

# VEHICLE TOWING AND STORAGE

## CHAPTER 19A.

### ESTABLISHMENT, REGULATION AND LICENSING FOR POLICE REQUESTED AND NON-PREFERENCE VEHICLE TOWING AND STORAGE SERVICES.

- § 19A-1. Purposes.
- § 19A-2. Definitions.
- § 19A-3. Standards for police towing equipment.
- § 19A-4. Number of towing operators.
- § 19A-5. Rules and regulations.
- § 19A-6. Suspension.
- § 19A-7. Rates.
- § 19A-8. Heavy vehicles.

#### **Sec. 19-1. Purposes.**

The purpose of this chapter is to provide standards, regulations and rates for police requested and non-preference vehicle towing and storage services. The said services shall be provided under the supervision of the Police Department of the Town of Westfield. (G.O. No. 1576, § I.)

#### **Sec. 19A-2. Definitions.**

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

(a) *Authorized towing operator.* A towing operator who has applied to the chief of police and is authorized to do police required towing for the Westfield Police Department.

(b) *Automobile/vehicle.* A passenger or station wagon-type automobile owned or hired, and a motor vehicle with a pickup body, or delivery sedan, a van, or a panel truck or a camper-type vehicle used for recreational purposes owned or hired.

(c) *Basic towing service.* 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 any 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. Basic towing service shall include vehicles involved in a motor vehicle accident, recovered stolen vehicles, impounded vehicles, abandoned vehicles, disabled vehicles and any other vehicle the police request be towed.

(d) *Cruising.* The operation of an unengaged tow truck along the public streets in any fashion intended likely or calculated to solicit business.

(e) *Day rate.* Hours from 8:00 A.M. to 6:00 P.M.

(f) *Inside building.* A vehicle storage facility that is completely indoors, having one or more openings in the walls for storage and removal of vehicles that is secured by a locking device on each opening.

(g) *Labor.* The 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. Unreasonable delays at the scene (waiting time) caused by the owner, driver or police shall also be considered labor.

(h) *Motor vehicle accident.* An occurrence in which an automobile comes in contact with any other object for which the automobile must be towed or removed for placement in a storage facility. This includes all situations which are accidental as to the owner or operator even if they were caused by the intentional acts of a perpetrator such as vandalism or fire.

(i) *Outside secured.* 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 equipped with a passive alarm system or a similar on-site security measure. The facility is to be lighted at night.

(j) *Outside unsecured.* An automobile storage facility that is not indoors and is not secured by a fence, wall or other man-made barrier, and all other storage facilities not defined above as “inside building” or “outside secured.”

(k) *Owner.* A person, firm, corporation or other entity who owns, leases and/or operates, parks or abandons a vehicle on the roads and highways within the Town of Westfield, which vehicle by reason of being disabled or being unlawfully upon said roads requires towing services.

(l) *Storage charge.* 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 charges shall commence twenty-four hours after the vehicle was towed.

(m) *Towing operator.* A person, firm, corporation or other entity engaged in the business of providing tow truck services and storage services for vehicles towed, which services are made available to the general public.

(n) *Tow vehicle (tow truck).* Those vehicles equipped with a boom or booms, winches, slings, tilt beds, wheel lifts or underreach equipment specifically designed by its manufacturer for the removal or transport of automobiles.

(o) *Tow vehicles base of service.* Towing operator’s principal place of business where the tow vehicle is stationed when not in use.

(p) Authorized Tow Operators must accept all forms of payment including credit cards, checks and any other legal form of payment.

(q) Upon the request of the Chief of Police or his designee, Authorized Tow Operators shall produce copies of towing invoices for any and/or all Authorized Police Tows.

(G.O. No. 1576, § I; G.O. No. 1818, § II.)

### **Sec. 19A-3. Standards for police towing equipment.**

(a) *Equipment requirements.* No towing operator shall tow for the Westfield Police Department who does not own, lease or obtain, for utilization in his or its business, the

following equipment. Such equipment shall be inspected by the chief of police or his authorized representative.

(1) One heavy duty wrecker.

(2) One flat bed.

(3) Equipment available to remove disabled or abandoned motor vehicles, motorcycles and mopeds with or without wheels and totally inoperable motor vehicles, motorcycles and mopeds.

