

BOROUGH OF WANAQUE
PASSAIC COUNTY, NEW JERSEY

APPLICATION FOR A POLICE TOWING PERMIT

Business Trade Name: _____

Business Address: _____

BUSINESS TELEPHONE NUMBER: _____

ALL OWNERS, PARTNERS, OR CORPORATE OFFICERS OF BUSINESS MUST BE LISTED AND BE

(1) Full Name: _____ (2) Phone No.: _____

(3) Address: _____

(4) Date of Birth: _____ (5) Place of Birth: _____

(6) Sex: _____ (7) Height: _____ (8) Weight: _____ (9) Eyes: _____

(10) Hair: _____ (11) Complexion: _____

Any marks, scars, amputations, tattoos: _____

Citizen: Yes No Social Security Number: _____

Driver's License Number: _____

List addresses where you have resided for the past ten years:

1. _____

2. _____

3. _____

Have you ever been arrested for a crime or disorderly persons offense? If yes, explain the details below: (Use back if necessary).

Attach letter from Zoning Administrator indicating the storage of vehicles is permitted by the present zoning ordinance on the property survey you have submitted.

Attach property survey.

Attach sample business card.

Each operator, if other than an owner, listed on this application must complete a Tow Truck Operator/Driver Application and be fingerprinted.

Attach Certificate of Insurance, as provide in Section 110-15 of the Ordinance.

Sworn and Subscribed to me
this _____ day of _____, 20____.

Signature

(Notary Public)

License Fee: \$100.00

Application Fee: \$200.00

**BOROUGH OF WANAUKE
PASSAIC COUNTY, NEW JERSEY**

**APPLICATION FOR TOW TRUCK OPERATOR
(Driver)**

Name: _____ Phone No.: _____

Address: _____

Name of Towing Company where employed: _____

Date of Birth: _____ Place of Birth: _____

Sex: _____ Height: _____ Weight: _____ Eyes: _____ Hair: _____

Complexion: _____ Any marks, scars, amputations, tattoos: _____

Citizen: Social Security Number: _____
 Yes No

Driver's License Number: _____

Has your license ever been revoked? _____ If yes, explain: _____

List addresses where you have resided for the past ten years:

1. _____
2. _____
3. _____

Have you ever been arrested for a crime or disorderly person's offense? If yes, explain the details:

Sworn and subscribed to me
This _____ day of _____, 20____.

Signature

(Notary Public)

**BOROUGH OF WANAUKE
PASSAIC, NEW JERSEY**

WRECKER AND TOW TRUCK INFORMATION

(One application for each truck)

OWNER: _____
ADDRESS: _____
MAKE: _____ YEAR: _____ MODEL: _____
COLOR: _____ VEHICLE IDENTIFICATION NO.: _____
REGISTRATION NO.: _____ EXPIRES: _____
GROSS WEIGHT: _____

VEHICLE MUST HAVE THE FOLLOWING EQUIPMENT:

A. *Required Equipment.* A towing operator, when filing an application for and at all times while holding a license under this section, shall own, or lease for use in performing the services required by the license the following items of equipment:

1. Two (2) light duty wreckers, or flat beds both types to be equipped with wheel lift.
2. One (1) medium duty wrecker with wheel lift.
3. Two (2) medium duty flatbed trucks with wheel lift.
4. One (1) heavy duty wrecker with chassis lift/under-reach.

(Above mentioned equipment classes (light/medium/heavy) must meet the standards as stated in subsection 106-1 of this section)

5. Safety equipment to be carried on all trucks shall include:

- (a) Wheel lift or chassis lift/under reach.
- (b) J" hooks and chains or Tie-downs.
- (c) Snatch block.
- (d) Two high-test safety chains.
- (e) Auxiliary safety light kit (to be placed on rear of towed vehicle that does not have functioning taillight flashers).
- (f) Rotating amber emergency lights mounted on top of truck (State issued permit required, and must be in truck).
- (g) Two (2) white work lights facing the rear of the vehicle.
- (h) Two safety cones w/reflecting strip (min. height 18 inches).
- (i) One shovel.
- (j) One broom.
- (k) Steering wheel tie-down.
- (l) Two-way communication system, radio or cellular, with communication between the licensee's base and all of the required trucks and from truck to truck.
- (m) Jumper cables or Jump box.
- (n) One (1) fuel can capable of carrying five (5) U.S. gallons of fuel.
- (o) Toolbox with assorted hand tools.

