



**TOWNSHIP OF EAST BRUNSWICK
MUNICIPAL CLERK'S OFFICE
P.O. BOX 1081
EAST BRUNSWICK, NJ 08816 - (732) 390-6850**

APPLICATION FOR A WRECKER LICENSE

FEES* ARE ANNUAL - LICENSE PERIOD IS JANUARY 1ST THROUGH DECEMBER 31ST CURRENT YEAR

		<u>Information Only</u> <u>Number of Wreckers</u>
Basic Wrecker license – regular wrecker	\$100.00	_____
Basic Wrecker license – heavy wrecker	\$100.00	_____
Police tow list wrecker license – regular wrecker	\$250.00	_____
Police tow list wrecker license – heavy wrecker	\$250.00	_____

***Any applicant wishing to provide light and heavy-duty towing services must fill out two (2) separate applications and pay two (2) separate fees.**

1. Name of applicant _____
Home address _____ Phone _____
2. Trade name _____
Business address _____ Phone _____
3. Owner of vehicles (If leased) _____
Address _____ Phone _____
4. Owner of building (If leased) _____
Address _____ Phone _____
5. Owner of land (If leased) _____
Address _____ Phone _____
6. Name of partner or anyone with investment in this business not previously named in this application

Address _____ Phone _____

7. Please provide a list of Serial Numbers and/or VIN and copies of any and all registration certificates for each vehicle to be operated by the applicant:

SERIAL NUMBER OF VIN	MAKE AND MODEL

8. Does anyone named in this application have an interest, or obtain financial gain from another business licensed to tow vehicles in East Brunswick? Yes _____ No _____

Name _____ Phone _____

Address _____

9. Does anyone named in this application have any business or personal relationship with any East Brunswick municipal employee, East Brunswick Police Officer, or any elected or appointed township official?

Yes _____ No _____

Name _____ Phone _____

Address _____

10. Has applicant agreed to permit anyone not having a disclosed beneficial interest in the license to receive or agree to pay anyone all or part of the gross receipts or net profits derived from this application?

Yes _____ No _____

Name _____ Phone _____

Address _____

11. Address of Business Location/vehicle storage facility_____

Number of Vehicles that Can be Stored_____

Total Square Footage of the Outdoor Secured Storage Area_____

*Please provide a sketch plan showing the location of the storage area, the number of cars that can be stored, and the total square footage area of the outside secured storage area.

12. Please provide the name and address of two business references:

Name_____

Address_____

Name_____

Address_____

13. Required insurance or bond of indemnity for property damage or loss - \$75,000, and not less than \$500,000 for personal injury per accident.

Insurance company_____ Policy number_____

*Please attach a proof of insurance coverage.

14. Do you consent to the appointment of the Municipal Clerk as your true and lawful attorney for the purpose of acknowledging service out of any court of competent jurisdiction to be served against you?

Yes _____ No _____

15. Do you agree to be available for the release of towed vehicles during normal operating business hours?

Yes _____ No _____

16. Do you agree to be available to tow vehicles twenty-four (24) hours per day, seven (7) days per week?

Yes _____ No _____

17. Do you agree to indemnify and hold the Township, its officers, agents and employees harmless from any and all liabilities, claims, costs, penalties, fines, and attorneys' fees arising out of the towing, wrecking, storage and/or emergency services provided by the tow vendor at the request of the Township?

Yes _____ No _____

18. Do you and the employees listed in the table below consent to a criminal background check and driver's license abstract search?

Yes _____ No _____

THE APPLICANT AND ALL DRIVERS MUST BE LISTED ON THIS FORM

NAME	ADDRESS	DATE OF BIRTH	DRIVER LICENSE NUMBER	SOCIAL SECURITY NUMBER

19. Please identify any and all criminal arrests and offenses for all officers and employees of the applicant, indicating the date of the incident or arrest, type of offense, and the court disposition of charges (including sentence imposed) in the table below.

NAME	TYPE OF CRIMINAL OFFENSE OR ARREST	DATE OF OFFENSE/ ARREST	COURT DISPOSITION AND SENTENCING

20. Please provide a detailed itemization of all of your equipment to ensure compliance with Section 135-48(D) of the Township Code.

If a wrecker license is granted, I agree to abide by the East Brunswick Township wrecker ordinance. This does not constitute zoning board and planning board approval, which must be sought separately.

Affidavit of applicant:

I hereby swear the above information to be true and correct to the best of my knowledge.

Applicant's Signature

FOR TOWNSHIP USE ONLY:

Approved by _____ Date _____
Captain, Traffic Safety

Approved by _____ Date _____
Zoning Officer

Approved by _____ Date _____
Municipal Clerk

TOTAL FEES PAID _____

DATE: _____

RECEIPT # _____

License Issued: Date _____

License Number(s) _____

§ 135-46. Definitions.

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

ABANDONED VEHICLE — Any motor vehicle or vessel partially dismantled or not readily capable of operation under its own power or not currently licensed or wrecked or junked. It shall also mean any vehicle whose owner has terminated the use and care of the vehicle and has either indicated by his words or actions an intent to leave it and no longer claim ownership of it or left it without making arrangements for the storage with the owner, occupant or person in control of the premises on which it is located. It shall also mean any agency-initiated tow that has not been claimed within 30 business days.

ABSORBENTS — Any group of products used to soak up spills or vehicle fluids. These would include oil dry, absorbent pads, socks, booms, etc.

ADMINISTRATION CHARGES — Additional charges incurred after the third visit by the owner and/or insurance representative must be accompanied into the secured storage yard facility to inspect, remove personal belongings, adjust and take photographs. Documentation such as driver license of vehicle owner or business card of insurance representative must be photocopied and time-stamped when this additional auxiliary service is performed.

