

**TOWNSHIP OF CLINTON
ORDINANCE NO. 1135-19**

**AN ORDINANCE OF THE TOWNSHIP OF CLINTON IN HUNTERDON COUNTY,
NEW JERSEY REGARDING THE TOWING AND STORAGE OF VEHICLES AND
AMENDING SECTION 257-10 OF THE CODE OF THE TOWNSHIP OF CLINTON**

WHEREAS, the Mayor and Council wish to ensure that all towing services/wreckers licensed and contracted by the Township to respond to requests for towing of vehicles made by the Police Department comply with N.J.S.A. 56:13-15, which requires, among other things, the provision of “reasonable accommodations for after-hours release of stored motor vehicles,” and

WHEREAS, the Mayor and Council wish to clarify the circumstances under which authorization from the Clinton Township Police Department will be required before a towing service/wrecker may release a vehicle to its owner;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Clinton, County of Hunterdon and State of New Jersey, as follows:

Section 1. Chapter 257 of the Code amended to add thereto a new subsection “R” to § 257-10, “Standards of Operator Performance.” Chapter 257, “Towing” of the Code of the Township of Clinton (“Code”) is hereby amended and supplemented by adding a new subsection “R” to section 257-10, “Standards of Operator Performance,” which shall read as follows (new text is underlined):

Chapter 257. Towing.

§ 257-10. Standards of operator performance.

All operators of licensed wreckers who have entered into contracts with the Township shall be obligated to comply with the following duties:

- A. Remove and tow to the designated storage facility all vehicles directed by the Chief of Police to be removed and towed because such vehicles are, in the Chief of Police’s sole discretion, designated as abandoned, illegally parked, disabled,

involved in an accident, or to be impounded because of criminal or other investigation. In the event that a tow job is beyond the capabilities of a wrecker's equipment, the police officer on the scene will obtain the services of a wrecker with equipment capable of completing the tow job.

- B. Store such vehicles and move such vehicles as directed by Chief of Police or his designees.
- C. Provide twenty-four-hour, seven-day a week service to the Township during the term of the contract.
- D. Respond promptly to all requests for towing services by the Chief of Police. In any event, the wrecker shall respond and be present at the location (all locations within the Township) for towing services within 25 minutes of receipt of notice of the towing required between the hours of 7:00 a.m. and 7:00 p.m. (hereinafter "daytime"), and within 30 minutes of receipt of notice between the hours of 7:01 p.m. and 6:59 a.m. (hereinafter "nighttime"). In the event a wrecker does not arrive at the tow location within the above time periods, the police officer on the scene shall have the right to have a substitute wrecker called to the location, who will then have the right to perform the tow service; the originally called wrecker shall have no right to payment from any party.
- E. Not charge any fee for replacement of equipment or materials provided at the scene of the tow.
- F. Tow any and all disabled Township-owned or -operated vehicle upon request by the Chief of Police to a location within the Township. The wrecker will not charge the Township for the towing of passenger vehicles or pickup trucks within two miles of the Township border.
- G. Clean up all broken glass and debris at the scene of accidents. All wreckers must be equipped with a broom and a shovel. All wreckers must be equipped with a drying substance which is acceptable to the Chief of Police. The use of winch equipment and use of dollies and like equipment to remove parked cars, which work may be billed to the vehicle owner, provided that the work exceeds 10 minutes. Wreckers are subject to the provisions of N.J.S.A. 39:4-56.8b.
- H. Furnish additional towing equipment and services during storm periods, periods of snow emergencies, traffic emergencies, natural or other disasters, any acts of God, and for any other reason when so designated by the Chief of Police. Such standby service shall begin when the Chief of Police notifies the wrecker and shall end when the Chief of Police notifies the wrecker. The Township reserves the right, during any such emergency, to designate temporary areas owned or leased by the Township and/or the wrecker for the storage of disabled vehicles, and to direct the wrecker to remove such disabled vehicles to said areas.
- I. Record all vehicles towed and/or stored on forms provided by the Chief of Police as soon as possible after each vehicle is towed, but no later than the end

of each wrecker's rotation pursuant to § 257-11 below, and retain such records for a period of seven years. The Township shall be provided with a copy of any and all records evidencing that a vehicle has been towed and/or stored by the wrecker. Such records shall include a report of all personal property found within a towed vehicle that can be observed by the wrecker's operator at the time the vehicle came into the wrecker's possession, an accounting of all monies received for fees for towing, and a separate accounting of all monies received for fees for storage services pursuant to this chapter. The Chief of Police shall have access, upon demand, to any and all records required to be kept by this chapter.