Sworn and subscribed to me
this ____ day of _____, 20____.

Signature

(Notary Public)

Chapter 110

VEHICLES, TOWING AND STORAGE OF

GENERAL REFERENCES

Parking of commercial vehicles — See Ch. 83A.

Repair of vehicles — See Ch. 107.

Abandoned vehicles — See Ch. 106.

Vehicles and traffic — See Ch. 108.

Recreation vehicles — See Ch. 109.

§ 110-1. Definitions.

For the purposes of this chapter, the terms used herein are defined as follows:

CRUISING — The operation of a tow truck in and upon a roadway within the Borough of Wanaque to solicit vehicle towing and/or storage business except in response to a police request.

HEAVY DUTY — A tow truck with dual wheels, capable of towing large trucks and shall meet the following minimum requirements: GVW 30,000 lbs.; GCWR 80,000 lbs.; boom rating of 50,000 lbs.; winch rating of 50,000 lbs.; cable size and length, 5/8 inch and 200 feet; equipped with chassis lift; under-reach retracted rating 25,000 lbs. and extended rating 12,000 lbs.

LEASE — A vehicle leased by the licensee, through a leasing company, and showing the licensee on the registration as the owner or lessee. If the registration is such that the lessee is not listed the licensee will be required to show a lease agreement.

LICENSE — The document approved and issued by the Borough of Wanaque granting the privilege to tow and store vehicles and perform other towing operations for the Borough of Wanaque.

LICENSEE — A towing operator having a license granted by the Borough pursuant to the provisions of this section.

LIGHT-DUTY FLATBED — A car carrier of the rollback-and-tilt type, with dual wheels, capable of removing and transporting passenger cars damage-free and shall meet the following minimum requirements: GVW 14,500 lbs.; winch rating of 8,000 lbs.; cable size and length, 3/8 inch and 50 inches; bed length, 16 feet; bed width, 84 inches inside side rails; wheel lift retracted rating 6,000 lbs. and extended rating 3,000 lbs.

LIGHT-DUTY WRECKER — A tow truck with dual wheels, capable of towing passenger cars and shall meet the following minimum requirements: GVW 14,000 lbs.; GCWR 18,000 lbs.; boom rating of 8,000 lbs.; winch rating of 8,000 lbs.; cable size and length, 3/8 inch and 100 feet; wheel lift retracted rating 6,000 lbs. and extended rating 3,000 lbs.

MEDIUM-DUTY FLATBED — A car carrier of the rollback-and-tilt type, with dual wheels, capable of removing and transporting small trucks, full-size vans, or large passenger cars damage-free and shall meet the following minimum requirements: GVW 18,000 lbs.; winch rating of 8,000 lbs.; cable size and length, 3/8 inch and 50 inches; bed length, 19 feet bed width, 84 inches inside side rails; wheel lift retracted rating 6,000 lbs. and extended rating 3,000 lbs.

MEDIUM-DUTY WRECKER — A tow truck with dual wheels, capable of towing small trucks and shall meet the following minimum requirements: GVW 18,000 lbs.; GCWR 30,000 lbs.; boom rating of 16,000 lbs.; winch rating of 16,000 lbs.; cable size and length, 1/2 inch and 200 feet; wheel lift retracted rating 10,500 lbs. and extended rating 8,500 lbs.

OWNER — An individual or entity who or which owns or leases, and/or operates, parks or abandons a vehicle within the Borough.

POLICE — The Police Department of the Borough of Wanaque or of any jurisdiction having authority in the subject matter.