ADMINISTRATIVE SERVICE FEE — A fee assessed per vehicle towed, payable by the vehicle owner or operator, imposed to support the costs associated with the Towing Program administration.

AUTHORIZED SERVICE PROVIDER (ASP) — Authorized company that provides contracted administrative services and/or software for impound management and unclaimed and abandoned vehicle disposition on behalf of the municipal police agency for tows initiated by the agency and in the possession of the agency or tow vendors for the agency.

CONDITIONAL HOLD — Refers to a hold placed upon an impounded vehicle by a police officer that must be satisfied prior to the vehicle being released to the owner. In certain situations, this type of hold may be utilized to verify proof of ownership, valid license, valid registration, valid insurance, etc.

CRANE/ROTATOR — Use of specially manufactured vehicle that has an extendable boom that rotates to recover vehicles that need to be recovered from unusual situations.

CRUISING — The operation of an unengaged tow truck along the public streets in any fashion intended likely or calculated to solicit business.

DEBRIS CLEAN-UP —

- A. Standard site clean-up: Refers to the amount of debris removal that should reasonably be anticipated at the scene of motor vehicle accident or incident. The standard site clean-up is usually defined to the point of impact, the final resting point of the vehicle and the associated debris field.
- B. Extended site clean-up: Refers to the removal of debris at the point of impact, as well as along the path of pre-impact and/or post impact, where vehicle disintegration and/or other property damage occur as a result of the motor vehicle accident or incident.

DECOUPLING — Releasing a vehicle to its owner or operator when the vehicle has been, or is

about to be, hooked or lifted by a wrecker operator, but prior to the vehicle actually having been moved or removed from the property.

HEAVY VEHICLE — Any vehicle with a gross vehicle weight (GVW) of 16,001 pounds and above.

IMPOUNDMENT — The storage of a motor vehicle upon the order of a law enforcement agency.

LIGHT VEHICLE — Any vehicle with a gross vehicle weight (GVW) of 10,000 pounds or less.

MEDIUM VEHICLE — Any vehicle with a gross vehicle weight (GVW) of 10,001 pounds to 16,000 pounds.

ON-HOOK MILEAGE CHARGES — Are calculated on a portal-to-portal basis, which consists of the following examples: towing company dispatched from towing facility to destination of tow, tows or transports motor vehicle from point of pick-up back to destination point at a towing company protected storage facility, a motor vehicle is towed from a point of pick-up to another destination other than the towing company facility, e.g. vehicle owner residence, mechanical repair facility, auto body repair facility or any other destination, mileage accrual at arrival back to the point of dispatch (towing company facility).

OPERATOR — Anyone who engages in the business of operating a wrecker.

POLICE TOW LIST WRECKER LICENSE — Required of any wrecker operator who applies for and is approved to be part of the East Brunswick Police tow list. It also entitles an operator who qualifies for fatal accident wrecker response, as determined pursuant to the Middlesex County Prosecutor's Office guidelines, to be called by the police department for fatal and potentially fatal accidents. Any wrecker operator who successfully obtains a police tow list wrecker license shall not be required to obtain a separate basic wrecker license.

ROAD SERVICE — An emergency service involving a wrecker operator to respond to a location to provide roadside assistance, which may include fuel delivery, locksmith service, tire replacement, or a battery jump-start.

STORAGE — Storage charges for a twenty-four-hour period means the maximum allowable amount to be charged by a storage facility for a twenty-four-hour period or fraction thereof. A new twenty-four-hour period begins at 12:01 a.m. Storage is charged on a per-calendar-day or any part thereof.

- A. **OUTSIDE SECURED STORAGE** — When a motor vehicle is placed in an outside, secured storage facility that will be completely enclosed with at least a six-foot fence, will have at least one entrance and exit gate and will be completely illuminated by outside lighting in order to safeguard the motor vehicles.
- B. **INSIDE SECURED STORAGE** — When a motor vehicle is placed inside a secured facility at the request of the vehicle/owner/operator or at the request of law enforcement agency for preservation purposes, e.g., owner/operator request antique or classic motor vehicle and/or an expensive luxury motor vehicle and/or law enforcement request for preservation of further law enforcement investigation.

TARPING — Covering or re-covering a vehicle to prevent against further weather damage or unauthorized access.

TOWING — When a tow truck and/or hydraulic flatbed carrier takes in its possession the care, control and custody of a motor vehicle by means of standard industry procedures.

- A. **BASIC TOW** — This means private property towing and other non-consensual towing as defined in this section and other ancillary services that include the following: arriving at the site from which a motor vehicle will be towed; compliance with response times; hooking a motor vehicle to, or loading a motor vehicle onto, a tow truck; transporting a motor vehicle to a storage facility; unhooking or unloading a motor vehicle from the tow truck; and situating the motor vehicle in the space in which it will be stored. "Basic tow" also includes issuing documents for the release of a motor vehicle to its owner or other person authorized to take the motor vehicle; issuing an itemized bill; three trips to the motor vehicle in storage, which, if applicable, include making a vehicle available to an insurance appraiser or adjuster; issuing documents for the release of a motor vehicle to its owner.

TOWING PROGRAM — The program administered by the East Brunswick Police Department for the regulation, oversight, and management of towing, impound, and vehicle disposition services, including an administrative service fee to support program costs. The Towing Program covers all activities related to the removal, storage, and release of vehicles at the direction of the Police Department and may utilize an Authorized Service Provider (ASP) to perform contracted administrative services and/or provide software for impound management and the processing of unclaimed or abandoned vehicles.