- J. In all of the wrecker's dealings with the public, the wrecker shall act in a professional manner, courteous at all times, and respectful to members of the public, as well as representatives of the Township. Reports of discourteous behavior by the wrecker or his operators which may be substantiated and documented shall be considered by the Township as sufficient cause for revocation and termination of the wrecker's license and be considered as material default under any contract entered into with a wrecker pursuant to this chapter.
- K. All vehicles must be towed from their location by wrecker, not driven.
- L. The police officer on the scene will decide if a vehicle is to be towed or not, even after a wrecker has been summoned to the location.
- M. The wrecker shall notify the Chief of Police if any car held by wrecker in storage is not retrieved by its owner within seven days of its initial storage date.
- N. The wrecker must have a permanent place of business.
- O. Each wrecker shall carry five gallons of gas on its wrecker, jumper cables, tools for tire changes, two-ton jack, universal lug wrench, flashlight, plastic bags and tie downs.
- P. The wrecker shall comply with any reasonable request of the motorist either to repair the vehicle or transport it to a site where the repair may be made. If the wrecker cannot repair the inoperable vehicle to the satisfaction of the motorist, the operator shall, with the motorist's consent, transport the vehicle to a location designated by the motorist. The vehicle, once repaired, may be retained in the wrecker's possession pending payment, pursuant to N.J.S.A. 2A:44-20 et seq. The wrecker shall be eligible, pursuant to the terms hereof, for reimbursement for transporting the vehicle to the repair site. If the estimated cost of repairs exceeds \$50, the motorist shall be given a written estimate of the repair costs.
- Q. The wrecker shall accept payment in either cash or a valid major credit card of which the operator is the owner.

R. All licensed wreckers shall, in accordance with N.J.S.A. 56:13-15: (1) have a business office open to the public between 8 a.m. and 6 p.m. at least five (5) days a week, excluding holidays; (2) have or use a storage facility that is secured and, if it is an outdoor storage facility, lighted from dusk to dawn; and (3) provide reasonable accommodations for after-hours release of stored motor vehicles. Police authorization or physical presence at the storage facility is not required prior to releasing a vehicle from storage, with the exception of vehicles that have been impounded because of criminal or other investigation, which shall not be released unless and until authorized by the Chief of Police.

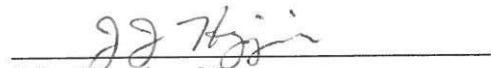
Section 2. Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 3. Severability. If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall remain valid and enforceable.

Section 4. Effective Date. This ordinance shall take effect upon its passage and publication and in accordance with N.J.S.A. 40:69A-181.

ATTEST:


Carla Conner, Township Clerk


John Higgins, Mayor

Introduced: November 13, 2019

Adopted: December 11, 2019

EXHIBIT A

Garden State Towing Association, Inc.

Home
Contact Us
Executive Board
Join Now
Benefits of Membership
Membership Discount Programs
Membership Directory
NJ Towing Laws
State Police Rates
Education/Training Seminars
Calendar
Driver Certification
Goodyear Tire Program
Michelin Fleet Account Program
Search

MAXIMUM N.J. STATE POLICE RATES

For calendar year 2017-2018

Towers engaged in towing for the NJSP shall not charge a fee in excess of the following enumerated rates. These tariffs are annually recalculated based upon a random sampling of reasonable fees utilized by commercial and municipal towers. The NJSP has determined that the average rate per category based upon the Association's census is reasonable and is acceptable for use by each Troop.

ROAD SERVICE

CARS (LIGHT)	\$125.00 PER HOUR PLUS PARTS
TRUCKS (MEDIUM/ HEAVY)	\$175.00 PER HOUR PLUS PARTS

TOWING – Basic

LIGHT DUTY- up to 10,000 lbs.	HOOK-UP \$150
MEDIUM DUTY- 10,001-16,000 lbs.	\$250.00 PER HOUR
HEAVY DUTY- 16,001 and above	\$500.00 PER HOUR
DECOUPLING FEE (IF TOW IS NOT PERFORMED)	½ OF BASIC RATE

ON-HOOK MILEAGE

LIGHT DUTY	\$6.00/ PER LOADED MILES
MEDIUM DUTY	N/A
HEAVY DUTY	N/A

RECOVERY/ WINCHING (In Addition to Towing – per truck including driver)