PRINCIPAL LOCATION — The business office of an applicant/licensee, where licensee shall conduct business associated with the towing and storage of vehicles under authority of the towing license issued by the Borough of Wanaque.

ROUTINE CALLS FOR SERVICE — A police request for road service of a disabled vehicle, i.e., dead batteries, flat tires, out of gas, or other services that do not require towing.

STORAGE DAY — Any twenty-four-hour period or portion thereof, with a new day beginning at 12:00 midnight. **[Added 4-19-2012 by Ord. No. 3-0-12]**

STORAGE RATES — Fees charged for the storage of motor vehicles. **[Added 4-19-2012 by Ord. No. 3-0-12]**

STORAGE SERVICES — The storage, housing or holding of vehicles indoors or outdoors by a licensee under authority of this section.

TEMPORARY LICENSE — A towing license, authorized by the Chief of Police, and issued by the Borough of Wanaque for the purpose of replacing a current licensee, whether that replacement be due to the closing of the business or the revocation of the licensee's towing license for a violation of this section. This license is for emergency situations only and the cost will be prorated on a monthly basis.

TOWING OPERATOR — An individual or entity engaged in the business of providing towing and storage services.

TOWING SERVICES — The towing service and/or on-site vehicle repair, including tire changes, jump starts or furnishing fuel, rendered by a towing operator.

VEHICLE — Every device in, upon or by which a person or property is or may be transported upon a highway, excepting devices moved by human

power or used exclusively upon stationary rails or tracks or motorized bicycles.

WAITING TIME — Additional time that a tow operator spends at the scene other than the time required for the actual tow and/or recovery. This shall include but not be limited to the time during which emergency medical services are being performed or the time during which a police investigation is being performed. **[Amended 4-19-2012 by Ord. No. 3-0-12]**

WINCHING — The process of moving a motor vehicle, by the use of a cable, for a position that is not accessible for direct hookup by conventional means for loading on to a tow vehicle. Pulling a vehicle onto a tilt bed or carrier or lifting a motor vehicle with a conventional tow sling shall not be considered "winching." **[Added 4-19-2012 by Ord. No. 3-0-12]**

§ 110-2. License required.

No towing operator shall operate within the Borough for police-requested towing services and/or storage services unless the towing operator has obtained a license issued by the Borough.

§ 110-3. Exemptions.

- A. Owner-requested service. No license shall be required for the on-site repair and/or towing or storage of any vehicle when the request therefor is received by the towing operator from the owner or the owner's agent prior to a police request therefor.
- B. Towing from private property. No license shall be required by the police to tow any vehicle from private property without the consent of the owner and private property owner except on the express instruction of the police in the event of an emergency.
- C. Heavy towing. No license shall be required by the Police Department to tow where a heavy-duty truck or vehicle is required. The heavy towing companies shall be designated from time to time by the governing body by resolution. **[Added 2-10-2003 by Ord. No. 2-0-03]**

§ 110-4. Term of license.

Licenses to tow shall be issued for one calendar year commencing January 1 of the calendar year.

§ 110-5. Application for license.

- A. Form; required information. An application for a license shall be in writing, signed by the applicant on the form furnished by the Borough, and shall contain all information necessary to evidence the applicant's identity and legal address, compliance with the requirements of this section and ability to perform the towing services and storage services contemplated by this section.

- B. Filing. Applications shall be filed by October 1 of the year prior to the license year with the Borough Clerk, together with the application fee specified in § 110-8A.

§ 110-6. Review of application.

- A. Reference to Chief of Police. Applications received by the Borough Clerk shall be referred within two business days to the Borough Chief of Police for his review.
- B. Inspection; recommendations. After such examination of the applications and such inspections as the Borough Chief of Police may consider necessary to evaluate the applicant's compliance with, and ability to continue to comply with, the requirements of this section, the applications shall be returned to the Borough Clerk with the recommended approval or disapproval of each application by the Borough Chief of Police based upon his examinations, inspections and evaluations.
- C. Applicants and licensees shall cooperate with any and all investigations conducted by the Borough Chief of Police or his designee or other law enforcement agency working in conjunction with the Borough Police. The requirement of cooperation shall continue throughout the period of application, and the duration of the license and the storage of vehicles (even if a license is no longer in effect). A license may be denied for fraud, misrepresentation or false statement in the application.

