subdivision, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

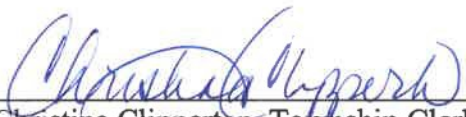
SECTION 4. This Ordinance shall take effect upon final passage and approval in accordance with law.

CERTIFICATION


I, Christina Clipperton, Township Clerk of the Township of Rockaway, County of Morris, State of New Jersey, do hereby certify that the foregoing is a true and accurate copy of an Ordinance introduced by the Township Council of the Township of Rockaway at a duly convened meeting held on April 26, 2022, and adopted at a duly convened meeting held on May 10, 2022.



Howard Kritz, Council President



Christina Clipperton, Township Clerk



Joe Jackson, Mayor

PURPOSE

The purpose for the amendments to specific sections of this ordinance is threefold.

1. It requires Towing vendors to provide insurance coverage and proof thereof that is consistent with other Township vendors.
2. It clarifies and updates the fee schedule for the hook-up and towing of light and medium duty vehicles consistent with local market charges.
3. It places bi-annual inspection and reporting obligations on towing vendors to ensure that vehicles being utilized to service the driving public on behalf of the Township are properly maintained.

Introduction	Motion	Second	Yes	No	Abstain	Absent
J. Quinn	X		X			
E. Friedlander			X			
D. Brookes			X			
M. Noon			X			
A. Salberg		X	X			
R. Brookes			X			
P. Wojtowicz						X
J. Sackett			X			
H. Kritz			X			

Adoption	Motion	Second	Yes	No	Abstain	Absent
J. Quinn	X		X			
E. Friedlander		X	X			
D. Brookes			X			
M. Noon			X			
A. Salberg			X			
R. Brookes			X			
P. Wojtowicz			X			
J. Sackett			X			
H. Kritz			X			