

TOWNSHIP OF PEQUANNOCK

ORDINANCE NO. 2023-04

AN ORDINANCE TO AMEND CHAPTER 352 OF THE CODE OF THE TOWNSHIP OF PEQUANNOCK AND REVISING THE LICENSE REQUIREMENTS FOR WRECKERS

BE IT ORDAINED by the Township Council of the Township of Pequannock, in the County of Morris, and State of New Jersey, as follows:

Section 1. Chapter 352, "Wreckers," of the Code of the Township of Pequannock, s amended to read in its entirety as follows:

§ 352-1 Short Title.

This chapter shall be known and may be called as the "Township of Pequannock Wrecker Ordinance."

§ 352-2 Definitions.

Whenever used in this chapter, unless a different meaning clearly appears from the context, the following terms shall have the meanings indicated:

Cruising The driving of a wrecker along any Township Street for the purpose of soliciting business in the Township.

Owned shall include owned, rented or leased.

Person Any individual, sole proprietorship, firm, partnership, association, corporation or other organization, and the singular or plural, masculine, feminine or neuter thereof, unless the contrary is clearly expressed.

Wrecker A vehicle used for the purpose of towing, transporting or otherwise removing any and all kinds of vehicles which are disabled.

§ 352-3 License required to participate in police towing rotation.

- A. No person, firm or corporation shall participate in the police towing rotation within the Township without first obtaining the necessary license as hereinafter provided from the Clerk of the Township.
- B. The prescribed application for the license to participate in the police towing rotation will be available from the Office of the Township Clerk. Application for the license, and all supporting documentation, shall be due annually to the Office of the Township Clerk, no later than November 15 or the first business day thereafter.
- C. Number of licenses to participate in the police towing rotation. The number of licenses to be issued annually shall be no greater than four. In the event there are more than four qualified applicants for the towing rotation the Township Clerk will conduct a random selection process with the first four names drawn being presented to the Council for award of license.
- D. The license to participate in the police towing rotation will be awarded by resolution of the Township Council.

§ 352-4 Expiration of licenses.

All licenses issued under this chapter shall be issued to expire and shall expire on the 31st day of December next succeeding the date of issuance, unless sooner suspended or revoked by the Chief of Police as hereinafter provided.

§ 352-5 Fees; term of license; renewal.

- A. The fee for a license issued under this chapter shall be as provided in Chapter 152, Fees, paid on receipt of the license.
- B. The license shall remain valid from January 1 to December 31 of each year or part thereof.

§ 352-6 Application for wrecker license.

Applications for licenses issued hereunder shall be made by the completion of application forms available from the Township Clerk which shall include:

- A. The name, home address and proposed or actual business address of the applicant, and whether he is owner, lessee or bailee.
- B. Description of wrecker for which the license is desired, including year, make, model, type, serial number of body and motor capacity and the length of time for which the wrecker has been in use as a wrecker.
- C. Proof that the applicant has available space within the Township of Pequannock, or within a radius of five miles from the municipal building, for properly accommodating and protecting all disabled motor vehicles to be towed or otherwise removed from the place where they are disabled, and that the disabled vehicles will not be stored or allowed to remain on public property or Township-owned streets or on any property without the consent of the owner. If the designated space falls within the Township of Pequannock, the applicant shall be required to obtain and provide written confirmation from the Township Zoning Officer that the use of the proposed space for towing storage is permitted under the Township zoning regulations. If the designated space is outside of the Township of Pequannock, the applicant shall provide a map identifying the location of the space, a certification that it is within the five-mile radius of the municipal building (530 Newark-Pompton Turnpike, Pompton Plains, NJ 07444), and written documentation from the municipality in which the space is located that use for vehicle storage is permitted under that municipalities zoning regulations.
- D. Such other information which the Township Clerk or Police Chief shall deem necessary or proper to effectuate the purpose of this chapter and to determine whether there has been compliance with the terms thereof.

§ 352-7 Investigation of applicant.

Within seven days after receipt of an application as herein provided, the Chief of Police shall cause an investigation to be made of the applicant and of the proposed business operation to be licensed. Within 14 days after completion of the inspection and investigation, the Chief of Police shall issue a memo to the Township Council containing the Chief's recommendations concerning qualifications for licensure.

§ 352-8 Standards for approval.

The Chief of Police and Township Clerk shall make recommendations to the Township Council concerning whether or not the following requirements have been met:

- A. The wrecker to be licensed is in a thoroughly safe and sanitary condition.
- B. The requirements of this chapter and all other governing laws, statutes and ordinances have been met.
- C. The wrecker has been properly licensed and equipped in compliance with Title 39 of the New Jersey Revised Statutes (Motor Vehicle and Traffic Regulations). No wrecker shall be licensed as a wrecker which is using dealer license plates.
- D. The insurance policies or certificates of insurance as required herein have been procured and supplied.
- E. The wrecker to be approved, on inspection, meets the minimum standards for wreckers or tow trucks.