WINCHING AND RECOVERY SERVICE — The use of one or more techniques such as the use of airbags, winching, hoisting, uprighting, removing, or otherwise relocating a vehicle when the vehicle is found in such a location, state or position in which it could not remove itself from the location, state or position under the use of its own power, even if it were in complete operating condition. Winching a vehicle onto a wrecker as part of a basic towing service shall not be considered a chargeable winching service.

WRECKER — A vehicle used to tow or remove another vehicle.

§ 135-47. License required.

No person shall engage in the business of operating wreckers or tow trucks within the Municipality without first obtaining a license, therefore.

§ 135-48. Filing of application; investigation; required items; issuance of license.

- A. Wrecker license applications must be obtained from the Township Clerk. Completed applications, along with a sketch of the property indicating where towed vehicles will be stored, must be returned to the Township Clerk with the appropriate fee. A photocopy of all operators' current driver's licenses must be attached to the wrecker license application.
- B. Every applicant for a license under this chapter shall complete, sign, and verify a written application on forms furnished by the Township Clerk. The application shall state:
- (1) Name and address of the applicant.
 - (2) Residence address and full local address, if any, of the applicant.
 - (3) A list of serial/VIN number and registration certificates of each vehicle to be operated

by the applicant.

- (4) Location of storage area for wreckers and cars and the amount of available space for storage of towed cars.
 - (5) Policies or certificates of insurance coverage as hereinafter provided.
 - (6) Consent to appointment of the Municipal Clerk as the applicant's true and lawful attorney for the purpose of acknowledging service out of any court of competent jurisdiction to be served against the applicant.
 - (7) Agreement to be available for release of towed vehicles during normal operating business hours.
 - (8) Agreement to be available to tow vehicles 24 hours per day, seven days a week.
 - (9) Names and addresses of two business references.
 - (10) Sketch plan showing the location of the storage area, the number of cars that can be stored, and the total square footage area of the outside secured storage area.
 - (11) Proof of ownership or lease of the outside secured storage area.
 - (12) Proof of ownership, lease or other written agreement demonstrating availability of the vehicles which will be utilized to provide services pursuant to this chapter.
 - (13) Agreement to indemnify and hold the Township, its officers, agents and employees harmless from any and all liabilities, claims, costs, penalties, fines, and attorney's fees arising out of the towing, wrecking, storage and/or emergency services provided by the tow vendor at the request of the Township pursuant to this chapter.
 - (14) Identity of any and all criminal arrests and offenses for all officers and employees of the applicant, indicating the date of the incident or arrest, type of offense, court disposition of charges, including the sentence imposed.
 - (15) The consent of the applicant and all employees to a criminal background check and driver's license abstract search and the social security number, driver's license number and date of birth of such persons for purposes of conducting criminal background checks.
 - (16) A detailed itemization of all of the applicant's equipment to ensure compliance with § 135-48D of this chapter.
- C. The Township's Zoning and Code Enforcement Officer shall ensure that every East Brunswick based wrecker business location is in a zone approved for wrecker operations.
- D. In accordance with § 135-4, each wrecker company must be personally inspected by the East Brunswick Police Department Traffic Safety Section to ensure compliance with the following requirements:
- (1) A valid DMV registration and, if required, a valid inspection.

- (2) A valid DMV amber light permit.
 - (3) Insurance in compliance with § 135-53.3.
 - (4) Emergency lights visible at 1/4 mile and can be seen over the towed vehicle.
 - (5) One fire extinguisher (five pound carbon dioxide or dry powder).
 - (6) One broom and a debris container.
 - (7) One steering lock bar.
 - (8) The business name and location on the wrecker (N.J.S.A. 39:4-46).
 - (9) A minimum of five gallons of absorbent granules for cleaning up fluid spills.
 - (10) A reflectorized safety vest.
 - (11) Portable lighting equipment (heavy wreckers only).
 - (12) The wrecker and its equipment must be in good condition.
- E. The results of each investigation and inspection shall be reported to the Township Council, which shall approve or reject the application within 30 days after receiving the written report of the investigation and inspection. In addition to the reasons set forth in § 135-4, wrecker license applications may be denied for any of the following reasons:
- (1) Incomplete, inaccurate or falsified application.
 - (2) Unsafe or inadequate towing vehicles and/or equipment.
 - (3) Noncompliance with the Township's wrecker article.
 - (4) The business location is not in a zone where the use is permitted (East Brunswick locations only).
 - (5) The owner pleaded guilty or was convicted of a zoning or property maintenance violation in East Brunswick during the 12 months preceding the application date.
 - (6) Criminal or motor vehicle convictions of the owner or his employees which, in the reasonable belief of the Special Operations Section Commander, would jeopardize the safety of customers.
 - (7) Inadequate or unsecured storage facility.
- F. No towing license shall be renewed by the municipality for any towing company with unpaid Administrative Service Fees.
- G. The Township Clerk shall issue wrecker licenses upon the approval of the application by the Township Council. All licenses shall expire on December 31 of each year.

§ 135-49. Licensing fee.

- A. The annual fee for a license to operate a wrecker shall be determined by the following

schedule:

License Type	Annual Fee
Basic wrecker license - regular wrecker	\$100
Basic wrecker license - heavy wrecker	\$100
Police tow list wrecker license - regular wrecker	\$250
Police tow list wrecker license - heavy wrecker	\$250

- B. Any applicant wishing to provide light- and heavy-duty towing services must fill out two separate applications and pay two separate fees.

§ 135-50. Business location requirements.