(4) Safety equipment to be carried on all trucks shall include universal towing sling; except flatbeds, hooks and chains; one snatch block for three-eighths to one-half inch cable; two high-test safety chains; auxiliary safety light kit to place on rear of towed vehicle; four-lamp or three-lamp revolving amber light or lamp bars; toolbox with assortment of hand tools; rear working lights and rear marker lights; cab lights; body-clearing lights located to clear towed vehicle; blocking choke for wrecker while working; safety cones; shovel; broom; steering wheel lock or tie down; two-way radio communication system; service availability on a twenty-four hour seven day a week basis.

(5) All tow trucks must be properly registered, insured and inspected pursuant to laws of the State of New Jersey. Automobile liability insurance in the amount of not less than one million dollars for any one claimant and two million dollars for more than one claimant and one million dollars coverage for property damage for any one event with such policies endorsed to provide collision coverage for vehicles in tow and naming the Town of Westfield as an additional insured.

(6) All tow trucks must be properly lettered on both sides as provided by law.

(7) All tow trucks will be maintained and operated in accordance with all existing traffic regulations, and in a safe and prudent manner.

(8) Towing operators and/or drivers will request police assistance during the course of servicing, when they find it necessary to turn around, back-up, tow in the opposite direction, etc., if any of the above maneuvers would constitute a hazard to the motoring public.

(9) All towing operators shall provide proof of workers compensation insurance as required by statute.

(10) All towing operators shall have garage keeper's liability insurance coverage in an amount not less than sixty thousand dollars per location and not less than one million dollars combined single limit naming the Town of Westfield as an additional insured.

(11) Towing operator's insurance coverage as aforesaid shall be by insurance carriers authorized to do business in the State of New Jersey and shall include a provision requiring notification regarding any policy cancellation, revision or interruption of coverages.

(b) *Other facilities.* Each towing operator shall tow and store impounded vehicles involved in criminal matters to the Department of Public Works Building located at 959 North Avenue, West, Westfield, New Jersey.

(c) *General area.* The towing operator shall provide an outside secured storage yard, fenced and secured, and large enough to accommodate at least ten automobiles.

(d) *General standards.*

(1) The storage facilities shall have proper sign identification in a prominent location on the fencing of the storage area adjacent to the entry gate and in the principal office of the towing operator where the general public is admitted, showing the hours when the automobile may be released, such hours to be subject to the approval of the chief of police, with a minimum of ten hours per day, and six days a week, excluding Sundays and holidays, as well as the schedule of fees for towing and daily storage rates. A business card will be supplied by the towing operator to the owner or driver at the scene stating business address and hours.

(2) All towing operators and their drivers shall be fully trained and knowledgeable in the operation of required equipment.

(3) All drivers will relay information as soon as possible to the police on all crimes, disabled vehicles, accidents, disasters, etc.

(4) Towing operator employees who drive vehicles on the town roads or highways traversing said town, must have a proper valid New Jersey drivers license, they shall be of good moral character, mentally alert, and present a neat appearance at all times. Disqualification shall occur for any towing operator or employee who has been convicted of a crime unless said criminal conviction is waived by the chief of police for cause. Application for consideration as a towing operator means such towing operator and his employees have consented to a background criminal check by the Westfield Police Department and a satisfactory Better Business Service Bureau report. Any false or misleading information that is presented on any application shall result in immediate disqualification of the towing operator.

(5) The towing operator on duty must have any and all equipment which may be required to be available and ready to respond to a call within fifteen minutes. The chief of police shall be the sole arbitrator as to compliance with the required response times.

(6) It shall be the obligation of the towing operator to immediately notify the police in the event that said towing operator is wholly or partially not operational due to mechanical failure or personnel insufficiency. Upon such notification the police may use another police towing operator who is authorized by the chief of police.

(7) Towing operators will not respond to or stop at any accident scene unless directed by the police, unless it is to notify the police of an emergency. This stop shall not give tower a right to tow without police permission.

(8) Towing operators will be responsible for all vehicles and contents in their custody that was towed off the roadway under the direction of the police.

(9) Towing operators will notify the police on a weekly basis if they are in custody of any unclaimed automobiles.

(10) Towing operators will cooperate with other operators in the case of emergency services at the scene of accidents and/or disasters.

(11) No vehicle will be removed from the town roads or highways traversing said town without proper authorization from the police at the scene, or owner as the case may be.