§ 352-9 Minimum standards for wreckers and tow trucks.

The following shall serve as minimum standards for wreckers:

- A. A wrecker shall be able to handle all makes of passenger cars and small trucks, such as pickup and small panel trucks up to 1 1/2 tons, and must have or be equipped with the following:
 - 1. All wreckers shall be minimum of 3/4 ton according to the manufacturer's specifications.
 - 2. A power takeoff-controlled winch with a minimum cable thickness of 3/8 inch or equivalent.
 - 3. Gross weight equal to the vehicles to be towed, with a minimum of 5,500 pounds.
 - 4. A three-fourths-inch safety chain. The lift chain and the safety chain are not to be attached in any form or manner to the same part of the wrecker.
 - 5. Front and rear flashing hazard lights.
 - 6. A 360° rotating amber beacon light mounted over the cab or approved light bar.
- B. All lights shall be of such candlepower in intensity as to be visible 1/4 mile away.
- C. All towing company drivers will carry their business cards and must give it to the owner/driver of the vehicle to be towed.
- D. All companies will have the company name, address and phone number permanently affixed (in letters and numbers, a minimum of three inches) on both sides of the wrecker prior to said wrecker being used on any Township rotation calls.
- E. The wrecker is equipped with a portable car dolly and sufficient equipment to clean up the debris on the roadway. The operator must clean away the accident debris at the scene.

§ 352-10 Insurance.

- A. No wrecker shall be licensed hereunder nor shall any licensed wrecker be operated within the Township unless there shall be deposited with the Township Clerk the following insurance policies or certificates of insurance:

1. Auto garage keeper's policy. Auto garage keeper's legal liability policy covering fire, theft, and explosion in the minimum amount of \$25,000 and collision coverage subject to \$100 deductible, with each accident deemed a separate claim.
 2. Garage liability policy. A garage liability policy covering the operation of the applicant's equipment or vehicles for any bodily injury or property damage. This policy shall be in the amount of \$100,000/\$300,000.
- B. Each policy required must contain an endorsement providing 10 days' notice to the Township in the event of any material change or cancellation for any cause.
 - C. In the event that the policy is changed so as to fail to conform to the above requirements, or if any policy of any approved wrecker is cancelled for any reason, the Township Clerk shall notify the person responsible for the policy within 10 days after the notice is received and before the date of cancellation. If the policy or certificate is not corrected, reinstated or replaced within the required time, the Township Clerk shall notify the Township Council which shall immediately suspend the wrecker license.
 - D. The Township of Pequannock must be named as an additional insured under the liability portion of the insurance coverage.
 - E. Indemnification and liability.
 1. The licensee shall indemnify and hold harmless the Township for liability from any and all obligations, liabilities, judgments, claims and demands for personal injuries, including wrongful death, as well as all claims for damages to property which may arise out of this agreement and the work performed hereunder, provided that the same results from the negligent actions or omissions of the licensee.
 2. The licensee further agrees to save and hold harmless the Township and to defend at its own cost and expense any such claims or lawsuits instituted by third parties against the Township, provided that the same results from the negligent actions or omissions of the licensee.

§ 352-11 Identification card.

The Chief of Police shall issue to the person owning an approved wrecker a card, in such form as may be set by the Chief of Police, which shall be at all times displayed on the passenger side of the rear window of each wrecker. The card shall bear the name of the owner, rate of charges, and a notice that in case of any complaint, the complainant may notify the Chief of Police, giving the license number of the wrecker. The card shall also have the signature of the Chief of Police and the date of inspection of the wrecker.

§ 352-12 Powers and duties of Chief of Police.

- A. The Chief of Police is hereby authorized to establish reasonable rules and regulations for the inspection and operation of wreckers and for the design, construction, maintenance and conditions for the safe conduct of a wrecker service business, in accordance with the standards outlined in this chapter. The Police Department shall maintain due vigilance over all wreckers to see that they are kept in a safe condition for transporting and hauling disabled vehicles and shall have the right at all times to inspect all licensed wreckers.

- B. If at any time the Chief of Police shall find the equipment inadequate or unsafe, he shall have the power to demand immediate correction, and if not corrected to the satisfaction of the Chief, he shall refer the matter to the Township Council which shall have the authority to revoke or suspend the license and schedule a hearing depending upon the nature and the circumstances of the violation. The Chief of Police is also hereby authorized and empowered to establish from time to time such additional rules and regulations, not inconsistent herewith, as may be reasonable and necessary in carrying out the provisions of this chapter.
- C. The Chief of Police shall keep a record of names of all persons owning or operating wreckers approved under this regulation, together with the license number and description of the wreckers and the date and complete record of inspection made of them.

§ 352-13 Service rates.