- A. Business location. A base of operation that is staffed during normal business hours every weekday and Saturdays, excluding holidays. The business must be clearly marked with signs identifying the name of the business and the hours of operation. The business location must include a fenced-in lot for the storage of towed vehicles. In lieu of a fence, a well-lit storage lot located within the Township of East Brunswick which can be easily observed by passing patrol cars is acceptable. However, if the Traffic Safety Section Commander determines at any time that the security of the lot is inadequate, he/she may require the installation of a security fence, additional lighting, and/or security cameras in order for the operator to maintain a police tow list wrecker license. The tow vendor shall be responsible for ensuring the proper and safe storage of all vehicles towed pursuant to this chapter. The tow vendor shall be liable for any damage incurred by such vehicles while in transit or while stored in the storage areas.
- B. Light/medium vehicle wreckers. An operator's business location, including the storage yard, must be within 3 1/2 miles of the East Brunswick Municipal Building. All operators must also meet the response time requirements listed under § 135-51B.
- C. Heavy wreckers. An operator's business location, including the storage yard, shall be located within East Brunswick Township, or immediately adjacent thereto, in order to ensure response time as required by § 135-51(B).
- D. The storage area shall be in an area legally zoned for such use.

§ 135-51. Operational requirements; impoundment; auctions.

- A. Assignment of services.
- (1) Towing services are assigned to police tow list wrecker operators on a rotational basis. However, when a need arises for an expeditious tow, the nearest licensed wrecker operator may be called. If the operator is on the rotational tow list, the call shall count as the operator's next turn. Subsequent wrecker requests shall be assigned to the operators who were skipped. When a motorist requests a specific wrecker company

(customer request), and the company is on the police tow list, the requested wrecker company shall be called. This shall count as the wrecker company's next turn. Police tow logs shall be available for inspection by any licensed operator during regular business hours.

- (2) Such additional rules and regulations regarding the rotation of wreckers, as may be hereafter promulgated by the Township Council, shall take effect immediately after service of a copy thereof on approved towing operators in the Township. Service upon an approved towing operator may be made by sending, by ordinary mail, a copy of the additional rules and regulations to the approved towing operator's business address.
- (3) Nothing in this section shall prevent the owner, lessee, agent or driver of a vehicle which is disabled from calling a wrecker of choice to remove the vehicle unless the vehicle is obstructing traffic, affecting a restricted area or zone, or otherwise creating a hazard, and the wrecker of choice is not able to respond in a timely manner.
- (4) When dealing with a serious or fatal motor vehicle accident, the responding wrecker company will be chosen by the Middlesex County Prosecutor's Office after there are clear and definitive communications with the representatives of the agencies involved in the investigation at the time of the crash. The Middlesex County Prosecutor's Office will determine the vendor to be utilized, the storage facility to be utilized, and who will be responsible for towing and storage fees incurred. If the Middlesex County Prosecutor's Office determines that such services do not need to be handled by the county-contracted vendor, then the primary agency shall utilize their contracted vendor to tow the vehicle(s) and have the vehicle(s) stored in an appropriate secure facility.

B. Response times.

- (1) From the time of dispatch by police headquarters, wreckers shall arrive on the scene within the following time limits:
 - (a) Light/medium vehicle wrecker:
 - [1] 8:00 a.m. to 6:00 p.m.: 20 minutes.
 - [2] 6:01 p.m. to 7:59 a.m.: 25 minutes.
 - (b) Heavy vehicle wrecker:
 - [1] 8:00 a.m. to 6:00 p.m.: 25 minutes.
 - [2] 6:01 p.m. to 7:59 a.m.: 35 minutes.
- (2) When a police tow list wrecker operator's response time exceeds the time limits, the wrecker may be cancelled, which would result in the loss of a turn on the rotational tow list. The next operator on the police tow list may then be dispatched. Prevailing weather and road conditions should be considered prior to cancelling a wrecker for excessive response time. In addition to losing a turn on the rotational tow list, police tow list wrecker operators who exceed the response time limits shall be subject to the penalties set forth in § 135-56 for each violation.

- C. Availability. All police tow list wrecker operators must provide twenty-four-hour, seven-day per week service. In addition, they must respond to a minimum of 80% of their calls each month. The Traffic Safety Section will monitor compliance by conducting a monthly review of the Police Department's tow records.
- D. Routine tows without police holds. Vehicles towed shall be immediately taken to the wrecker operator's business location unless the driver of the vehicle or the police request otherwise. Vehicles shall be locked and parked in the secure area of the operator's business location. If any of the vehicle's windows are broken, a tarp or other nonporous material shall be applied to protect the vehicle's interior from the elements.
- E. Impoundment of vehicles with conditional holds.
 - (1) Impounded vehicles shall be immediately taken to the wrecker operator's business location unless the police request otherwise. Vehicles shall be locked and parked in the secure area of the operator's business location. If any of the vehicle's windows are broken, a tarp or other nonporous material shall be applied to protect the vehicle's interior from the elements.
 - (2) The officer authorizing the impoundment of the vehicle shall advise the wrecker operator at the scene that the vehicle has a conditional hold. The owner of the motor vehicle shall be required to satisfy the requirements of the hold and obtain a release authorization form from the East Brunswick Police Department. A release authorization form shall be available to pick up from the East Brunswick Police Department 24 hours a day, seven days a week, including holidays, provided the hold has been satisfied. The signed release authorization form must be submitted to the wrecker company prior to the release of the impounded vehicle.
 - (3) In certain situations when an owner of a vehicle fails to satisfy the conditional hold, he or she may elect to arrange for a private tow company, at his or her own expense, to tow the vehicle from the impound location to private property that he or she has ownership or legal control over. The owner shall obtain a release authorization form from the East Brunswick Police Department after indicating what wrecker company will be retrieving the vehicle and where it will be taken. The officer completing the release authorization form will verify the information and indicate it on the form itself. The signed release authorization form must be submitted to the wrecker company prior to the release of the impounded vehicle.
 - (4) Impounded vehicles will only be released to the registered owner. In the event a registered owner is unable to obtain the release authorization form and pick up the vehicle, he or she may submit a notarized letter designating an alternate person.
- F. Impoundment of vehicles requiring further police investigation.
 - (1) Vehicles that require impoundment and are subject to further police investigation, such as but not limited to search warrants, evidence, or forfeiture proceedings, shall be impounded utilizing the rotational wrecker list.
 - (2) Impounded vehicles requiring further police investigation shall be immediately taken to the East Brunswick Police Impound Storage Facility. If any of the vehicle's windows