(12) All vehicles impounded or confiscated will not be released without proper authorization from the police department.

(13) All disputes between towing operators and the public at the scene and/or owners will be reported to the chief of police, or his designee, who will act as a mediator

and attempt to resolve their differences in a civil and lawful manner. No driver or a towing operator will create a disturbance on the highway, nor will any police officer or desk officer be called to referee any disagreement.

(14) The police officer investigating the incident is in complete charge of the incident scene, and all towing operators and their employees shall comply with the officer's instructions.

(15) The police shall in no way be liable to towing operators for any services whatsoever, which may be rendered to motor vehicles, and the towing operator will look to the driver or last registered owner of such vehicles for compensation.

(16) All towing operators, to the degree possible, shall be located in the Town of Westfield or other municipalities with a distance of two miles thereof in order to ensure response within fifteen minutes to calls, as needed.

(17) In the event that the owner or operator of an automobile requests the services of a particular towing operator, whether or not such operator is an authorized police towing operator, or whether or not the towing operator is scheduled to respond to the call, the police shall give preference to the towing operator selected by the owner under the following conditions: (a) the vehicle is not a hazard or in a hazardous position, which can be determined by the police and/or fire officer in charge at the scene; (b) the vehicle does not disrupt the flow of normal traffic and can be removed within a reasonable amount of time by the officer in charge at the scene.

(18) All fees for towing and/or storage hereunder shall be paid for and collected from the owner operator or other person responsible for the towed automobile by the towing operator. Except as provided for herein in section 19A-5(k) the Town of Westfield shall not have any financial responsibility for any towed automobile.

(19) Towing operators shall provide proof of ownership or lease of all storage facilities and shall provide proof that such facilities are legally zoned for storage use. (G.O. No. 1576, § I.)

#### **Sec. 19A-4. Number of towing operators.**

In order to assure provision of safe and efficient towing service which shall constitute licensing by the Westfield Police Department, all qualified operators pursuant to this Chapter, with the approval of the chief of police, shall be allowed to tow for the Westfield Police Department as follows:

(a) Each towing operator shall be placed on a rotational list as compiled by the chief of police of the Town of Westfield. Such towing operators shall be called upon to respond to the needs of the police department of the Town of Westfield on a daily rotational basis, except as provided herein.

(G.O. No. 1576, § I.)

#### **Sec. 19A-5. Rules and regulations.**

(a) No towing operator shall engage in cruising as defined in this chapter.

(b) No towing operator shall solicit or attempt to divert patrons of another towing operator, nor shall a towing operator solicit or divert prospective patrons of a given repair

service to any other repair service nor shall any police officer designate or suggest any towing operator to perform service.

(c) No flashing lights or siren shall be used by a towing operator except as granted by the chief of police in and/or under the provision of N.J.S.A. 39:3-1 et seq.

(d) The governing body hereby designates the police department generally, its specific designee and the chief of police particularly, as the supervising authority to enforce the provisions of this chapter as well as the rules and regulations adopted hereunder the ultimate authority vesting in the Town Council of the Town of Westfield.

(e) Prior to the end of the year in the month of December, each towing operator authorized to tow for the police department shall be inspected for fitness hereunder by a representative of the police department.

(f) Each towing operator on duty shall maintain and carry the necessary equipment to remove disabled or locked automobiles, or equipment necessary to operate or open automobiles to enable public safety personnel to remove entrapped passengers.

(g) Each towing operator, prior to departure from the scene of towing services, shall clean and clear the streets of any customary debris resulting from any accident at such scene and shall at all times carry the necessary equipment to perform such cleaning services.

(h) Refusal to tow at the scene of the incident shall be reported by the police officer assigned to the incident to his supervisor. The supervisor shall respond to the scene and if unable to correct the situation will file a written report with the chief of police.

(i) Towing operators shall arrive at the scene to which dispatched within a reasonable time after being dispatched. Under normal circumstances, such reasonable time limit is defined as within fifteen minutes. The police department shall reserve the right to obtain the services of another authorized towing operator required for failure to respond in the required time, equipment or failure to meet the provisions of said chapter.

(j) Where no storage designation by an owner or police has been made, authorized towing operators are authorized to remove the automobile to the towing operator's outside secured area.

