

**Township of Shrewsbury
Ordinance #2018-05**

**ORDINANCE AMENDING ALL PRIOR ORDINANCES REGULATING TOWING OF
VEHICLES FROM SHREWSBURY TOWNSHIP AND SHALL BE ENTITLED UNDER THIS
ORDINANCE "TOWING ORDINANCE OF SHREWSBURY TOWNSHIP"**

WHEREAS, the Township of Shrewsbury may make, amend, repeal and enforce such Ordinances, Regulations, Rules and Bylaws not contrary to the Laws of the State of New Jersey or the United States as it may deem necessary and proper for the good government, order and protection of the persons, properties and for the preservation, public health, safety and welfare of the Township of Shrewsbury and its inhabitants as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township of Shrewsbury, County of Monmouth and State of New Jersey, pursuant to N.J.S.A. 40:48-2; and

WHEREAS, certain provisions are necessary to establish enforcement of the regulations and standards of towing in the Township of Shrewsbury; and

WHEREAS, this Ordinance shall amend, repeal and replace the prior Ordinance dealing with towing adopted June 22, 1993 and all prior Ordinances dealing with towing.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of Shrewsbury that the following regulations and standards shall exist concerning towing as follows:

Section 1. Purpose.

The purpose of this Ordinance is to establish a rotating towing contractor list to be utilized by the Township of Shrewsbury regarding wrecked, abandoned, impounded or similar vehicles, and to regulate the towing and storage of motor vehicles, which result from Township calls for assistance, and to establish a towing and storage fee schedule and to regulate the governing operators engaged in the removal of motor vehicles from Shrewsbury Township pursuant to N.J.S.A. 40:48-2.54.

Section 2. Definitions.

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

Basic Towing Service shall mean 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 a position beyond the right-of-way or berm, or from being impaled upon any other object within the right-of-way or berm.

Storage Facility shall mean a storage area or lot owned and/or operated by a Towing Contractor or the Township of Shrewsbury.

Towing Operator shall mean a person, firm or corporation engaged in the business of providing wrecking services which are made available to the general public upon such rates, charges, fees as are determined by this Ordinance and applied for and are listed on the tow list of the Township.

Tow Lists shall mean a list of towing and storage contractors maintained by the Township of Shrewsbury and/or the New Jersey State Police containing the names

and addresses of the towing and storage contractors who will be called on a rotating basis when it is determined that the assistance of such services are required within the Township.

Tow Vehicle shall mean only those vehicles equipped with a broom or brooms, winches, slings, tilt beds, wheel lifts or under-reach equipment specifically designed by its manufacturer for the removal or transport of private passenger automobiles. Tow vehicles shall include wreckers.

Section 3. Enforcement.

The Code Enforcement Officer or the New Jersey State Police or assigned designee are hereby authorized to enforce the provisions set forth in this Ordinance.

Section 4. Establishment of Tow List.

Shrewsbury Township and/or the New Jersey State Police or other assigned designee shall establish a list of towing contractors designated to provide towing and storage services required by the Township of Shrewsbury. Any towing and storage operators qualifying pursuant to this Ordinance shall be included on the list and those on the list shall be called on a rotating basis to provide the required towing and storage services. Nothing contained herein shall prevent Code Enforcement Officer or New Jersey State Police or other designee assigned or selected by Shrewsbury Township from requesting additional towing service from others, if, in the judgement of such person, the size, nature or scope of the accident or crime conditions or the performance of the called towing service requires that assistance be rendered.

Section 5. Application.

All towing and storage operators desiring to be included on the tow list shall file an application with the Clerk of the Township of Shrewsbury, and said application shall be reviewed and approved by the Code Enforcement Officer and/or New Jersey State Police or other designee on a form to be approved by Shrewsbury Township. By filing such application, the applicant shall agree to the conditions set forth on the application, including compliance with all provisions of the Ordinance.

Section 6. Standards and Qualifications

The following are the minimum standards and qualifications required to be considered for inclusion on the tow list:

A. Accidents. The towing and storage operator must be prepared to promptly clear the roadway of any or all types of disabled vehicles. Where the vehicles are too large for the operator to remove from the scene, after clearing the roadway, the Code Enforcement Officer and/or New Jersey State Police or assigned designee will call for assistance from others.

B. Response Time.

(1) The towing and storage operator must meet the following response times:

(a) Day (7:00 a.m. to 5:00 p.m., seven days a week): 15 minutes

(b) Night (5:00 p.m. to 7:00 a.m., seven days a week): 20 minutes

(2) Response time determination is to be initiated when the Township call requesting towing is completed. When the designated Township person cannot reach the eligible operator on the list, that operator shall be deemed to have forfeited its position and the next succeeding operator on the list shall be called.