are broken, a tarp or other nonporous material shall be applied to protect the vehicle's interior from the elements unless the vehicle is secured indoors.

- (3) The Investigative Division Commander or his/her designee will be responsible for authorizing the release of any vehicle secured at the East Brunswick Police Impound Storage Facility.
 - (4) In the event the Municipality directs that a towed vehicle is not to be released by the tow company because the vehicle is subject to an ongoing police investigation, no storage fee shall be charged to the Municipality.
 - (5) If a vehicle is towed by a licensee to premises controlled by the Municipal Police Department or any other agency designated by them 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 has 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 owner.
 - (6) Vehicles that require impoundment for serious or fatal motor vehicle crash investigations shall be towed by the wrecker company as chosen by the Middlesex County Prosecutor's Office. The East Brunswick Police Department Traffic Safety Section shall be responsible for authorizing the release of any such vehicle upon direction from the Middlesex County Prosecutor's Office.
- G. Towing of Township-owned vehicles. All licensed towers shall provide towing, flatbed, and other basic towing services for Township-owned vehicles at a rate equal to one-half of the amount established by the New Jersey State Police/Garden State Towing Association (GSTA). Towing services for Township-owned vehicles located outside the Township of East Brunswick shall be subject to a fee equal to one-half of the applicable GSTA rate, plus one-half of the "On-Hook Mileage" fee as published by GSTA until reaching the border of the Township of East Brunswick.
- H. Storage of vehicles; notification to owner; auctions.
- (1) Vehicles that are towed to a wrecker operator's business location shall remain there until which time the vehicle is retrieved by the owner/lienholder or until the vehicle is sold at public auction.
 - (2) The maximum number of vehicles which may be stored on an East-Brunswick-based operator's property shall conform to the sketch approved by the Township's Zoning and Code Enforcement Officer.
 - (3) If the owner of a towed vehicle has not contacted the tow vendor within seven days to discuss its intent regarding the vehicle in the tow company's possession, the towing vendor shall request title and lien information from the Municipal Police Department's Authorized Service Provider (ASP), and if no such company is contracted, directly from the Police Department. Tow vendor shall notify the owner and any lienholder via certified mail immediately upon receipt of title and lien information. If notification is

required to owner and/or lien holder, a notification documentation fee in accordance with the schedule of fees as adopted by the NJ State Police/GSTA Fee Schedule may be applied. The notice shall be sent certified mail and contain the following:

- (a) The name and address of the owner of record and the holder of any security interest
- (b) The location where the vehicle is being stored.
- (c) Schedule of costs imposed for storing the vehicle and instructions explaining how owner of record or the security interest holder may claim the stored vehicle
- (d) A statement that a sale or disposal of the motor vehicle, will occur in accordance with N.J.S.A. 39:10A-1 through N.J.S.A. 39:10A-7 if the vehicle is not claimed within 30 days.

The address of the owner and lienholder as shown on the records of the New Jersey Motor Vehicle Commission, or any other states equivalent agency, shall be deemed sufficient for the purpose of this chapter.

§ 135-52. Towing rates and other charges.

- A. Towing Fees and other charges shall conform with the schedule of fees as adopted by New Jersey State Police/GSTA rates published and updated on annual basis. All rates are subject to any yearly amendments and should supersede any rates listed, if not amended herein. Fees under "Towing-Basic" within the schedule shall apply for all impounds. All vehicles towed or impounded to a towing facility or township facility are not subject to "On-Hook Mileage" fees. Road service for replacing a tire with spare will be a flat rate of the minimum hourly "Manual Laborers" rate under the "Labor" schedule.
- B. In addition to the charges described above, there shall be an Administrative Service Fee, payable by the vehicle owner or operator, in the amount of \$25 per vehicle towed. This fee is required to be itemized separately on all invoices. This fee shall be used to support the cost of the Towing Program. It shall be the responsibility of the towing company to collect this fee and each towing company shall, monthly, forward a statement as to the number of vehicles towed, along with the copies of tow receipts, together with a check in payment of all Administrative Service Fees collected to the East Brunswick Police Department Traffic Safety.
- C. After the first hour, all hourly billable rates will be charged in half-hour increments.
- D. Storage fees shall be assessed against the owner or responsible party by the wrecker operator beginning the first business day after the vehicle was towed. Storage fees shall not be assessed for the day of pickup or any other day that the business location was closed to the public.
- E. Storage fees may only be assessed for a maximum of 20 business days.
- F. Storage and towing charges shall be clearly indicated by the wrecker operator on a Township-provided receipt form.
- G. Any additional charges must be justified by a documented need for additional personnel,

equipment, and/or supplies.

