

Chapter 253

TOWING

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[HISTORY: Adopted by the Mayor and Council of the Borough of Laurel Springs 3-2-1992 by Ord. No. 483 (Ch. 81 of the 1973 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Vehicles and traffic — See Ch. 260.

§ 253-1. Purpose.

The towing and storage of motor vehicles damaged, stolen or impounded within the Borough of Laurel Springs shall be performed by towing operators qualified and licensed pursuant to the provisions set forth below on a rotating basis without competitive bid.

§ 253-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AUTOMOBILE — A private-passenger automobile of a private-passenger or station wagon type that is owned or hired and is neither used as a public or livery conveyance for passengers not rented to others with a driver; and a motor vehicle with a pickup body, or delivery sedan, a van or a panel truck or a camper-type vehicle used for recreational purposes owned by an individual or by husband and wife who are residents of the same household, not customarily used in the occupation, profession or business of the owner other than farming or ranching. An automobile owned by a farm family copartnership or corporation, which is principally garaged on a farm or ranch and otherwise meets the definitions contained in this section, shall be considered a private-passenger automobile owned by two or more relatives resident in the same household. Excluded are corporation-owned trucks or vans.

BASIC TOWING SERVICE — The removal and transportation of an automobile from a highway, street or other public or private road or a parking area or from a storage facility, and other services normally incident thereto, but does not include recovery of an automobile from

- B. Specifically exempted from the licensing requirement is the towing, transporting, conveying or removing of motor vehicles from private property by towing operators who have been privately engaged or designated by the owner of the vehicle to be so removed.
- C. All applicants for licenses shall pay the sum of as provided in the Annual Fee Ordinance at the time the application is filed. This is a nonrefundable fee which shall be utilized to cover the cost of investigation and review and shall also be considered to be the fee for the balance of the year for which the application is filed. Thereafter, the annual fee shall be in the amount provided in the Annual Fee Ordinance.

§ 253-5. Application for license.

Licenses hereunder shall be approved by the governing body of the Borough of Laurel Springs and issued by the Borough Clerk. The application therefor shall contain the following information:

- A. The full name and address of the applicant and, if such applicant is a corporation, the names and addresses of the officers and directors thereof, and the registered office and registered agent thereof; or, if such applicant is a partnership, the names and addresses of all partners.
- B. The year, make, model and serial number, registration number and owner of each tow vehicle which is to be used by the applicant in responding to calls from the Laurel Springs Police Department requesting the towing and storage of disabled motor vehicles.
- C. The tow vehicle's base of service for each tow vehicle to be used by the licensed operator.
- D. The location to which the applicant will tow, transport, convey or remove, and thereafter store, any motor vehicle towed, transported, conveyed or removed by the applicant pursuant to the provisions of this chapter.
- E. The specific area at the location referred to above that the applicant has available for properly storing and protecting disabled motor vehicles. The applicant shall attach to the application a diagram of the property showing the secured area (inside or outside secured) intended for the storage and protection of vehicles removed from the roadway.
- F. The place and location where the applicant will maintain an office at which any person whose vehicle has been towed, transported, conveyed or removed may obtain information relative thereto, attend to the payment of any money to be paid in connection therewith and arrange for any further removal or possession of such vehicle.
- G. A statement that the applicant has sufficient personnel and equipment to provide twenty-four-hour towing and storage services and is able to respond to police calls in accordance with the requirements of this chapter.
- H. A certification that the fees charged will not exceed those set forth in this chapter.
- I. The name of the insurance company and its address and policy number showing the limits of coverage required by this chapter, along with a certification that the Borough of

recommended gross vehicle weight of truck or chassis of 16,000 pounds; dual rear wheels; heavy-duty truck tow bar air brakes; connecting air lines for connection with air compressor and air brake lines of the towed vehicle; two-speed rear axle and differential or dual transmission or five-speed transmission; two heavy-duty high-test pickup chains; and heavy-duty truck sling and tow bar. In lieu of having this piece of equipment in its possession, the licensee may supply the Borough Clerk with an agreement in writing between the licensee and any other entity, or corporation or person who possesses this specific equipment that he or it will provide services to the provisions of this chapter for the term of the license. This agreement shall provide that the response time shall be in accordance with the provisions of this chapter and that the licensee shall assume all responsibility for compliance with the provisions of this chapter. The licensee shall make provision for the equipment to be available for inspection at his place of business at the time and place requested by the Chief of Police or his authorized representative prior to the issuance of the license. If said agreement shall be canceled for any reason, the licensee must notify the Borough of Laurel Springs within 24 hours.