§ 110-7. Issuance of certain number of licenses.

- A. Authorization.
 - (1) The Borough Council shall, at a public meeting by resolution, authorize the issuance of not more than four licenses after consideration of the applications and the recommendations of the Borough Chief of Police. Minor irregularities in the application may be waived by the Borough Council. In the event that more than four applicants qualify for a license; the names of all qualified applicants shall be placed in a bowl, on uniform slips of paper with the identity of every applicant concealed, and the Borough Clerk shall draw four slips from the bowl after all applicants have received at least 10 calendar days notice of the time when and place where the drawing will occur. Licenses shall be issued to each of the four applicants selected at the drawing.
 - (2) Licenses shall be reevaluated every year and must have the recommendation of the Chief of Police prior to the new license being issued.
- B. Issuance. The authorized license or licenses shall be issued by the Borough Clerk in writing upon payment by the towing operator of the license fee specified in § 107-8.

§ 110-8. Fees.

The following schedule of nonrefundable fees is adopted for the obtaining of a towing license:

- A. Application fee: \$200. **[Amended 11-14-2016 by Ord. No. 23-0-16]**
- B. License fee: \$100 per year, payable before January 1 of the license year. For a temporary license for a period of less than 12 months, the fee shall be prorated on a monthly basis.

§ 110-9. Suspension or revocation.

A. General.

- (1) The Borough Council shall have the right to suspend or revoke any license issued under this section for good cause upon written complaint of the Chief of Police following his determination that there is probable cause for suspension or revocation based upon violation of this section.
- (2) A license may be denied, suspended or revoked for fraud, misrepresentation or false statement in the course of conducting the towing operation, for violation of this section, or for the conviction of the applicant, its officers or a person or entity holding a 10% or larger interest in the applicant, of a crime involving moral turpitude or relating to the towing business. A license may also be denied if the applicant has had a towing license or contract revoked while working for any other municipal, county or state agency. Such revocation shall have occurred within a twelve-month period prior to making application to the Borough of Wanaque.
- (3) Written notice of such complaint and the basis of the complaint shall be given to the licensee, and the licensee shall be entitled to a hearing before the Borough Council prior to final determination of the complaint by the Borough Council. If, after the hearing, a majority of the members of the Borough Council present and voting decide that there has been a violation, they may terminate or suspend the license.

- B. Emergency suspension. A license may be suspended by the Borough Chief of Police whenever the Chief in his reasonable judgment considers such suspension necessary for reasons of safety, or has reason to believe that the licensee is not covered by the insurance required by § 110-15 of this chapter. Such suspension shall continue until terminated by the Chief, provided that if the suspension is not terminated within three business days the Chief shall file a complaint for suspension or revocation pursuant to § 110-9, and the suspension shall remain in effect pending a determination of the complaint.

C. Temporary license.

- (1) In the event of an emergency suspension or other failure of the licensee to perform its duties under this section, the Chief of Police may issue a temporary license to a towing operator to operate during any licensee's failure to perform, should the replacement of said licensee be deemed necessary. The issuance of a temporary license shall be reported to the Township Committee immediately upon issuance.
- (2) Temporary licenses may be issued for a thirty-day period, which may be extended for two additional thirty-day periods.

§ 110-10. Equipment.