- H. A wrecker operator and a motorist may agree to the payment of a fee in excess of the amount specified in this section when unusual difficulties and/or distances are involved. Such agreements shall be without prejudice to the right of the motorist to apply to the Chief of Police for a refund of part of the fee paid on the grounds that it was exorbitant or that the motorist was induced to pay it by reason of misrepresentation, duress or some other unfair conduct by the wrecker operator.
- I. If a motorist requests to have his or her vehicle taken to a location within the Township other than the wrecker operator's business location, and there is no conditional hold, the wrecker operator shall comply if the motorist has either cash or a credit card to pay for the tow charges. There shall be no additional charge for towing a vehicle to any location within the Township of East Brunswick.
- J. If the wrecker operator's business location is based outside of the Township of East Brunswick, there shall be no additional charge for towing a vehicle to the operator's business location.
- K. If a motorist requests to have his or her vehicle taken outside the Township, but within Middlesex County, and the wrecker operator is able to comply with the request, there will be an additional per-mile fee for each mile outside of the Township of East Brunswick. The motorist shall be responsible for negotiating the terms of a tow beyond the boundaries of Middlesex County if the wrecker operator can accommodate the request.
- L. No wrecker operator shall request, demand or receive any commission, gratuity or other payment other than the established or agreed-upon fee for towing a vehicle.
- M. For services rendered, or to redeem a motor vehicle from storage, the operator shall accept in payment either cash, a check issued by an insurance company, a valid debit card, or a valid major credit card or charge card. In addition, the motorist shall not be required to respond to the business location to complete the transaction.
- N. Wrecker operators shall provide every customer with a Township of East Brunswick wrecker bill, which shall serve as a receipt for the towing and storage fees assessed and paid. Blank receipt forms are available from the Traffic Safety Section at no charge to licensed wrecker operators. The receipts shall explain the right to appeal to the Chief of Police if a customer feels the charges are excessive.
- O. Tow contractor shall at all times have a copy of the fee schedule set forth by this chapter displayed in visible sight for public inspection at its place of business. All tow trucks shall have a copy of schedule of fees available, if a vehicle owner should request. Any charges to a vehicle owner where the copy of the fee schedule set forth by this chapter was not on display or readily available by tow truck operator when requested by vehicle owner shall be considered a violation of this chapter and shall preclude the tower from charging the vehicle owner for the services rendered. Failure to provide said notice shall also be considered a violation of this chapter and shall subject the tower to fines set forth by this chapter and a loss of license.
- P. No towing license shall be renewed by the municipality for any towing company with unpaid

Administrative Service Fees.

§ 135-53. Applications for adjustment of charges; hearing.

The application to the Chief of Police provided for in § 135-48 shall be made within 30 days of the incident. It shall be in writing and contain sufficient information to properly identify the date, time and place, as well as the parties involved in the incident. Upon receiving the application, the Chief of Police shall set a date for a hearing and notify all parties involved. The hearing shall be conducted in the manner provided in Article XVII of Chapter 3, Administration of Government, of this Code. The Chief of Police shall determine what part, if any, of the fee was exorbitant or was paid as a result of misrepresentation, duress or other unfair practices. The amount determined by the Chief of Police shall be immediately refunded to the complainant by the wrecker operator. Failure to immediately refund the overcharge will subject the operator to license revocation proceedings in accordance with § 135-8.

§ 135-53.1. Wrecker license application form.

In addition to the information required by § 135-2, applicants shall submit a signed application as follows.¹

§ 135-53.2. Regulations for wrecker owners and operators.

- A. The following information shall be prominently displayed on the driver's side of every licensed wrecker:
 - (1) The Township of East Brunswick wrecker license number.
 - (2) The name, address and telephone number of the owner.
 - (3) The date of inspection of safety equipment.
- B. No driver or owner of a wrecker shall attempt to divert patrons of one garage to another garage or repair facility.
- C. No driver of a wrecker shall engage in "cruising," as defined in § 135-46, or otherwise interfere with the progress of traffic on public highways.
- D. All wrecker operators and their agents and/or employees are required to wear ANSI traffic vests with adequate reflective material for night use when working in the roadway.
- E. All wrecker operators and their agents and/or employees shall comply with § 209-17.1, regarding the parking of trucks and commercial vehicles on East Brunswick Township streets between 11:00 p.m. and 6:00 a.m. In addition, they shall also comply with § 228-224C(2) at all times in residential areas, including private driveways, if the vehicle dimensions exceed the limits specified in the chapter.
- F. All wrecker operators and their agents and/or employees shall perform reasonable cleanup of all debris associated with an accident or breakdown. All debris and fluid spills shall be

1. Editor's Note: The application form for a wrecker license is included as an attachment to this chapter.

removed from the scene and disposed of properly by the wrecker operator and/or his employee. All licensed wreckers shall carry a minimum of five gallons of absorbent granules for motor vehicle fluid spills.

