

**ORDINANCE NO. 2012-2**

**EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER V –  
GENERAL POLICE REGULATIONS, SECTION 5-16 TOWING AND  
STORAGE OF VEHICLES OF THE REVISED GENERAL ORDINANCES  
OF THE TOWNSHIP OF EAST WINDSOR**

**BE IT ORDAINED AND ENACTED** by the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey that Chapter V – General Police Regulations, Section 5-16 Towing and Storage of Vehicles, is hereby amended as follows: (deleted language is indicated by strikeout, new language by underlining)

**I**

**5-16.1 Purpose.** It is the purpose of this section to regulate towing and storage of private motor vehicles which are the result of police department calls for assistance within the Township of East Windsor in accordance with N.J.S.A 40:48-2.49 and N.J.S.A. 40A:11-5(1)(u).

**5-16.2 Definitions.** The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

*Automobile* shall mean a private passenger automobile of private passenger or station wagon type that is owned or hired and is neither used as a public or livery conveyance for passengers, nor rented to others with a driver; and a motor vehicle with pick-up body, or delivery sedan, a van, or a panel truck or a camper type vehicle used for recreational purposes owned by an individual or by husband or wife who are residents of the same household, not customarily used in the occupation, profession or business of the insured, other than farming.

*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.

*Cruising* shall mean the operation of an unengaged wrecker along public streets in any fashion intended, likely or calculated to solicit business.

*Owner* shall mean a person, firm or corporation who owns and/or operates a vehicle on the roads or highways within the Township of East Windsor, which vehicle, by reason of being disabled or being unlawfully upon said roads requires towing services.

*Tow sheet* shall mean a list of towing and storage contractors maintained by the police department containing the names and addresses of towing and storage contractors who will be called on a rotating basis when the police department determines 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 bed, 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.

*Towing operator* shall mean a person, firm or corporation engaged in the business of providing wrecker services which are made available to the general public upon such rates, charges, fees as are determined by this section and applied for and are listed on the "tow sheet" of the township. Wrecker or vehicle by mechanical power employed for the purpose of towing, transferring, conveying or removing any and all kinds of vehicles or parts of vehicles which are unable to be operated under their own power for which a service charge or fee is exact.

**5-16.3 *Enforcement of Section.*** The chief of police or member of the police department designated by him/her is authorized to enforce the provisions set forth in this section.

**5-16.4 *Dictation of Calls.*** The chief of police or his/her designee shall establish a list of towing and storage contractors designated to provide towing and storage services required by the police department. Any towing and storage contractors qualified pursuant to this section shall be included on a list. The township will call the towing service in strict rotation among the services under contract with the township and will maintain a "tow sheet" out of township police headquarters. Nothing herein shall prevent the chief of police or his/her designee from requesting additional towing services from others if, in the judgment of such person, the size, nature or scope of the accident conditions or the performance of the towing service requires that assistance be rendered. This section shall not apply to the following:

- a. When a vehicle owner requests the services of a particular towing service.
- b. If the towing service is called and subject vehicle is started before the towing service arrives, there will be no fee charged by the towing service and the towing service will not be credited for the call by the township.
- c. If the towing service refuses and/or is not available or does not answer within 20 minutes of notification, the call will be credited against the towing service.

**5-16.5 *Application.*** All towing and storage contractors desiring to be included on the tow sheet shall file an application with the police department on a form to be approved by the chief of police. By filing such application, the applicant shall agree to the conditions outlined on the application, including compliance with all provisions of this section.

**5-16.6 *Standards and Qualifications.*** The following are the minimum standards/qualifications required to be considered for inclusion on the tow sheet:

- a. *Accidents Involving Large Vehicles.* The towing and storage contractors must be prepared to promptly clear the roadway of any or all types of disabled vehicles. Where the vehicles are too large for the service to remove from the scene, after clearing the roadway, the police will call for assistance of others.

b. *Hours of Service/Timeliness of Service.*

1. The towing service shall be available 24 hours per day, seven days a week.
2. The towing service shall be at the location requested by the township within 20 minutes of notification. After 20 minutes, the township will call another towing service.
3. The towing service shall have someone available to release vehicles from storage in accordance with subsection 5-16.6f of this section.
4. The response time determination is initiated when the police call requesting towing is completed. Where the police reach the next eligible contractor on the list, that contractor shall be deemed to have forfeited its position and the next succeeding contractor shall be called.

c. *Performance Standards.* The towing and storage contractor will meet the following response performance standards:

1. Ninety percent of all calls referred will be answered (towing vehicle on scene) within the response time outlined above.
2. Not more than ten percent of the calls will be answered within an additional ten minutes (day or night).
3. No response will be later than 20 minutes, whether day or night.