LIGHT/ MEDIUM DUTY 10,001-16,000 lbs.	\$350.00 PER HOUR CHARGED IN ½ HOUR INCREMENTS OF \$175. PER ½ HOUR
HEAVY DUTY 16,001 and above	\$600.00 PER HOUR

SPECIALIZED RECOVERY EQUIPMENT

ROTATOR/ CRANE RECOVERY UNIT	\$1200.00 PER HOUR
TRACTOR WITH LANDOLL TRAILER OR DETACH TRAILER	\$450.00 PER HOUR
TRACTOR/ TRANSPORT HAULER ONLY	\$250.00 PER HOUR
REFRIGERATED TRAILER W/ TRACTOR	\$450.00 PER HOUR
BOX TRAILER W/ TRACTOR	\$400.00 PER HOUR
AIR CUSHION UNIT	\$1000.00 PER HOUR
LIGHT TOWER	\$250.00 PER HOUR

PALLET JACK	\$200.00 FLAT RATE
ROLLERS	\$200.00 FLAT RATE
ANY OTHER SPECIALIZED EQUIPMENT	\$250.00 PER HOUR
LOADER/ BACKHOE/ TELESCOPIC HANDLER/ BULLDOZER/ BOBCAT	\$300.00 PER HOUR EACH
FORKLIFT	\$300.00 PER HOUR
DUMP TRUCK/ DUMP TRAILER W/ TRACTOR	\$350.00 PER HOUR
ROLL-OFF WITH CONTAINER	\$350.00 PER HOUR PLUS DISPOSAL
RECOVERY SUPERVISOR VEHICLE	\$150.00 PER HOUR
SCENE SAFETY EQUIPMENT, COMMUNICATION EQUIPMENT, TRAFFIC MANAGEMENT EQUIPMENT, ETC.	\$250.00 PER HOUR EACH TYPE USED
RECOVERY SUPPORT VEHICLE/ TRAILER ADDITIONAL RECOVERY EQUIPMENT	\$350.00 PER HOUR

LABOR- ALL LABOR MIN OF 1 HOUR

ACCIDENT MINOR CLEAN-UP AND DISPOSAL OF DEBRIS	\$75.00 PER HOUR ONE HOUR MINIMUM PLUS ABSORBANT MATERIALS USED
RECOVERY SUPERVISOR AND/ OR LEVEL III RECOVERY SPECIALIST	\$225.00 PER HOUR
CERTIFIED TOWING OPERATOR	\$125.00 HOUR PER MAN
MANUAL LABORERS	\$100.00 PER HOUR PER MAN

STORAGE – PER CALENDAR DAY (INSIDE RATES TWO TIMES OUTSIDE RATE)

CARS/ LIGHT TRUCKS -10' X 20' SPACE	\$45.00 PER DAY
TRUCKS (DUAL WHEELS)/ SINGLE AXLE	\$90.00 PER DAY
TRACTOR/ DUMP TRUCK/ TRACTOR AND TRAILER COMBO/ TRAILERS	\$125.00 PER UNIT PER DAY
BUSES	\$150.00 PER DAY
ROLL-OFF	\$125.00 PER DAY FOR EACH
CARGO/ACCIDENT DEBRIS/ LOAD STORAGE/ VEHICLE COMPONENTS 10' x 20' SPACE	\$45.00 PER SPACE USED PER DAY
RENTAL OF ANY TOW COMPANY SUPPLIED TRAILER POST INCIDENT	\$500.00 PER DAY

**** STORAGE BILLED PER CALENDAR DAY****

ADDITIONAL SERVICES/ NOTES

FUEL/ HAZ-MAT/ CARGO SPILLS CLEAN-UP AND DISPOSAL	TIME AND MATERIAL
HAZMAT AND TRASH RECOVERY	SURCHARGED 10%
SUBCONTRACTOR MARK-UP	10%
ADMINISTRATIVE CHARGE ONLY AFTER 3 RD VISIT TO VEHICLE	CARS ONLY - \$50.00
ADMINISTRATION CHARGE	MEDIUM/ HEAVY TRUCK - \$200.00
AFTER HOURS RELEASE	\$75.00
NOTIFICATION DOCUMENTATION FEE	\$50.00
TARPING/ WRAPPING VEHICLE	\$90.00 PER CAR \$250.00 PER TRUCK
FUEL SURCHARGE	RESERVED FOR FUTURE NEED

NOTE: AFTER THE FIRST HOUR, ALL HOURLY BILLABLE RATES WILL BE CHARGED IN HALF HOUR INCREMENTS.