BOROUGH OF SPRING LAKE
COUNTY OF MONMOUTH

ORDINANCE NO. 2014-001

AN ORDINANCE AMENDING AND SUPPLEMENTING PART II, "GENERAL LEGISLATION," CHAPTER 345 "TOWERS AND WRECKERS", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SPRING LAKE, NEW JERSEY

NOW, THEREFORE, BE IT HEREBY ORDAINED, by the Mayor and Borough Council of the Borough of Spring Lake, in the County of Monmouth and State of New Jersey, that Part II, "General Legislation", that Chapter 345, "Towers and Wreckers", is hereby amended and shall read as follows:

3-22 TOWERS AND WRECKERS.

345-1 Rotating List of Towing Contractors Established.

There is hereby established a rotating list of towing and storage contractors authorized to provide vehicle towing and storage services required by the Borough of Spring Lake. The Chief of Police shall be responsible for the administration of the rotating list. Nothing in these rules and regulations shall be construed so as to prevent any owner or operator from selecting his own towing service from the approved rotational towers list.

345-2 Definitions.

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

Basic towing services shall mean the removal and transportation of a vehicle from a highway, street or other public or private road, parking area or from a storage facility. This chapter and the definitions herein shall not include the recovery of a vehicle from a position beyond the public right-of-way or berm or from being impaled upon any other object outside of the public right-of-way or berm.

Classification of towing services shall mean:

a. *Light-Duty.*

1. Commercially manufactured chassis with a rated capacity of less than ten thousand (10,000) pounds GVWR.
2. Commercially manufactured lifting apparatus with a minimum capacity of four (4) tons.
3. Dual rear wheels.
4. Universal tow sling or wheel lift with system safety chains.
5. Steering wheel lock.
6. One (1) snatch block with a three-ton rating.
7. Dolly equipped.
8. Proper safety lights.
9. Amber rotation emergency flashing light.

10. Two (2) floodlights to the rear of the vehicle.
11. One (1) motorcycle sling.
12. Large broom and shovel.

b. *Heavy-Duty:*

1. Commercially manufactured chassis with a rated capacity of not less than thirty-two thousand nine hundred (32,900) pounds GVWR.
2. Commercially manufactured lifting apparatus with a minimum capacity of twenty-five (25) tons.
3. Two (2) snatch blocks with a twelve-ton rating.
4. Air brake hookup lines.
5. Tow sling/tow bar or wheel lift with System 7 safety chains.
6. Proper safety lights.
7. Amber rotation emergency flashing light.
8. Two (2) floodlights to the rear of the vehicle.
9. Steering wheel lock.

c. *Car Carrier; Flatbed.*

1. Commercially manufactured chassis with a rated capacity of not less than ten thousand (10,000) pounds GVWR.
2. One (1) hydraulically powered winch with a pulling capacity of not less than four (4) tons.
3. Fifty (50) feet of three eighths (3/8) inch cable.
4. Seventeen (17) feet or longer hydraulically operated slide-back or tilt bed.
5. One (1) snatch block four-ton capacity.
6. Tie down chains.
7. Proper safety lights.
8. Amber rotation emergency flashing lights.

Disabled vehicle shall mean a vehicle which has been abandoned, impounded or rendered inoperable as a result of a mechanical failure, involvement in an accident or criminal activity. A vehicle, the location of which constitutes a hazard to the motoring public, shall be deemed disabled for the purposes of this section.

Impoundment shall mean the act of storing and confining a vehicle upon an order of the Police Department at either the towing operator's storage area or at a Borough facility as a result of abandonment, involvement in an accident or suspected criminal activity.

Inside building storage facility shall mean a vehicle storage facility that is completely indoors, having one (1) or more openings or storage bins in the walls for the storage of vehicles, and that is secured by a locking device on each bin or opening.

Outside secured storage facility shall mean a vehicle storage facility that is not completely indoors and that is secured by a fence, wall or other man-made barrier that is at least six (6) feet in height and is protected with an on-site security or alarm system. Outside storage facilities shall also maintain adequate lighting to protect stored vehicles from vandalism. The amount of spaces is twenty (20) cars.

Outside unsecured storage facility. Not permitted.

Owner shall mean a person, firm, corporation or partnership that owns and/or operates a vehicle on the roads and highways within the Borough of Spring Lake, which vehicle, by reason of being disabled or abandoned on the roads and highways of the Borough, requires towing and/or storage.

Tow operator shall mean a person, firm, corporation or partnership engaged in the business of providing towing, road and storage services for vehicles.