- A. Required equipment. A towing operator, when filing an application for and at all times while holding a license under this section, shall own or lease for use in performing the services required by the license the following items of equipment:
- (1) Two light-duty wreckers or flatbeds, both types to be equipped with wheel lift.
 - (2) One medium-duty wrecker with wheel lift.
 - (3) Two medium-duty flatbed trucks with wheel lift.
 - (4) One heavy-duty wrecker with chassis lift/under-reach.
 - (5) Above-mentioned equipment classes (light/medium/heavy) must meet the standards as stated in § 110-1 of this chapter.
 - (6) Safety equipment to be carried on all trucks shall include:
 - (a) Wheel lift or chassis lift/under-reach.
 - (b) "J" hooks and chains or tie-downs.
 - (c) Snatch block.
 - (d) Two high-test safety chains.
 - (e) Auxiliary safety light kit (to be placed on rear of towed vehicle that does not have functioning taillight flashers).
 - (f) Rotating amber emergency lights mounted on top of truck (state-issued permit required, and must be in truck).
 - (g) Two white work lights facing the rear of vehicle.
 - (h) Two safety cones w/reflective strip (minimum height 18 inches).
 - (i) One shovel.
 - (j) One broom.

- (k) Steering wheel tie-down.
 - (l) Two-way communication system, radio or cellular, with communication between the licensee's base and all of the required trucks and from truck to truck.
 - (m) Jumper cables or jump box.
 - (n) One fuel can capable of carrying five U.S. gallons of fuel.
 - (o) Toolbox with assorted hand tools.
- B. Tow truck lettering. All tow trucks operated by the licensee shall be permanently lettered on both sides in accordance with N.J. Statute Title 39 (newly purchased vehicles will be allowed a four-week grace period during which time a pair of magnetic signs may be used).
- C. Required communication. Licensee shall maintain a twenty-four-hour phone number which is manned by the licensee's personnel. Such personnel must have constant two-way communication, radio or cellular, with the licensee's vehicles. Phone calls may be forwarded from the principal business location to a residence during nighttime hours as long as two-way communication can be maintained with licensee's vehicles.

§ 110-11. Storage and garage facilities.

- A. Inside building secured storage.
- (1) Each licensee shall have a inside building secured storage space sufficient to accommodate at least three vehicles for exclusive use of the Police Department in connection with vehicles being held as evidence or under investigation. All storage areas must meet the requirements of N.J.A.C. 11:3-38.2 (definitions) which states, "inside buildings" means a vehicle storage facility that is completely indoors, having one or more openings in the wall, for storage and removal of vehicles and that is secured by a locking device on each opening. Inside building secured storage must be within 2.5 miles by radius of the intersection of Ringwood Avenue and Orechio Drive in the Borough.
 - (2) The inside building storage space shall be capable of being locked/safeguarded against access by unauthorized person(s) and employee(s).
- B. Outside secured storage. Each licensee shall have an outside secured storage area to accommodate at least 20 vehicles at any one time. All storage areas must meet the requirements of N.J.A.C. 11:3-38.2 (definitions) which states, "outdoor secured" means an automobile storage facility that is not indoors and is secured by a fence, wall or other man-made barrier, that is at least six feet high and is installed with a passive alarm system or a similar on-site security measure. The

facility is to be lighted at night. Outside secured storage must be within 2.5 miles by radius of the intersection of Ringwood Avenue and Orechio in the Borough.

- C. Equipment facility. Each licensee shall have an area and facility adequate for the storage and servicing of the required equipment specified in Subsection F of this section when not in use. Such equipment facility must be within 2.5 miles, by radius, of the intersection of Ringwood Avenue and Orechio Drive in the Borough.
- D. Location; hours; condition. The required storage and equipment facilities shall be as follows:
 - (1) Principal location must be within 2.5 miles by radius of the intersection of Ringwood Avenue and Orechio Drive in the Borough of Wanaque.
 - (2) Outside secured storage facility (twenty-vehicle capacity) and inside building secured storage facility (two-vehicle capacity) must be within 2.5 miles by radius of the intersection of Ringwood Avenue and Orechio Drive.
 - (3) The hours of recovery of vehicles from storage shall be no less than Monday through Friday, 8:00 a.m. to 5:00 p.m. and Saturday 9:00 a.m. to 3:00 p.m., and prominently posted at all of the above-mentioned facilities of the licensee and also made available at Borough Police Headquarters. The vehicle shall be made available by the licensee immediately upon an emergency request by the Borough Police Department. Facilities shall be kept clean and in good order to accommodate persons who may enter facilities with respect to any vehicles stored therein. The principal location, in addition to the above-mentioned items, shall have adequate restroom facilities with running water that are clean and in good working order available to persons who may enter the facility with respect to any vehicle towed by the licensee.
- E. Unsecured outside storage. No unsecured storage area of any kind will be permitted for use by any licensee for storage of any vehicle towed under the license.
- F. Storage rates. **[Added 7-9-2012 by Ord. No. 19-0-12; amended 2-10-2020 by Ord. No. 1-0-2020]**
 - (1) The following is the fee schedule for towing services: The daily fee for storage inside a building shall be \$55. The daily fee for storage outside of a building shall be \$45.