The performance standard will be reviewed periodically. Where the towing and storage contractor performance record is found to be unsatisfactory, it will be removed from the tow sheet for at least six months and until it shall have provided satisfactory evidence to the chief of police that it has undertaken effective steps and implemented such procedures as are necessary to meet the foregoing performance standards.

d. *Equipment Specification.* The towing and storage contractor is required to have the following minimum equipment:

1. Flatbed tow vehicle;
2. Conventional wrecker or wrap around equipped wrecker;
3. Safety equipment: Each vehicle shall have beacon and warning lights, tow vehicle illumination and stop lights and portable fire extinguishers;
4. Environmental cleanup equipment: All tow vehicles must carry environmental ~~road~~ cleanup equipment and supplies such as brooms, containers, shovels and absorbent material.

The towing service is responsible for the prompt and safe removal of the vehicle and for the prompt and complete removal of all litter and debris resulting from the incident. ~~In instances that require an environmental clean-up, that the clean-up involves more than the removal of litter and debris from the roadway, a tow~~

service may charge a rate of \$50 per ½ hour for labor and materials. ~~In no event shall the charge exceed \$30.~~

e. *Registered Towing Personnel.* During the month of March each year, the towing and storage contractor must register with the chief of police all personnel who are authorized by the firm to provide towing and storage service 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 police department, the results of which will be used by the police department in determining the eligibility of the towing and storage contractor for inclusion on the tow sheet.
5. The list will be updated by the towing and storage service contractor as necessary to ensure that it remains current.

f. *Disabled Vehicle Storage.* The towing service must operate a suitable, fenced and secure vehicle storage area in the area zoned for such use. The lot must be able to store at least nine full-sized vehicles. Said storage yard must be within a three-mile radius of the Township of East Windsor. Upon request, authorized personnel of the police department 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 contractor shall maintain the following minimum insurance coverage:

- a) Automobile liability in an amount not less than one million (\$1,000,000.00) dollars combined single limits.
- b) Workers compensation as required by Statute.
- c) Garage keeper's liability in an amount not less than sixty thousand (\$60,000.00) dollars per location.
- d) Garage liability in an amount not less than one million (\$1,000,000.00) combined single limit.

e) Policies enforced to provide collision coverage for vehicles in tow.

2. Certificate of Insurance. At time of application, the towing and storage contractor shall present a certificate of insurance evidencing the above 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 chief of police immediately of any change, cancellation or lapse of such

coverage. Such statement shall not include language absolving the company/agent from liability for failure to notify.

3. Indemnification. By virtue of making application to be included on the tow sheet, the applicant will be deemed to agree to indemnify and hold the Township of East Windsor and its officers and employees harmless from any liability, expense or costs or 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 East Windsor. The applicant agrees to notify the chief of police immediately of any change, cancellation or lapse of insurance coverage.

h. *Customer Fees and Billing.* Each applicant shall attach a copy of its current fee schedule, which must not be in excess of that provided for in subsection 5-16.7. In the event an applicant is included on the tow sheet and will be amending its fee schedule from that previously filed with the chief of police, such applicant shall notify the chief of police, in writing, of such amendment, together with a complete amended fee schedule at least 30 days prior to implementing and charging pursuant to such amended fee schedule. The fact of filing a fee schedule with the chief of police shall not in any way be construed as authority to charge any fees in excess of those permitted by subsection 5-16.7. All customer bills must be in the amount not exceeding the rates provided for herein. All rates shall be posted at the contractor's place of business.