345-3 Towing and Storage Services Required.

a. *Towing.* Towing services shall be available and provided on a seven-day-per-week twenty-four-hour-per-day basis for the entire geographic area of the Borough of Spring Lake. The contractors on the rotating list must be able to respond to any tow scene within twenty (20) minutes of the Borough's request.

b. The contractor shall be responsible for the cleanup of debris in accordance with N.J.S.A. 39:4-56.8, with the exception of chemicals, medical or hazardous waste materials.

c. *Storage.* Storage shall be provided for all vehicles towed until claimed by the vehicle owner or disposed of in accordance with applicable law. The contractor shall provide adequate land area sufficient to store twenty (20) vehicles. Each storage area must be enclosed by a security fence. In addition, inside garage area space for at least one (1) vehicle must be available. All storage facilities must be within a radius of ~~one mile~~ **five (5) miles** of Spring Lake Police Headquarters.

345-4 Police Impounds.

Motor vehicles, which are stolen, abandoned, involved in a crime or involved in fatal accidents or accidents which, in the judgment of the police, may become fatal shall be considered police impounds. Police impounds shall be towed to either the towing operator's storage area or a location designated by the police.

345-5 Equipment Required.

a. All contractors on the rotating list shall provide and maintain the following minimum equipment:

   1. One (1) wrecker, sufficient to tow vehicles: minimum four (4) tons.

   2. The name, address and telephone number of the contractor painted or permanently attached to both sides of the tow vehicle in compliance with State law.

3. Towing vehicles equipped with brooms, shovels, speedy dry and other street-sweeping equipment for the purpose of cleaning debris off the roadway.

4. A storage facility, which can accommodate twenty (20) medium-sized vehicles. The storage shall be lighted, fenced and/or secured in order to guarantee the safe storage of all vehicles in accordance with the minimum requirements for indoor and outdoor and secured storage facilities as aforementioned in this section.

b. All equipment must meet applicable state standards and shall be subject to periodic inspection by the Borough.

345-6 Eligibility for Rotating List.

It shall be the responsibility of the Borough of Spring Lake with the advice of the Chief of Police or his designee 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 Borough roads when he determines that the following requirements have been met by the applicant. On forms prepared by the Borough and provided by the Police Chief or his designee, all towing operators shall submit written documentation that they are in compliance with the qualification requirements set forth below:

a. The fee for the license issued under this section shall be one hundred ($100.00) dollars, paid on receipt of said license from the Borough Clerk. The license shall remain valid from January 1 to December 31 of each year. It may be renewed annually by the operator paying a fee of one hundred ($100.00) dollars, provided that the operator continues to comply with all the terms and conditions of this section. Applications received and approved prior to April 30 will be added to tow list effective July 1. Applications received and approved prior to October 31 will be added to tow list effective January 1.

b. By making the application to be utilized as a tower or wrecker by the Police Department and by accepting such employment, the person or firm agrees to:

1. Provide a prompt response to each call.

2. Clean all debris at the accident site emanating from the accident.

3. Provide the Police Department with the following information on vehicles unclaimed over fifteen (15) days:

   (a) The year, make, color and vehicle identification number (VIN).

   (b) The owner's name and address.

   (c) A copy of the certified letter advising the owner of the vehicle's whereabouts.

   (d) A photograph of the vehicle.

4. Maintain a record in a bound volume of all towing and wrecking jobs handled, the name of the owner or operator involved, the charge made for the service, the date and amount of payment and the location towed from.

5. Comply with all other terms and conditions of this section.

c. In addition to meeting all other criteria of this section and in order to be eligible for placement upon the rotating list of authorized towers, the contractor shall supply a certificate of liability insurance by a company licensed to do business in the State of New Jersey, certifying that the contractor maintains workers' compensation and garage liability insurance of not less than one million ($1,000,000.00) dollars combined single limit and garage keepers' liability of not less than one hundred thousand ($100,000.00) dollars per vehicle, said garage keepers' legal liability insurance policy to further provide for fire, theft and explosion. All public liability insurance, including garage liability and garage keepers' legal liability coverage, shall name the Borough of Spring Lake, its officers, agents and employees as additional insurers on the policy, shall hold them harmless, indemnify them from any and all claims filed against the Borough arising out of any act or failure to act on behalf of the contractor and shall contain an endorsement providing thirty (30) days notice to the Borough in the event of any material changes of the policy or cancellation thereof. Those contractors meeting the eligibility requirements shall be approved and added to the rotating list by resolution of the Borough Council, upon advice of the Chief of Police.

345-7 Rates and Charges for Passenger Vehicles, Motorcycles, All Terrain Vehicles and Mopeds.