- G. All wrecker operators and their agents and/or employees shall be experienced in the towing of vehicles. Unsafe or improper towing methods may result in immediate suspension from the police tow list. A basic wrecker license may be revoked by the Township Council after notice and hearing in accordance with § 135-8.
- H. All wrecker operators are responsible for ensuring that their agents and/or employees are familiar with this article. Wrecker operators shall be held responsible for any violations of this ordinance by their agents and/or employees.
- I. Before a new driver may operate a licensed operator's wrecker, he must first be investigated and approved in accordance with § 135-48D.
- J. Every year, typically during the month of December, a meeting will be held at police headquarters for all licensed wrecker operators. A representative of every licensee shall be present at the annual meeting.
- K. Vendors are prohibited from using subcontractors unless approved by the municipality at the scene to aid in clearing the scene.
- L. Vendors are prohibited from using tow vehicles not listed on the application. Applications may be updated at the vendor's request. Vendors will be suspended from towing if they utilize vehicles not listed on the application.
- M. Vendors are prohibited from using tow vehicles, drivers or employees not listed on the application. Applications may be updated at the vendor's request. Vendors will be suspended from towing if they utilize drivers or employees not listed on the application.
- N. In the event patrons are unable to pay for tow services, vehicles will be towed to the vendor's designated storage facility until payment is made. Vendors will be entitled to storage fees as set forth by GSTA "Storage — Per Calendar Day" rates.
- O. All equipment shall comply with all state and federal regulations, and all vehicle operators shall be properly licensed for the vehicles they are operating.
- P. Every tow vehicle or flatbed shall comply with all state, federal and local laws, regulations and ordinances pertaining to safety, lighting and towing equipment requirements, and shall be subject to inspection by the Chief of Police or his designee at any time.
- Q. Every tow vehicle or flatbed shall be properly licensed and registered with the New Jersey Motor Vehicle Commission. Every tow vehicle or flatbed shall display New Jersey commercial license plates or apportioned license plates.
- R. Drivers of towing vehicles and flatbeds shall obey all traffic laws and regulations.
- S. No wrecker shall possess or exhibit flashing lights except as provided under Title 39 of the New Jersey Statutes.

T. Records to be maintained. All towers authorized under this article shall maintain the following records for not less than three years and shall provide such records to the Municipal Police Department upon request:

- (1) Invoice of tow.
- (2) Invoice of Administrative Service Fee (itemized separately).
- (3) Date of tow.
- (4) Location of tow.
- (5) Name of vehicle owner.
- (6) Address of vehicle owner.
- (7) Type of tow (accident, disabled, police impound, etc.).
- (8) If off-road recovery was necessary, time and charge.
- (9) Type of storage, dates stored, and charge.
- (10) Make, Model, Year, VIN, and registration of vehicle.
- (11) Date of vehicle release.
- (12) Name, address and telephone number of person to which the vehicle was released.

§ 135-53.3. Hold harmless agreement; insurance.

A. Hold harmless. The owner and/or operator of the wrecker shall agree, in writing, to assume the defense of and indemnify and hold harmless the Township, its elected officials, boards, commissions, officers, employees and agents, from all suits, actions, damages or claims, fees, costs, expenses, fines or penalties to which the Township may be subjected of any kind and nature whatsoever resulting from, caused by, arising out of or as a consequence of the provisions of towing, wrecking, storage and/or emergency services provided at the request of the Township pursuant to this section. Wrecker companies shall enter into a hold harmless agreement in a form prepared by the Township prior to being included on the police tow list.

B. Insurance.

- (1) The owner of each licensed wrecker shall maintain, during the life of the approval, insurance policies of the type and with the minimum limits indicated below and in a form satisfactory to the Township. The owner and/or operator of each approved wrecker shall provide a certified copy of the policies and/or certificates of insurance satisfactory to the Township prior to commencement of work. All policies and/or certificates shall be submitted to the Township risk management consultant 30 days in advance of work by the owner and/or operator of a wrecker for review and approval.
- (2) On all liability policies, the Township shall be added as an additional insured, and insurance policies and/or certificates shall indicate such coverage as primary coverage notwithstanding any insurance carried by the Township.

- (3) Each insurance policy or certificate of insurance shall contain a provision that it is not subject to material change, cancellation or nonrenewal unless 30 days' prior written notice via certified mail/return receipt shall have been given to the Township by the insurance company of the owner and/or operator of the wrecker, except that 10 days' prior written notice shall have been given in the event of cancellation due to nonpayment of premium (hereinafter the "wrecker's insurance company").
- (4) Garage liability insurance. Limit of liability insurance shall not be less than \$500,000 combined single limit (bodily injury and property damage) per occurrence, including premises operations and products/completed operations.
- (5) Automobile liability insurance. Limit of liability shall not be less than \$500,000 combined single limit (bodily injury and property damage) per occurrence.
- (6) Garage Keepers insurance. Physical damage insurance policies shall be specifically endorsed to provide direct primary insurance, where applicable, for vehicles in tow, possession of, or storage on property owned or controlled by the owner of the wrecker. Limit on said coverage shall not be less than \$100,000.
- (7) Excess umbrella insurance. Limit of liability shall not be less than \$1,000,000 providing protection in excess of \$500,000 garage and auto liability coverage. Note: This requirement may be waived if the limits of liability in Subsection B(4) and (5) are not less than \$1,000,000 combined single limit.
- (8) Workers compensation insurance. New Jersey statutory coverage, including employers liability coverage.
- (9) The providing of any insurance required herein does not relieve the wrecker company of any of the responsibilities or obligations assumed by the owner of the wrecker for which the owner of the wrecker may be liable by law or otherwise.
- (10) If any policies contain deductible or copayments, it shall be the responsibility of the owner and/or operator of the wrecker company to pay such sums at the same time a claim is settled by the wrecker company's insurance company.
- (11) If any policies contain limits of liability with an aggregate limit, the owner and/or operator of the wrecker company or the wrecker company's insurance company shall provide the Township, quarterly during the policy period, a statement evidencing the limits of liability required under the contract to be in force.
- (12) Failure to provide and continue in force such insurance as required above shall be deemed a material breach of the license and shall cause an immediate termination thereof.
- (13) All policies shall be written in either a company licensed to do business in the State of New Jersey or a New Jersey eligible Surplus Lines Company with a minimum Best A-VII (A minus seven). They shall be written on an ISO (insurances service office) form or better.