**5-16.7 Towing & Storage Fees.**

a. The following rates for cars, vans, pickups and four wheel vehicles up to 6,000 pounds and motorcycles will apply for the first half hour of service except for crane service. After the first half hour of service, all time will be charged at seventy-five (\$75.00) ~~forty~~ dollars per hour. If dolly wheels are used, there will be an additional charge of fifteen (\$15.00) dollars.

1. Cars, vans pickups and four wheel vehicles up to 6,000 pounds

Normal tow within township limits	<u>\$100</u> <del>\$50</del>
Winch job, pole, roll over	<u>\$100</u> <del>\$55</del> minimum
Car carrier	<u>\$100</u> <del>\$60</del>

2. Motorcycles and bikes

Pick-up of motorcycles	<u>\$75</u> <del>\$50</del>
Pick-up of trail bikes or minibikes	<u>\$75</u> <del>\$50</del>
Use of flatbed	<u>\$75</u> <del>\$60</del>

3. Tows outside the township limits will be charged at three (\$3.00) dollars per mile plus tolls.

4. Crane service shall be four hundred fifty (\$450) ~~(\$350)~~ dollars per hour with a minimum of two hours to be charged.

5. A basic environmental or crash scene clean-up includes removing of debris, sweeping of glass and vehicle fluids using an absorbent material. The rate shall be charged at fifty (\$50) dollars for the first 30 minutes which includes the service and one bag of absorbent. Additional bags shall be charged at a rate of \$20 for each.

b. The following rates for trucks, tractor trailers, buses and other vehicles over 6,000 pounds will apply for the first half hour of service. After the first half hour of service, all time will be charged at two hundred (\$200) ~~(\$100)~~ per hour except for crane service. Additional wreckers called out will be charged at two hundred (\$200) ~~(\$100)~~ dollars per hour. An extra person, if needed, will be charged at an additional fifty (\$50) ~~(\$30)~~ dollars per hour.

1. Trucks and vehicles over 6,000 pounds

Normal tow within township limits

6,000 pounds to 15,000 pounds \$200 ~~(\$75)~~

Over 15,000 pounds \$350 ~~(\$100)~~

2. School buses

Normal tow within township limits \$150 ~~(\$75)~~

3. Buses (private or charter)

Normal tow within township limits \$450 ~~(\$225)~~

4. Tractor trailers

Normal tow within township \$450 ~~(\$175)~~

5. Tows outside the township limits will be charged at five (\$5.00) dollars per mile. (Trailers will be dropped at nearest possible location)

6. Crane service shall be four hundred fifty (\$450) ~~(\$350)~~ dollars per hour with a minimum of two hours to be charged.

7. Specialized equipment rates

Heavy duty under lift \$325 ~~(\$225)~~

48 foot tilt trailer service \$325 ~~(\$225)~~

c. *Double Tow*. When any vehicle is brought from the original location to police headquarters for investigative purposes and, upon completion, is moved from police headquarters to a final destination, the charge will be one and one-half times the actual rate for one tow.

d. Roadside Assistance Calls ~~Service and Road Calls~~

1. Basic roadside assistance such as tire changing, up to two gallons of fuel, or jump starting. Due to roadway design, traffic patterns, and the inability to conduct quick roadside assistance, the Township of East Windsor does not recognize

roadside assistance for vehicle in excess of 16,001 lbs. Disabled vehicles over 16,001 lbs. must be towed from the roadway or any other vehicle deemed to be unsafe on the roadway. If the roadside assistance call for service results in a tow, then the vehicle operator will only be charged for the towing.

The rates charged for ~~service calls and road calls~~ roadside assistance for the first 20 minutes will be:

Cars, vans, pickups, and four wheel vehicles up to 6,000 pounds

8:00 a.m. to 5:00 p.m.    \$55 (~~\$25~~)

5:01 p.m. to 8:00 a.m.    \$65 (~~\$35~~)

Trucks and Buses

8:00 a.m. to 5:00 p.m.    \$85 (~~\$62.50~~)

5:01 p.m. to 8:00 a.m.    \$95 (~~\$72.50~~)

2. After the first 20 minutes, all time will be charged at seventy five (\$75) (~~\$30~~) dollars per hour.

*e. Storage*

1. Storage begins at date and time vehicle is placed on property of towing service. Storage will be charged for each 24 hour period (or any portion thereof) as set forth below. Any vehicle released prior to 12 hours storage will be charged at only half of the 24 hour rate, except as set forth below.