Rates and charges for passenger vehicles, motorcycles, all terrain vehicles and mopeds shall be as follows:

a. *Maximum Basic Towing Charges.*

1. Days. (6:00 a.m.–6:00 p.m.)

(a) One hundred ($100.00) dollars.

2. Nights, (6:00 p.m.–6:00 a.m.) weekends and New Jersey State holidays:

(a) One hundred ($100.00) dollars.

b. *Maximum Storage Fee Charges.*

1. Outside storage in a secured facility: Twenty-five ($25.00) dollars per day.

345-8 Rates and Charges for Trucks and Omnibuses with Gross Weight of One and One-Half (1 1/2) Tons or More.

a. *Maximum Towing Charges.*

1. First mile or less: One hundred fifty ($150.00) dollars.

b. *Maximum Storage Fee Charges.*

1. Outside: Thirty-five (35.00) dollars per day.

c. *Road Repair Services.* The above fee shall be exclusive of any other repair service costs provided by the towing operator, including but not limited to such activities as repairing flat tires or installing new and/or spare parts in a disabled vehicle. The towing operator shall be permitted to charge an additional fee based on the towers prevailing hourly labor rates and rates for parts or materials. Wherever applicable, it shall be the responsibility of the towing operator to first inform the owner of the

vehicle of the hourly labor rates and the estimated total cost for parts and/or materials prior to the performance of the road repair services.

d. *Heavy-Duty Wreckers.* The maximum fee permitted for heavy-duty towing services shall not exceed one hundred seventy-five ($175.00) dollars per hour at any time or on any day.

e. *Recovery.* The maximum fee permitted for the recovery of vehicles of ten thousand (10,000) pounds and up shall not exceed two hundred ($200.00) dollars per hour, which rates include operator and vehicle.

f. *Flatbeds.* No additional fee shall be charged for the flatbed towing of passenger vehicles, motorcycles, all terrain vehicles and mopeds unless a request is made by the police or the owner of the vehicle for flatbed towing. The maximum fee to be charged for flatbed towing is One hundred ($100.00) dollars

g. *Other Expenses.* Charges for other basic towing service will be at the rate of one hundred ($100.00) dollars per hour in fifteen (15) minute intervals of twenty-five ($25.00) dollars per fifteen (15) minute interval.

Cleanup services: a single flat fee of twenty-five ($25.00) dollars. Plus ten ($10.00) dollars per bag of Speedy dry absorbent

345-9 Towing Information Supplied to Borough.

a. The contractor shall provide to the Borough the following information concerning vehicles and employees.

1. The year, make, model, vehicle identification number, type of vehicle, registration number and proof of insurance.
2. The full name and address of all employees and license numbers.
3. The addresses where the contractor shall be regularly based telephone numbers available on a twenty-four-hour-per-day basis and the names of all operators, their addresses and the serial numbers of their New Jersey motor vehicle licenses.
4. Certification of approved emergency warning lights.

b. *Information; Fingerprinting.*

1. The contractor shall submit to the Borough of Spring Lake Police Department the following information on vehicles unclaimed over fifteen (15) days:
   (a) The year, make, model, color and vehicle identification numbers.
   (b) The owner's name and address.
   (c) A copy of a certified letter advising the owner of the vehicle's location and circumstances surrounding the same.
   (d) A photograph of the vehicle.
   (e) The mileage of the vehicle.
2. The contractor shall submit to fingerprinting for the purposes of obtaining criminal history information on the applicant from Federal and State records.

c. The contractor shall provide the Borough of Spring Lake with records of all towed vehicles, storage and towing charges upon request.

345-10 General Provisions.

a. The hours of 8:00 a.m. until 4:30 p.m. shall apply to the day rate on Monday through Friday, except New Jersey State holidays. The night, weekend and holiday rate shall otherwise apply.

b. The contractor shall charge the motor vehicle owner/operator or insurance company directly for all services provided.

c. The contractor may charge an hourly rate for standby time incurred for winching, up righting, excessive cleanup and other circumstances which fall outside the scope of services classified as normal in subsections 345-6 and 345-7 at the prevailing/ established rate.

d. In times of emergencies and/or natural disasters, the Borough of Spring Lake reserves the right to contract other towing service operators who may not be on the rotation list.

e. The owner of a vehicle involved in an accident shall have the right, if he/she so desires, to designate a tow operator of his/her choice. The owner's tower must be on the approved rotational towers list.

f. 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 services or removal of abandoned or accident vehicles which such employees find it necessary to turn around, back up, tow in the opposite direction of traffic or cross the median.

g. Towing operators shall not permit a vehicle to be removed from the scene of a vehicular accident, the scene of a crime or any other instance or situation without the prior approval and permission of a police officer and/or superior at the scene.