- (c) At least one flatbed or car carrier with at least one-car capacity; wheel chokes; and four tie-down chains or grab hooks. In lieu of having this equipment in his possession, the licensee may supply the Borough Clerk with an agreement in writing between the licensee and any other entity, or corporation or person who possesses this specific equipment that he or it will provide services to the licensee pursuant to the provisions of this chapter for the term of the license. This agreement shall provide that the response time shall be in accordance with the provisions of this chapter and that the licensee shall assume all responsibility for compliance with the provisions of this chapter. The licensee shall make provisions for the equipment to be available for inspection at his place of business at the time and place requested by the Chief of Police or his authorized representative prior to the issuance of the license. If said agreement shall be canceled for any reason, the licensee must notify the Borough of Laurel Springs within 24 hours.
 - (d) At least one vehicle equipped with tie-down equipment for carrying motorcycles.
- (2) Safety equipment to be carried on all trucks shall include universal towing sling; tow hooks and chains; one snatch block for three-eighths to one-half-inch cable; two high-test safety chains; four-lamp or three-lamp revolving amber emergency light with New Jersey state permit; a toolbox with assortment of hand tools; rear working lights and rear marker lights; cab lights; body clearing lights located to clear the towed vehicle; a block choke for the tow vehicle while working; safety cones; a shovel and broom; and a steering wheel lock or tie-down.
- B. Maintain and operate a storage yard within two miles of the Borough's municipal boundaries, which shall be open to the public on weekdays during normal business hours and on Saturdays until 12:00 noon. All vehicles towed are required to be stored at this storage facility. If the storage yard is not owned by the applicant, a copy of the lease

§ 253-8. Rules and regulations.

- A. The governing body hereby designates the Police Department generally and the Chief of Police in particular as the supervising authority to enforce the provisions of this chapter as well as the rules and regulations adopted hereunder.
- B. Each licensed towing operator shall at all times maintain the necessary equipment to remove disabled vehicles as required by this chapter. Each towing operator, prior to departure from the scene of towing services, shall clean and clear the streets of any customary debris resulting from any motor vehicle accident at such scene and shall at all times carry the necessary equipment to perform said cleaning services.
- C. Refusal to tow an abandoned or stolen motor vehicle or at the scene of a motor vehicle accident may result in the disqualification of any towing operator and a report of said refusal shall be furnished to the Chief of Police and the Borough Clerk by the investigating officer at the scene of the accident, as soon as possible.
- D. If the licensee summoned is unable to respond within the time constraints specified in this chapter, he shall so notify the individual requesting the service, and the next-named towing operator on the tow truck call list shall be called to respond.
- E. No towing operator operating pursuant to the license issued hereunder shall employ, either directly or indirectly, any personnel or employees of the Borough of Laurel Springs.
- F. The Borough of Laurel Springs Police Department shall maintain a log record of calls to licensed towing operators and said record shall be available for inspection by any licensed tow operator upon reasonable notice.
- G. An individual whose motor vehicle has been towed and/or stored has the right to retrieve any of his or her personal possessions therefrom, even when said motor vehicle is within the possession of the towing operator. Personal property shall be defined to mean anything that is not permanently attached to the motor vehicle so as to be an integral part thereof. An individual seeking the retrieval of any personal items shall arrange with the towing operator to obtain said items and shall be required to execute a receipt therefor. The towing operator shall maintain copies of all said receipts.
- H. The Borough of Laurel Springs reserves the right to review the qualifications of any personnel employed by the towing operator at any time.
- I. The towing operator and any of its employees are independent contractors, and they do not represent nor are they employed by the Borough of Laurel Springs.
- J. The towing operator shall at all times be responsible for the conduct of its employees and shall be liable to the Borough of Laurel Springs and the owners of any motor vehicles towed or stored by the towing operator for any injuries, damages or costs incurred as a result of the conduct of said employees.
- K. All towing operators shall comply with all state and federal laws and regulations concerning the hiring of employees, their wages, hours and terms of employment.

- G. The Borough Clerk and each licensed towing operator shall have available at the municipal building and the principal place of business of the towing operator a copy of the fee guidelines established by the New Jersey Department of Insurance at N.J.A.C. 11:3-38.1 through N.J.A.C. 11:3-38.6 and shall make the same available to the public during normal business hours.

§ 253-10. Denial, revocation or suspension of license.

A license may be denied, suspended or revoked upon any of the following grounds after an appropriate hearing in accordance with the terms of this chapter:

- A. Submitting a fraudulent or misleading application.
- B. A criminal conviction of the towing operator or a named principal of the towing operator.
- C. Failure to respond reliably and promptly to calls for assistance or any other action which interferes with the proper operation of the rotating system maintained by the Police Department.
- D. Violations of motor vehicle laws and/or municipal ordinances.
- E. Failure or refusal to tow or remove a motor vehicle when requested to do so by an appropriate municipal official.
- F. Violations of Chapter 270, Zoning, Chapter 193, Property Maintenance, or any other applicable ordinances or codes of the Borough of Laurel Springs pertaining to the use or condition of the premises used by the licensee in conducting the towing business.
- G. Violation of the provisions of this chapter or any of its rules or regulations.

§ 253-11. Hearings.

- A. Proceedings for the suspension or revocation of a license shall be initiated by the service of a notice of charges filed against the licensee. Said notice shall be served by the Chief of Police or his designee, either personally or via 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 Borough of Laurel Springs. 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.
- B. When an application for a license is denied by the Borough of Laurel Springs, 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 Borough Clerk, and 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 scheduled.