- A. The fee schedule for basic automobile towing services pursuant to N.J.S.A. 40:48-2.49 is provided in Chapter 152, Fees.
- B. The fee schedule for services for all types of vehicles pursuant to N.J.S.A. 40:48-2.49 (twenty-four-hour day) is provided in Chapter 152, Fees.

§ 352-14 Conditions for issuing wrecker license; conduct of owners and operators.

A wrecker license hereunder shall be issued subject to the following conditions:

- A. No person owning or operating a wrecker shall engage in cruising.
- B. No person shall solicit, demand or receive from any person any commission or fee except the proper fee for transporting the disabled vehicle in accordance with § 352-13.
- C. No person shall solicit or attempt to divert prospective patrons of another wrecker nor shall he solicit or divert prospective patrons of a given garage in the Township to another garage.
- D. No person shall pay any gratuity, tip, or emolument to any third person not involved in the accident or to any police officer for any information as to the location of any accident or for soliciting the employment of the operator's services, nor give any gratuities, fees or other compensation or gifts to any members of the Police Department.
- E. No wrecker which happens to be passing by is permitted to solicit business from any of the drivers involved in the accident. Any wrecker at the scene may be used by the investigator to clear the scene if traffic conditions preclude waiting for the authorized wrecker; however, this may not authorize them to tow the vehicles from the scene.
- F. Wreckers shall respond within 15 to 20 minutes under normal conditions.
- G. The owner or operator shall clean all debris at the scene emanating from the accident.
- H. The owner or operator shall maintain a ledger of all towing or wrecking jobs handled, the name of the owner or operator, if known, the charges made for the service and the date and amount of payment.

§ 352-15 Scope.

Except as to the prohibition against cruising which shall apply to any wrecker, the provisions of this chapter are applicable to the engaging of wreckers by the Police Department of the Township of Pequannock.

§ 352-16 Right of owner to choose wrecker.

Nothing in this chapter shall prevent the owner, agent or lessee of a vehicle which is disabled from calling a wrecker of his choice to remove his vehicle.

§ 352-17 Power of Police Department to require removal of vehicles.

The Police Department shall have the power to require wreckers to remove vehicles where:

- A. There is obstruction of public right-of-way or private property.
- B. A vehicle has been vandalized or presents a fire or safety hazard or an attractive nuisance.
- C. An abandoned vehicle bears no discernible registration or identification data.
- D. An abandoned vehicle is not licensed or operable.
- E. A vehicle is violating any emergency no-parking provisions.
- F. Any other condition where permitted or required by law.

§ 352-18 Rotating call list.

- A. A licensee performing towing service for the Township of Pequannock or called by a police officer shall perform on a rotating basis. No licensee shall subcontract with another licensee for covering the licensee's assigned towing responsibilities. When a licensee is unable to provide towing service, in the case of a disabled wrecker or a second call, the next licensee shall be given the assignment, and so on. When possible, a second call shall be given to the next licensee in rotation. When the owner or driver of a disabled vehicle indicates a choice of a specific licensee, that licensee shall be called and no wrecker shall be assigned from the rotating list. No licensee shall respond to the scene of an accident except upon notification by the police officer in charge in police headquarters or upon request of the driver or owner of a disabled vehicle.
- B. All licensees shall be responsible for coverage of at minimum 85% of their assigned wrecker requests during their assigned time. Any licensee that does not provide minimum coverage for any two-week assignment, within their one-year registration, shall be notified in writing and shall be removed from their assigned rotation, and a replacement shall be made.
- C. Whenever a licensee is unable to provide towing service based on a disabled wrecker, the licensee shall notify the Police Department, which shall notify the next licensee in rotation to cover until the licensee's wrecker is repaired and placed back in rotation. Any licensee whose wrecker is disabled for an extended duration (two-week assigned period) shall notify the Police Department of their intent to continue wrecker service or removal from rotation.
- D. Such additional rules and regulations regarding the rotation of wreckers as may be hereafter promulgated by the Chief of Police shall take effect immediately after service of a copy thereof to all license holders for wreckers in the Township. Service on a licensee may be made by sending by ordinary mail a copy of the additional rules and regulations to said licensee's business address.

§ 352-20 Violations and penalties.

Any licensee found to have violated any of the rules in this chapter shall be subject to removal as a licensee and their license to provide wrecker service may be revoked by Township Council.

Violations of this chapter shall also be subject to penalties provided for in Chapter 74, Violations and Penalties.

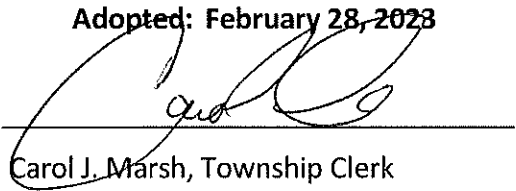
Section 2. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 3. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Introduced: February 14, 2023

Adopted: February 28, 2023



Carol J. Marsh, Township Clerk



David G. Kohle, Mayor