h. If a tower responds to a call and the vehicle owner uses their own tower, responder will be put back on top of call list.

i. In the event that the towing operator fails to respond within twenty (20) minutes from the time of the call, the Police Department reserves the right to contact the next available towing operator on the rotational list.

j. In no instance shall the towing operator request payment from the Borough of Spring Lake for any services rendered to the owners of private vehicles.

k. It shall be the responsibility of all towing operators to provide all motorists utilizing the towing operator's services with a written schedule of fees which lists all fees to be charged for towing, storage, and road services within the Borough of Spring Lake. Said schedule shall be printed on the business card or towing receipt of the towing contractor. Towing operators shall not exceed the maximum charges set forth in the fee schedule for towing and the storage of vehicles regulated under the provisions of this section.

l. The towing and storage fees and fee schedules of all towing operators serving the Borough on a rotational basis shall be filed with the Chief of Police and the

Borough Clerk and shall be made available to all citizens upon request. The fee schedule shall be available at the Municipal Building located at 423 Warren Avenue, Spring Lake, Monday through Friday, except holidays, between the hours of 8:30 a.m. and 3:30 p.m.

m. No towing contractor that receives a call pursuant to the rotational list shall be permitted to substitute another towing contractor without approval of the Police Department.

n. During any week in which a towing contractor is the designated tower on the rotational list, the towing contractor must maintain Saturday office hours between the hours of 8:00 a.m. and 12:00 p.m. for customer pickup of vehicles and retrieval of personal property.

o. During any time in which a towing contractor is on call, the towing contractor shall maintain a direct telephone access to permit direct contact with the towing operator and the use of answering machines or answering services by the towing operator shall be prohibited.

345-11 Supervision of Tow Operator Services.

a. The Chief of Police is hereby authorized to establish reasonable rules and regulations for the supervision, inspection and same operation of tow trucks, wreckers and other related vehicles and equipment in accordance with the standards outlined in this section. The Chief shall maintain due vigilance over all towing operators to make certain that the tow trucks and other related vehicles and equipment are maintained in a safe working condition for transporting and hauling disabled vehicles. The Chief or his designated representative shall have the right at all times to inspect all tow vehicles and related equipment which perform services pursuant to this section.

b. At any time, should the Chief or his designee determine that the vehicles and/or equipment being used are unsafe, he shall have power and authority to direct that 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. The Chief of Police is authorized and empowered to establish and transmit from time to time to all tow operators on the rotational list, such additional rules and regulations not inconsistent with these provisions of this section as may be reasonable and necessary in carrying out the provisions of this section.

345-12 Suspension and Removal for Noncompliance.

a. The Chief of Police shall have the power to suspend a towing operator from the rotational duty service list for a period of up to thirty (30) calendar days for failure to comply with any subsection of this section. A subsequent violation may result in the permanent removal of a towing operator from the rotational duty service list for a twelve month period. A towing operator may appeal the Chief's ruling of either a suspension or a permanent removal. In such cases, an appeal may be filed with the Borough Clerk within ten (10) business days of the Chief's decision. A hearing may be held by the Borough of Spring Lake Council within thirty (30)

business days of the filing. The Borough of Spring Lake Council shall render its determination within twenty (20) business days following the conclusion of the hearing. The Governing Body's determination as rendered shall be final and conclusive under this section.

b. In addition, failure to comply with the Borough's zoning, land use and property maintenance codes may subject any operator to suspension from the rotational duty service list upon request to the Chief of Police from the Borough's Construction Code Official/Zoning Officer and/or Property Maintenance Officer. Any towing operator suspended from the rotational duty service list for any violation of the Borough's zoning, land use and development and/or property maintenance codes shall have the right to due process and appeal as set forth in paragraph a. above.

c. Any complaints or disputes arising from the towing and storage of motor vehicles without the consent of owner shall be made in writing by the owner and forwarding same to the Chief of Police. Said owner shall have the right to due process and appeal as set forth in paragraph a. above.

345-13 Violation and Penalties.

Any person, firm or corporation who willfully violates any of the provisions of this section, shall, upon conviction, be subject to a fine not exceeding one thousand two hundred fifty ($1,250.00) dollars or to imprisonment for a term not exceeding ninety (90) days, or both. Each and every violation of this section or each and every day that any violation shall be permitted to continue shall be construed as a separate and distinct violation hereof. The Police Department is specifically designated as the enforcement officers to serve and execute process for violation of this chapter.

INTRODUCED: January 23, 2014

ADOPTED: April 8, 2014

APPROVED: Jennifer Naughton
JENNIFER NAUGTHON, Mayor

Attest:

Jane L. Gillespie
JANE L. GILLESPIE, Borough Clerk