**Cars:**

Impounds and disabled                    \$35/each 24 hours (~~\$20~~)

Accidents                                      \$35/each 24 hours (~~\$20~~)

Inside storage                                \$50/each 24 hours (~~\$25~~)

Vehicles kept over 12 hours, but  
under 24 hours                                \$20/each (~~\$10~~)

**Motorcycles, minibikes, trail bikes** (must be locked in secure enclosure)

\$30/each 24 hours (~~\$10~~)

**Trucks:**

Tractor                                         \$75/each 24 hours (~~\$35~~)

Trailer                                         \$75/each 24 hours (~~\$35~~)

Both tractor and trailer                    \$125/each 24 hours (~~\$70~~)

Buses    \$75/each 24 hours (~~\$45~~)

**Township vehicles:**

For first 30 days \$3.00/each 24 hours

For 31st day and thereafter (not to exceed \$400.00) \$2.00/each 24 hours

2. The towing service will have someone available daily to release vehicles after normal business hours of 8:00 a.m. to 5:00 p.m. and will charge as follows:

5:00 p.m. to 12:00 a.m. \$25 administrative release cost ~~(\$20)~~

12:01 a.m. to 8:00 a.m. \$30 administrative release cost ~~(\$30)~~

**5-16.8** *Arrangements by Person Responsible for Automobile.* Nothing contained in this section shall prevent a person responsible for an automobile disabled upon the public streets or highways within East Windsor Township to arrange for the prompt removal of the vehicle from the scene of an accident or disablement by wrecking or towing services of his/her own selection. The person responsible will be advised of the ability to select such towing service at the required time of removal, providing such person is present, fully conscious and capable of taking prompt action.

**5-16.9** *Titles to Towed Vehicles.*

a. Junk titles shall be signed for after 60 days of storage at which time the State forms may be processed in accordance with New Jersey Laws and Regulations. A fee of fifteen (\$15.00) dollars for each junk title requested will be paid to the township by the towing service.

b. A fee of seventy-five (\$75.00) dollars will be paid to the township by the towing service for processing a clear title.

**5-16.10** *Removal from Tow Sheet.* In the event that a person or entity shall fail to perform satisfactorily, or performs in violation of this section, such person or entity may immediately be removed from the tow sheet by the chief of police. As soon as practical after such removal, the chief of police 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 taken and procedures being implemented to correct any deficiencies. After review of such response, the chief of police or his/her designee may continue the removal from the list, return the person or entity to the list either immediately, or after a specified period of time.

In addition, the contractor may be removed from the tow sheet and its agreement terminated upon written notification to the towing service if the towing service (a) Refuses or fails to answer calls; (b) Charges rates in violation of this section; and (c) Fails to comply with any of the provisions of this section, including but not limited to the following:

a. *Rules and Regulations.* The township chief of police may promulgate new rules and regulations for services which he deems necessary during the term of any agreement upon notification of a towing service in writing of same prior to implementation.

**5-16.11** *Responsibility for Payment.* Except for those vehicles owned by the township, no payment for services under this section may be demanded of the township. All fees and expenses shall be collected by the towing service from the owner of the vehicle, truck, bus or motorcycle.



**5-16.12** *Availability of Towing and Storage Fees.* The police department and the office of the township clerk shall maintain copies of this section as well as copies of all fee schedules of towing and storage contractors submitted to the township pursuant to subsection 5-16.7, which section and fee schedule shall be available for inspection by the public during regular business hours of the municipality.

**5-16.13** *Assignment and Sublet.* The towing service may not assign or sublet this agreement or any of the services provided hereunder. Further, no towing contractor or storage contractor may assign or sublet an agreement to or call upon any other company owned by any principal partner or proprietor of the towing contractor.

## II

### SEVERABILITY

If any section, subsection or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this Ordinance.

## III

### REPEAL

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

## IV

### EFFECTIVE DATE

This Ordinance shall take effect twenty (20) days after final passage and publication as required by law.

Attest:

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CINDY A. DYE  
Municipal Clerk

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JANICE S. MIRONOV  
Mayor

Date Adopted: February 7, 2012