§ 110-12. Licensee's personnel.

- A. All tow truck drivers must have an appropriate, valid New Jersey driver's license with no restrictions or conditional endorsements, except conditions requiring glasses. Each driver/employee shall be of

good moral character, mentally alert, and present a neat appearance at all times. Drivers and employees shall wear clothing bearing the licensee's name. Drivers and employees shall behave in a professional and courteous manner at all times when dealing with the Police Department and the public. Possession of a commercial license with appropriate endorsements, when required by law, shall be a minimum mandatory requirement of this section.

- B. Light and medium-duty drivers must obtain level 1 driver certification from a tow truck operators' training course. New hires must obtain certification within nine months from start of employment.
- C. Heavy-duty drivers must obtain level 2 driver certification from a tow truck operators' training course. New hires must obtain certification within nine months from start of employment. Heavy-duty drivers must have CDL endorsement on their license.
- D. Recovery supervisor must obtain level 3 driver certification from a tow truck operators' training course (within nine months of availability) and have training from an industry-recognized recovery course. On the recovery scene, not all personnel need to be recovery qualified, but a responsible recovery supervisor must have the listed requirements.
- E. The licensee must certify that it has provided ongoing training and education of its employees. The towing operator shall show proof of a minimum of six hours of training per employee, per year. If good cause exists to question the training, knowledge, or driving record of any tow truck driver or other personnel, the Borough Police Department shall inform the applicant or licensee which shall then be given an opportunity to show cause to the contrary.
- F. At the time of the application or at any time a new tow truck driver is assigned, the licensee shall submit to the Borough Clerk, the name, driver's license number, social security number and date of birth of the tow truck driver prior to the driver's operation of any tow truck pursuant to a Borough Police Department request.
- G. No licensee shall employ directly or indirectly any officers of the Borough Police Department.

§ 110-13. Towing and storage services.

Towing and storage services shall be governed by the following provisions:

- A. The schedule when a licensee will be on duty will be set by the Borough Police Department's Chief of Police.
- B. Licensee will respond to all police requests for towing and/or road service, when requested by a police dispatcher or any other police officer expressly authorized to communicate such a request. Licensee will respond with the number of tow trucks requested to the scene

within a reasonable time. Such reasonable time shall be deemed to be within 20 minutes under normal atmospheric conditions.