(k) Where automobiles are towed to premises controlled by the police department for the purpose of utilizing the vehicles or its contents as evidence, or for other purposes, such vehicle shall not be released from police custody without prior written consent of the police department and shall not be released unless the owner of the vehicle furnishes the police department with a receipt that towing service fees have been paid.

When, in fact, an automobile is released by police without the proper receipt, the towing operator shall first make every reasonable effort to collect its towing fee from the automobile owner or operator and if no payment has been made after proof or reasonable effort, the Town of Westfield shall be responsible for said charges but may pursue its remedy against said owner, driver or other person responsible.

(l) No authorized police towing operator shall employ, directly or indirectly, any sworn officers of the Town of Westfield.

(m) The towing contractor shall be solely responsible for all acts of omissions of its employees and shall indemnify and hold the Town of Westfield harmless in connection with same. All such employees shall be deemed not to be employed by or represent the Town of Westfield.

(n) Such additional rules and regulations as may be promulgated by the Town Council pursuant to this chapter shall take effect after notification of such rules and regulations upon all authorized police towing operators. Service shall be made by hand delivering to the authorized towing operator or his designee.

(G.O. No. 1576, § I.)

**Sec. 19A-6. Suspension.**

The chief of police shall have the right to suspend any towing operator authorized to do police towing under this chapter for good cause upon written complaint of the administrative captain of the Town of Westfield Police Department following his determination that there is probable cause for suspension based upon violation of this chapter. Written notice of such complaint and the basis of the complaint shall be given to the towing operator, and said towing operator shall be entitled to a hearing before the chief of police decides there shall have been violations he may then suspend said towing operator. In addition to any suspensions, if a violation of N.J.A.C. 11:3-38 et seq. has occurred, the Westfield Police Department will notify the New Jersey Department of Insurance of Violation. (G.O. No. 1576, § I.)

**Sec. 19A-7. Rates.**

The rates charged for basic towing services, storage and labor shall be in accordance with the schedule established herein and shall be kept on file in the police department and shall be available for inspection by the public.

**Towing:**

Class I vehicles passenger and commercial up to 6,999 lbs.	Weekdays 8:00 A.M. to 6:00 P.M. using a conventional wrecker.	\$55.00
	Weekends and holidays 6:00 P.M. to 8:00 A.M. using a conventional wrecker.	\$65.00
	Flatbed truck, all hours.	\$75.00
	No mileage charge for Class I or II vehicles if the vehicle is towed to a location within the Town of Westfield or back to the duty tow's yard, regardless of location.	
	Vehicles towed to locations other than above.	\$3.00 per mile or fraction thereof from pickup point

Fees for towing police department vehicles shall not exceed.	\$35.00
Commercial vehicles Class II, 7,000 to 14,999 lbs.	\$90.00
Commercial vehicles Class III, 15,000 lbs. And up	\$225.00 per hour
Trucks and trailers	No mileage charges

Vehicle classification will be determined by the registered gross weight.

*Road Service Charge: (All hours)*

Out of fuel (plus charge for fuel)	\$35.00
Battery jump	35.00
Changing of flat tire	35.00
Separation charge	50.00
Drop drive shaft	50.00
Release air brake	35.00

*Storage: (Commencing 24 hours after the vehicle was towed)*

Class I vehicles per day	\$20.00
Class II vehicles per day	25.00
Class III vehicles per day	35.00
Inside storage	Add \$5.00 per day

*Miscellaneous:*

Waiting time at scene (per minute) commencing 15 minutes after arrival on scene	\$ 1.00
Winching service, up to 50 feet	50.00
In excess of 50 feet (per foot)	1.50
Rollover charges (to bring a vehicle back onto its wheels)	75.00
Administration fees for "paperwork" or "yard charges" relating to the retrieval of a motor vehicle in storage are prohibited	--

No towing operators shall charge an additional fee when a towed vehicle is being picked up by an owner/driver or other tow operator or for services such as moving motor vehicles to get the vehicle in question, towing from the operator's property to the street and other such towing operations. (G.O. No. 1576, § I; G.O. No. 1706, § I; G.O. No. 1818, § I.)

**Sec. 19A-8. Heavy vehicles.**

These requirements shall not apply to the towing of heavy vehicles which require special equipment. The police shall use the tow service of those operators who have the equipment to handle a heavy tow when there is a requirement for such tow.  
(G.O. No. 1576, § I.)