§ 135-54. No excess fees or additional charges.

- A. No person shall be liable to any person who tows or stores a private passenger automobile which was damaged in an accident or recovered after being reported stolen for any fees in excess of those permitted by the towing and storage fees schedule contained herein and in accordance with N.J.A.C. 11:3-38.4; and
- B. The fees set forth for towing and storage are the maximum rates allowed for a vehicle towed by a wrecker company as a result of an accident or theft recovery or crime investigation. There shall be no additional charges other than those provided in this section in accordance with N.J.A.C. 11:3-38, including but not limited to flat-bedding, waiting time, winching, uprighting, cleanup cost, and additional labor.

§ 135-55. Duties of approved wrecker companies.

- A. No approved operator shall solicit, demand or receive from any person, any pay, commission or employment whatever, except the proper fee authorized for transporting the disabled or damaged vehicle in accordance with the schedule of towing rates and other charges in § 135-52, in accordance with N.J.A.C. 11:3-38.6.
- B. An approved wrecker company shall keep and maintain towing equipment which is adequate to perform such towing in reasonably workmanlike manner.
- C. Each approved wrecker company shall maintain an electronic or written record, kept solely for this purpose, documenting each vehicle towed, serviced, or transported within the Township of East Brunswick. Such records shall include full details of the tow or service, including the circumstances of the hire, and the names of the vehicle owner and the individual or entity requesting the service. These records shall be made available for inspection at any time upon request by a duly authorized representative of the East Brunswick Police Department.
- D. Each approved wrecker company must adhere to all state laws and regulations governing towing service.
- E. Each approved towing operator shall treat vehicle owners, operators and passengers courteously.
- F. Each approved towing company shall require that the driver of a wrecker shall provide each customer with a receipt showing all fees paid by that customer.
- G. Each approved wrecker company must permit retrieval of a vehicle by any authorized party, including but not limited to an insurance adjuster, the owner, or the owner's designee.
- H. Each approved wrecker company shall display, at the cashier's counter, a clearly visible sign that shall include the Township of East Brunswick storage fees and rates pursuant to § 135-52 and shall also include a contact number for the East Brunswick Police Department for any complaints.

§ 135-56. Violations and penalties.

- A. The East Brunswick Police Department generally, and the Chief of Police or his/her designee particularly, are hereby designated as the supervising authorities to enforce the provisions of

this section.

- B. Suspension. The Chief of Police or his/her designee is hereby empowered to temporarily suspend for cause any wrecker company's approval and rights to operate thereunder.
- C. Grounds for suspension. Violations of any provisions of this article, any other applicable law, regulation, or Township ordinance, illegal, improper, or fraudulent activity, or substandard performance or service shall constitute grounds for suspension.
- D. Procedure for suspension. Upon a determination that appropriate grounds exist and that suspension is warranted, the Chief of Police or his/her designee shall issue written notice thereof to the offending wrecker company. The notice shall advise of the suspension, state the basis and duration thereof, establish the conditions for reinstatement, and inform the offending wrecker company of the right to appeal the suspension in accordance with § 135-56.1.
- E. For a violation of any provision of this wrecker article police tow list wrecker licensees shall be subject to the following penalties:
 - (1) First notice in any given calendar year will consist of a warning notice.
 - (2) Second notice in any given calendar year will result in a thirty-day suspension.
 - (3) Third notice in any given calendar year will result in an indefinite suspension from the police wrecker list.
- F. For a violation of any provision of this wrecker article, basic wrecker licensees shall be subject to possible license revocation in accordance with § 135-8.

§ 135-56.1. Appeal process.

- A. Right to appeal. The rejection of a towing application submitted, or suspension or revocation of a towing approval issued, pursuant to this section may be appealed to the East Brunswick Police Department Chief of Police or his/her designee.
- B. Time for appeal. Appeals must be filed no later than 45 days from the date of the rejection, suspension, or revocation challenged.
- C. Procedure for appeal. Requests for an appeal must be timely submitted, in writing, to the Chief of Police or his/her designee. The request must clearly identify the action challenged and include a statement of reasons in support of reversal. The appeal may be decided on the written record or a formal hearing may be conducted, which must be specifically requested. Upon receiving such a request, the Chief of Police or his/her designee shall, within reasonable time, schedule a mutually agreeable date for a hearing.
- D. Conduct of hearing. The hearing authorized by this section shall be conducted before a three-person panel composed as follows:
 - (1) A superior officer of the East Brunswick Police Department; and
 - (2) The East Brunswick Township Business Administrator; and

- (3) The East Brunswick Township Mayor's designee.
- E. Disposition of appeal. After reviewing the aggrieved wrecker company's written submissions and the record of the formal hearing, if any, the panel shall issue a written decision upholding, reversing, or modifying the original determination.
- (1) If the panel recommends a reversal of a rejection or revocation, its decision shall be forwarded to the Township Council, which, if in agreement, shall adopt a resolution to that effect. Notice of the reversal, together with a copy of the panel's decision and Township Council resolution, shall be sent to the aggrieved party.
 - (2) If the panel recommends reversal or modification of a suspension, it shall so notify the aggrieved party. The notice shall include a copy of the panel's decision and state the conditions for reinstatement, if any.
 - (3) If the original determination is upheld, the panel shall so notify the aggrieved party and provide a copy of its written decision.

§ 135-56.2. Enforcement.

The municipal officers and/or agencies designated to enforce the provisions of this article in accordance with due process of law are the East Brunswick Township Police Department's Traffic Safety Section Commander and the East Brunswick Township Zoning and Code Enforcement Officer, where applicable.