- C. If a licensee is wholly or partially unable to respond due to failure of any equipment or personnel insufficiencies, the licensee will immediately notify the Police Department who will contact the next towing company in the rotation to handle the request. If such an incident occurs, the licensee will furnish, in writing, within five business days, the details of the circumstances which caused the failure to respond to the Borough Police Department's Chief of Police which will make a determination if a followup investigation and/or inspection of the licensee's facility is required.
- D. Tow trucks of a licensee shall not cruise roadways within the Borough for business and shall not respond to any scene where towing may be required except upon request of the Wanaque Police Department or as permitted under § 110-3A of this chapter.
- E. No rotating or flashing lights or sirens shall be used on a tow truck except as permitted by NJ DMV/DOT (N.J.S.A. 39:3-50), and all vehicles operated by the licensee shall have a current permit for said lights issued by the DOT along with all other required vehicle documents.
- F. All tow trucks shall be operated in accordance with all existing traffic regulations and in a safe and prudent manner. Tow truck drivers will request police assistance when they find it necessary to turn around, back up, tow in a direction opposite the flow of traffic, cross a median, or other hazardous situation during the course of providing service or towing.
- G. Each licensee will be responsible for all vehicles and visible contents in their custody that are towed off the roads under direction of the police and shall make an inventory at the scene to note such contents of each vehicle.
- H. No vehicle will be removed from any roadway within the Borough without proper authorization from the police at the scene or the vehicle owner or operator as the case may be.
- I. No licensee shall be required to tow to an area farther than the licensed storage area between the hours of 6:00 p.m. and 8:00 a.m. unless said licensee agrees to tow farther. If licensee agrees to tow farther than the licensed storage area between 6:00 p.m. and 8:00 a.m., he/she will only do so if adequate towing coverage will be available to the Borough.
- J. The investigating officer and/or supervisor at the incident scene is in complete charge of the incident scene (excluding actual towing operations), and all tow truck drivers shall comply with the officer/supervisor's instructions.
- K. Each licensee, prior to departing from the scene of towing services, shall be required to clean and clear the roadway of any debris resulting

from any accident at such scene when rendering towing services, and at all times carry the necessary equipment to perform such cleaning services. Such equipment shall minimally include, but is not limited to, a broom and shovel. The licensee may charge the owner's insurance company for the services rendered.

- L. In the event a licensee refuses to tow or render services at the scene of an accident or disabled vehicle when requested by the Police or vehicle owner/operator, the officer assigned to the incident shall report the refusal to his supervisor with all pertinent details. Police Department SOP will be followed to secure a service to clear the scene and the report of the refusal shall be forwarded to the Township Chief of Police as soon as possible for evaluation and followup of the licensee's refusal to perform its obligation under the license. No towing operator shall be required to tow any vehicle in an unsafe manner or in such a way as to cause unnecessary damage to the vehicle towed or that may cause damage to the towing vehicle.
- M. Each licensee shall be required to keep up-to-date records of all vehicles towed in conjunction with this license. Each licensee shall provide the Borough Police Chief with a list of all vehicles towed by order of the police (impounded) that remain unclaimed in storage every Friday by 12:00 noon.
- N. Vehicles impounded or confiscated by the Police and stored by the licensee shall not be released by the licensee without written authorization by the Police Department.

§ 110-14. Towing and storage charges.

Towing and storage charges shall be paid by the owner of a vehicle towed and/or stored by a licensee at police request, and pursuant to N.J.A.C. 11:3-38.6, such charges shall be as follows:

A. Towing services.

- (1) The following is the fee schedule for towing services: **[Amended 12-12-2005 by Ord. No. 29-0-05; 4-19-2012 by Ord. No. 3-0-12; 2-10-2020 by Ord. No. 1-0-2020]**

| Type of Service | Fee |
|------------------------|---|
| Daytime rate: | |
| Regular truck | \$125 |
| Flatbed | \$125 |
| Night rate: | |
| Regular truck | \$150 |
| Flatbed | \$150 |
| Waiting time | \$80 per hour, billable in 15-minute increments |

| Type of Service | Fee |
|---|---|
| Winching | \$120 per hour, billable in half-hour increments (light duty) |
| Additional personnel, if necessary for towing or winching operation | \$80 per hour, billable in half-hour increments |