C. Performance Standards.

- (1) The towing and storage operator will meet the following response performance standards:
 - (a) Ninety percent of all calls referred will be answered (towing vehicle on scene) within the response time outlined above.
 - (b) Not more than ten percent of the calls will be answered within an additional 10 minutes (day or night).
 - (c) No response will be later than 25 minutes, whether day or night, with the exception of large vehicle service requirements.
- (2) The performance standard will be reviewed periodically. Where the towing and storage operator performance record is found to be unsatisfactory, it will be removed from the tow list for at least 6 months and until it shall provides satisfactory evidence to the Township of Shrewsbury that it has undertaken effective steps and implemented such procedures as are necessary to meet the foregoing performance standards.
- (3) When an application of an operator to be placed on the tow list or when an operator is removed from the tow list, he may request a hearing before the governing body by filing a Notice with the township Clerk. Said hearing shall be held no less than 7 days nor more than 30 days from the receipt of the Notice. At the hearing, the Code Enforcement Officer or New Jersey State Police or assigned designee will present the reasons for his or her actions and the operator, who must apply in person, with or without legal counsel, and give his/her testimony regarding any facts he/she finds in dispute. The governing body will then render its decision by way of Resolution setting forth the facts supporting its decision.

D. Equipment Specifications.

- (1) The towing and storage operator must have specialized towing equipment in good repair, which meets the following specifications:
 - (a) Tow vehicle. The towing service must have available two professionally constructed tow vehicles, one of which being a flatbed type tow vehicle capable of removing damaged vehicles or those, which by design, cannot be removed by conventional wreckers without sustaining additional damage. Operators approved under this Ordinance may arrange to cover for each other in emergent times. All towing vehicles used in performance of the contract must meet the standards specified by the State of New Jersey Motor Vehicle codes and this specification in all respects. Each applicant is required to list all equipment/vehicles to be used including registered name, type and license number of each.
 - (b) Safety equipment. Each vehicle shall have a beacon and warning lights, tow vehicle illumination and stop lights and portable fire extinguisher.
 - (c) Cleanup equipment. All tow vehicles must carry road cleanup equipment and supplies such as brooms, speedy-dri or sand, containers and shovel.
- (2) The towing service is responsible for the prompt and safe removal of the disabled vehicles and for the prompt and complete removal of all litter and debris resulting from the accident.

E. Registered Towing Personnel. The towing and storage operator must register all personnel who are authorized by the firm to provide towing and storage services for the firm This registration must include for each person:

- (1) Name, residence and telephone number.
- (2) New Jersey Driver's License number and expiration date.
- (3) Social Security Number.

- (4) Signed statement by each such person setting forth their understanding that a background check will be performed by the State Police, the results of which will be used by the Township in determining the eligibility of the towing and storage operator for inclusion on the tow list.
 - (5) The list will be updated by the towing and storage operator as necessary to ensure that it remains current.
- F. **Disable Vehicle Storage.** The towing service must operate a suitable, fenced and secure area in an area zoned for such use. The lot must be able to store at least nine full-size vehicles. Said storage yard must be within a five-mile radius of the Township of Shrewsbury. Upon request, authorized personnel of the Code Enforcement Department or State Police or assigned designee shall be able to have access to vehicles 24 hours per day within the storage area.
- G. **Insurance and Indemnification.**
- (1) **Insurance.** The towing and storage operator shall maintain the following minimum insurance coverage.
 - (a) Automobile liability in an amount not less than \$1,000,000.00 combined single limits.
 - (b) Worker's compensation as required by statute.
 - (c) Garage keeper's liability in an amount not less than \$60,000.00 per location.
 - (d) Garage liability in an amount not less than \$1,000,000.00 combined single limit.
 - (e) Policies endorsed by provide collision coverage for vehicles in tow.
 - (2) **Certificate of Insurance.** At time of application, the towing and storage operator shall present a certificate of insurance evidencing the above coverage by an insurance company licensed to do business in the State of New Jersey. Included on such certificate shall be a statement that the insurance company or agent will notify the Clerk of Shrewsbury Township immediately of any changes.
 - (3) **Indemnification.** By virtue of making application to be included on the tow list, the applicant will be deemed to agree to indemnify and hold the Township of Shrewsbury, its officers and employees harmless from any liability, expense or costs of suit, including reasonable attorney's fees, arising out of or resulting from any action of the applicant in performing towing and storage services in the Township of Shrewsbury. The garage liability and automobile liability policies shall name the Township of Shrewsbury as an additional insured.

