

ORDINANCE NO. 04-2013

**AN ORDINANCE OF THE TOWNSHIP OF HARRISON, COUNTY OF GLOUCESTER,
STATE OF NEW JERSEY AMENDING CHAPTER 204 OF THE CODE OF THE TOWNSHIP
OF HARRISON ENTITLED "TOWING"**

WHEREAS, the Mayor and Committee, Township of Harrison, have determined that certain amendments to Chapter 204 entitled "Towing" are necessary; and

WHEREAS, in all other respects Chapter 204 entitled "Towing" shall remain in full force and effect;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Harrison, in the County of Gloucester and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

Section 1.

§204-2. entitled "Definitions" shall be amended to read as follows:

HEAVY DUTY TOW

A tow truck with dual rear wheels, capable of towing large trucks, and which truck shall meet the following minimum requirements: G.V.W.R. 30,000 33,000 pounds/G.C.W.R. 80,000 pounds/boom rating 50,000 pounds/winch rating 50,000 pounds/cable size and length 5/8 inch and 200 feet.

LIGHT DUTY TOW

A tow truck or flat bed truck with dual rear wheels, capable of towing automobiles and small trucks, and which truck shall meet the following minimum requirements: G.V.W.R. 10,001 pounds.

MEDIUM DUTY TOW

A tow truck or flat bed truck with dual rear wheels, capable of towing automobiles and medium-size trucks, and which truck shall meet the following minimum requirements: G.V.W.R. 16,001 pounds.

RESPONSE TIME

Not more than ~~30~~ 10 minutes from the time of the initial request by the Gloucester County Dispatch Communications Center or the Harrison Township Police to the ~~tow vehicles.~~ Arrival tow vehicle's arrival at the site of the incident requiring tow services, all traffic regulations observed.

Section 2.

§204-4. entitled "Application Process for Police Department Tow List" shall be amended to read as follows:

- (f) Provided a copy of the Business Registration Certificate issued by the State of New Jersey;
- (g) Provided its Federal Tax Identification Number ("EIN");
- (fh) Submitted the license fee.

Section 3.

§204-9. entitled "General Provisions" shall be amended to read as follows:

- A. All towing operators, in order to provide services in nonpreference motor vehicle accidents or for the removal of motor vehicles from private or public property, as may be authorized by the Police Department, must be licensed by the Township of Harrison in accordance with this chapter. Towing operators must meet the ~~thirty ten (10)~~ ten (10)-minute response time to be eligible for inclusion on the Township of Harrison Police Department tow list, and be principally located within a five-mile radius of the borders of Harrison Township.
- B. The list of licensed towing operators shall be maintained by the Police Department and shall be utilized on a rotation basis. The rotation shall be on a monthly basis, unless otherwise specified by the Police Department or in the event of emergency conditions. The towing and storage services shall be rotated among operators ~~or on~~ on an equal basis, by the month. There will be a maximum number of ~~two (2) licenses issued; for light-duty tow operators, three two (2), and two (2) medium and medium/heavy-duty tow operators permitted to perform work within the Township of Harrison (as defined in this chapter).~~ two (2) licenses issued; for light-duty tow operators, three two (2), and two (2) medium and medium/heavy-duty tow operators permitted to perform work within the Township of Harrison (as defined in this chapter). Replacement of tow operators on the current list may only occur when there is a vacancy, provided that the replacement tow operators meet all the requirements set forth in §204-4 of this chapter.

Section 4.

§204-11. entitled "Requirements for Towing Operators" shall be amended to read as follows:

- A. ~~The All~~ All towing operators shall provide a towing facility of sufficient exterior storage size to accommodate not less than 10 passenger vehicles, and not less than 400 square feet of inside secured storage facilities to hold and protect any vehicle or equipment utilized for evidentiary, crime scene and/or other "police hold" vehicles purposes. ~~At no time shall any automobile towed by a towing operator be stored at any location other than the tow operator's facility, except where a vehicle is towed at the request of the owner to a specific location.~~
- B. The towing facility shall be staffed (by an employee or owner at the facility) during normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday and include twenty-four hour telephone service, seven days per week, during the week in which the licensed facility is on call.
- C. At no time shall any automobile towed by a towing operator be stored at any location other than the tow operator's facility, except where a vehicle is towed at the request of the owner to a specific location.
- D. The towing facility's office shall be a permanent structure (not a construction-type trailer) which is ADA accessible and compliant.
- E. The towing facility shall have a sign visible from the street identifying the business name of the tow operator.
- F. The towing facility shall not be co-owned or co-leased by another person or entity that provides towing services to the Township of Harrison.
- G. ~~G.~~ The towing operator shall provide tow vehicles capable of handling the transporting of motor vehicles as defined in this chapter, and equipped to provide regular towing service as follows: up to 9,000 pounds gross vehicular weight is considered light towing service; 9,000 pounds gross vehicular weight and heavier is considered medium and/or heavy towing service; carry weight shall not be less than 4,000 pounds or less than that needed to carry the transported vehicle safely.