- (2) Rates are per truck required to make the appropriate tow.
 - (3) No mileage fees are to apply for vehicles towed within the Borough of Wanaque. If a vehicle is to be removed out of town, and has police clearance, the owner shall be charged no more than \$1.75 per mile.
 - (4) Fluid cleanup is the vehicle owner's financial responsibility, and will be charged a rate of no more than \$25 per bag of Speedy-Dry.
 - (5) Heavy tows (i.e, tandem dump trucks, tractor-trailers, etc.). Those rates are to be set by the tower on a case-by-case basis, which shall not be unreasonable.
- B. The licensee shall accept a minimum of two major credit cards 24 hours a day, and must be able to do so both at the principal location and by drivers on the road at the time service or tow is performed.
 - C. The Township and its Police Department shall not be liable to a licensee with respect to towing and/or service rendered to any owner pursuant to the license or otherwise. The licensee shall look to the registered owner of such vehicle for payment of towing and/or storage service charges or any other compensation.
 - D. If a vehicle is towed by a licensee to premises controlled by the Police Department for the purpose of utilizing the vehicle or its contents as evidence, or in an ongoing criminal investigation, such vehicle shall not be released from Police Department custody, except to the licensee, unless the owner of the vehicle furnishes the Police Department with a receipt that all applicable fees for towing and/or service have been paid in full. A second fee may be charged if the vehicle is removed to the licensee's storage area or other destination desired by the police or vehicle owner. If a vehicle is released by the police to any party other than the licensee without proper receipt, the Borough shall be responsible for all charges, but may pursue its remedy against the owner or other person(s) responsible.
 - E. Emergency roadway cleanup when no towing occurs. If the debris from an accident is determined to be excessive and needs to be removed from the roadway by a member of the Wanaque Police Department, the on-call tow company may be dispatched to the scene. All fees will be billed by the tow company to the responsible party/insurance carrier.

The fee for this service shall be \$80 per hour, billable in half-hour increments. **[Added 4-19-2012 by Ord. No. 3-0-12]**

§ 110-15. Insurance.

The licensee shall have in effect, prior to application and at all times during the term of the license, the following insurance:

- A. Garage keepers' liability policy in the amount of \$500,000 for any one claimant, and \$1,000,000 for more than one claimant with \$500,000 coverage for property damage for anyone event.
- B. Automobile liability insurance issued by a financially sound insurance corporation of, or authorized to transact business in, the state, insuring the licensee and every tow truck operator against liability imposed by law for damages because of bodily injury, including death, sustained by any person and injury to or destruction of property, including the loss of use thereof, caused by accident and arising out of the ownership, maintenance or use of the tow trucks of the licensee. The amount of the limits of liability coverage to be offered by such policy shall be \$500,000 for bodily injury to each person, \$1,000,000 for bodily injuries in each accident and \$500,00 for property damage in each accident.
- C. The licensee shall supply a certificate of insurance to the Borough Clerk describing every policy of insurance and identifying the Borough as an insured party. Each such certificate of insurance shall contain a provision that no cancellation of the policy shall become effective until after the expiration of 15 days' written notice of such proposed cancellation forwarded by the insurance company to the Borough Clerk.

§ 110-16. Indemnity.

The application of any towing operator for a license pursuant to this chapter shall include an agreement by the towing operator that upon the issuance of a license the licensee shall indemnify the Borough against all claims of third parties relating to towing and/or storage service of the licensee.

§ 110-17. Motor vehicle information.

The Borough Police Department shall provide, when requested, towing operators with Department of Motor Vehicles information regarding registered owners and lien holders. The information requested and given shall be in conformance with N.J.S.A. 39:10A et seq. and shall not in any way violate the confidentiality that is reposed in the Police Department.

§ 110-18. Supplementary rules and regulations.

- A. The Borough Chief of Police may issue rules and regulations from time to time on the operation of towing services and storage facilities to implement but not exceed the purpose of this chapter.

- B. Such rules and regulations shall be issued by publication in a newspaper in the Borough. Copies shall be mailed to any and all towing operators licensed by the Borough or any interested parties who request such copies.
- C. Towing operators may, in writing, request a hearing before the Borough Business Administrator within 30 days of the issuance of the rules and regulations.

§ 110-19. Enforcement.

The Borough Chief of Police is hereby designated to enforce the provisions of this chapter in accordance with due process of law.

§ 110-20. Copies of regulations and fees.

Copies of such rules and regulations, this chapter and the fee schedules of the licensees shall be made available to the public at the Borough Police Headquarters during normal business hours.