Section 7. Towing and Storage Fees.

- A. No towing and storage operator shall charge fees in excess of those set forth below:
 - (1) **Basic towing services:**
 - (a) Day rate: \$90.00 plus \$1.75 per mile.
 - (b) Evenings, weekends and holidays: \$75.00 plus \$1.75 per mile
 - (c) Flatbed (to be used only when necessary or requested by Township): \$105.00 plus \$1.75 per mile.
 - (d) Towing elsewhere: As agreed in writing with owner prior to tow.
 - (2) **Storage**
 - (a) Inside building: \$30.00 per day.
 - (b) Outside secured: \$25.00 per day.
 - (c) Unsecured: \$20.00 per day.

(3) Additional services. If additional services are required, the towing and storage operator shall quote the vehicle owner or his authorize agent directly.

B. No release fees may be charged for the release of vehicles after normal business hours.

Section 8. Arrangements by Person Responsible for Automobile.

Nothing contained in this Ordinance shall prevent a person responsible for an automobile disabled upon the public streets or highways within the Township of Shrewsbury to arrange for the prompt removal of the vehicle from the scene of an accident or disablement by wrecking or towing services of his/or own selection. This person responsible will be advised of the ability to select such towing service or storage facility at the required time of removal, providing such person is present, fully conscious and capable of taking prompt action. If the responsible person is not capable of taking prompt action, the police office at the scene in charge will contact the towing operating on call for that rotation and direct the vehicle be removed to the Township's vehicle storage facility, if any, or to the operator's storage facility.

Section 9. Removal from Tow List.

In the event that a person or entity shall fail to perform satisfactorily or performs in violation of this Ordinance, the Code Enforcement Officer or State Police or assigned designee may immediately remove such person or entity from the tow list. As soon as practical after such removal, the Code Enforcement Officer or State Police or assigned designee shall cause written notice of such removal to be given to the person or entity removed. The notice shall set forth the reason(s) for such removal. The person or entity removed shall have the right to submit, in writing, such rebuttal as deemed appropriate and an explanation of the steps being implemented to correct any deficiencies. After review of such response, the Code Enforcement Officer or State Police or assigned designee may continue the removal from the list, return the person or entity to the list either immediately for after a specified period of time.

Section 10. Availability of Towing and Storage Fees.

- A. The Township Clerk shall maintain copies of this Ordinance as well as copies of all fee schedules of towing and storage operators submitted to the Township pursuant to Section 7 of this Ordinance and the fee schedule shall be available for inspection by the public during regular business hours of the Township.
- B. The operator shall, at his own expense, prepare on three-inch-by-five-inch cards, the following information which shall be given, if possible to the person responsible for the vehicle being towed: the name, address and telephone number of the towing operator, its hours of operation for the public, the rates for towing and storage services and acceptable methods of payment, which must be no less than cash, certified check money order and one major credit card.

All Ordinances or parts of Ordinances of the Township of Shrewsbury in conflict or inconsistent with this Ordinance are hereby repealed, but only, however, to the extent of such conflict or inconsistencies; it being the legislative intent that all other Ordinances or parts of Ordinances now existing and in effect, unless the same be in conflict or inconsistent with any of the provisions of this Ordinance, shall remain in full force and effect.

The above Ordinance shall be effective upon publication in accordance with the law and subject to approvals, if necessary.

LESTER J. JENNINGS, Township Committeeperson introduced the aforesaid Ordinance and EDWARD P. NOLAN, Township Committeeperson Seconded said Ordinance for introduction.

ROLL CALL

Affirmative: JENNINGS, PUHAK, AND NOLAN.

Negative: NONE

Abstain: NONE

Absent: NONE

EDWARD P. NOLAN, Township Committeeperson, moved the aforesaid Ordinance for second reading for Public Hearing and upon closure of said Public Hearing moved for its final reading and adoption, seconded by LESTER J. JENNINGS, Township Committeeperson.

ROLL CALL

Affirmative: JENNINGS, PUHAK, AND NOLAN.

Negative: NONE

Abstain: NONE

Absent: NONE

DATE INTRODUCED: September 11, 2018

DATE ADOPTED: September 25, 2018

EDWARD NOLAN, Mayor

ATTEST:

TERI GIERCYK, RMC
Municipal Clerk