~~DH.~~ Each tow vehicle or flat bed vehicle shall be equipped with towing and safety equipment, warning devices such as lights, flares and flags to warn other automobile operators of the presence of a disabled automobile, and mechanic's tools to perform complete emergency work, including but not limited to the following:

- (1) All tow operators shall be required to wear a reflective jacket or vest when towing vehicles on the roadway and at all times shall exercise extreme caution and due safety.
- (2) At least one amber rotating beacon or strobe light mounted on the highest practical location of the vehicle, which when in use shall be visible from 360° at a distance of not less than 500 feet during daylight hours.
- (3) One snatch block per winch.
- (4) Safety tow lights or magnetic tow lights for towing vehicles at night. Safety tow lights, red in color, shall be mounted in the rear of the vehicle being towed.
- (5) Ample chains and cables for pulling or securing a towed vehicle. The working limit of cable shall be noted to include a minimum pulling capacity of 2,500 pounds, three-eighths-inch cable.
- (6) At least one broom, shovel, crowbar or prybar, jumper cables, flashlight, fire extinguisher or dry chemical type having capacity of not less than two pounds, one dozen flares or similar warning devices for placement at the scene of an accident or behind a disabled vehicle, not less than 10 pounds of dry sand or a drying compound for gasoline and oil spilled onto the roadway, and tools sufficient to enable the tow vehicle operator to perform proper and adequate emergency repair services for the tow.
- (7) Back-up alarms on all tow trucks.

~~EI.~~ All tow trucks must be in compliance with all safety equipment requirements as set forth in N.J.S.A. 39:3-1 et seq. and 49 CFR 393.

~~FJ.~~ Each tow vehicle shall display the two stickers issued by the Department Each tow vehicle shall display the two stickers issued by the Department of Licenses and Inspections, State of New Jersey Motor Vehicle Commission, on the upper left and right side of the driver's door and passenger's door panel and shall have the name and number of the licensed tow operator displayed on the vehicle in such manner and of such lettering as to conform to the provisions of N.J.S.A. 39:4-46.

~~GK.~~ Towing operators and their employees shall provide all services required by this chapter at all times and shall be subject to the following requirements:

- (1) Possess sufficient knowledge, skill and ability to provide minimum road services for disabled vehicles and to adequately remove a vehicle from an accident scene without causing additional damage to the vehicle.
- (2) Not be mentally or physically impaired.
- (3) Obey all traffic laws, statutes, regulations and ordinances promulgated by the State of New Jersey and the Township of Harrison.
- (4) Be subject to inspection by the Chief of Police or a designee and be approved by the Chief of Police prior to rendering any services pursuant to this chapter.
- (5) Be a member and currently certified by ~~of~~ the Towing Recovery Association of America (TRAA), WreckMaster, or similar national towing association.

- ~~H~~L. The tow vehicles provided by the towing operator shall be of such type and design to properly and safely perform all towing services required by this chapter and shall at all times comply with New Jersey statutes and regulations and be subject to inspection by the Chief of Police or designee.
- ~~I~~M. All drivers of tow vehicles shall possess at all times a valid New Jersey driver's license and a commercial driver's license where applicable, which shall be subject to inspection by the Chief of Police.
- ~~J~~N. The two vehicles provided by the towing operator shall be geographically located so as to permit a response time within ~~30~~ ten (10) minutes.
- ~~K~~O. The towing fees and storage fees established by the towing operator shall be conspicuously posted at the towing facility owned or operated by the towing operator, which fees shall not exceed the fees set forth in this chapter.
- ~~L~~P. At all times the towing operator shall maintain the towing facility in a clean and orderly fashion. Reasonable measures shall be taken by the towing operator to prevent vandalism, theft or damage to automobiles stored therein.
- ~~M~~Q. In the event that automobiles which are towed and stored by the towing operator are abandoned or unclaimed by the owners thereof, the towing operator shall make no claim against the Township, its agents or employees. Only those vehicles towed from private property or public right-of-way under authorization of either the Code Enforcement Official or the Police Department, not including accident vehicles, shall be disposed of by the Township pursuant to N.J.S.A. 39:10A-1 or other appropriate state statutes or state regulations.
- ~~N~~R. The towing operator operating pursuant to this chapter is an independent contractor and in no sense an agent, servant or employee of the Township. Said operator shall at all times maintain direct supervision, management and control over all of its employees and personnel engaged in the operation or services performed pursuant to this chapter.
- ~~O~~S. The Township shall not be responsible for the acts of the towing operator in performing the services contemplated by this chapter. The towing operator agrees to save and hold harmless the Township from all manner of liability as a result of its actions or omission, whether of a negligent or intentional nature.
- ~~P~~T. Towing operators approved for tow list eligibility shall be required to fulfill tow requests of the Code Official and/or the Police Department of the Township of Harrison. Failure or refusal to remove a vehicle pursuant to directive of the Township of Harrison shall be cause for removal from the approved tow list.
- ~~Q~~U. The tow operator shall be responsible for ensuring the proper, safe and secure storage of all vehicles towed. The tow operator shall be liable for any and all damage incurred by such vehicles while in transit to or while stored in or at the facilities of the operator.
- ~~V~~. All tow vehicles shall be owned or leased by the entity that is awarded a tow license by the Township of Harrison.

Section 5.

§204-12. entitled "Towing Facilities" shall be amended to read as follows:

- (1) The outside secured storage area shall be capable of storing not less than 10 passenger vehicles. The inside secured storage area shall have not less than 400 square feet to hold and protect any vehicle or equipment utilized for evidentiary, crime scene and/or other "police hold" vehicles purposes.

Section 6.

Repealer.

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

Section 7.

Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 8.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

TOWNSHIP OF HARRISON

**BY: _____
LOUIS F. MANZO, MAYOR**

ATTEST:

DIANE L. MALLOY, Municipal Clerk

NOTICE

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Committee of the Township of Harrison, in the County of Gloucester and State of New Jersey, held on January 23, 2013. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Committee to be held in the Township's Municipal Building, 114 Bridgeton Pike, Mullica Hill, New Jersey 08062, in the Township, on February 4, 2013, at 7:30 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at the Municipal Building, 114 Bridgeton Pike, in the Township, to the members of the general public who shall request the same.

DIANE L. MALLOY
Municipal Clerk