

TOWING

Chapter 84

TOWING

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**[HISTORY: Adopted by the Mayor and Common Council of the City of Gloucester City 6-1-1995 as Ord. No. 19-1995.<sup>1</sup> Amendments noted where applicable.]**

<sup>1</sup> Editor's Note: This ordinance repealed former Ch. 84, Tow Cars, adopted 11-3-1955, as amended.

**§ 83-6. Certain posters prohibited.**

It shall be unlawful to display any posters, lithographs portraying crime or suggestive of obscene actions or situations within the limits of Gloucester City.

**§ 83-7. Obscene motion pictures prohibited.**

It shall be unlawful to exhibit or allow to be exhibited any motion picture if the same shall be obscene or offends against morality, decency or the public welfare, or intends to deprave the minds of children or adults, or shall be lewd or lascivious, in Gloucester City.

**§ 83-8. Violations and penalties. [Amended 12-5-74<sup>1</sup>]**

Any person violating any provisions of this ordinance shall, upon conviction thereof, pay a fine of not more than five hundred dollars (\$500.) or be imprisoned for not more than ninety (90) days, or both, in the discretion of the Judge of the Municipal Court of Gloucester City.

**§ 83-9. Inconsistent ordinances repealed.**

All ordinances or parts of ordinances inconsistent with this ordinance be and the same are hereby repealed.

**§ 83-10. When effective.**

This ordinance shall take effect after final passage and publication as provided by law.

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<sup>1</sup> Editor's Note: See Ch. 1, § 1-6B(1).

## GENERAL REFERENCES

Junk dealers — See Ch. 58.

Vehicles and traffic — See Ch. 87.

Abandoned or inoperable vehicles — See Ch. 88.

**§ 84-1. Short title.**

This ordinance shall be known and may be cited as the "Gloucester City Towing Ordinance."

**§ 84-2. Purpose.**

The purpose of this ordinance is to establish, pursuant to N.J.S.A. 40:48-2.49, an orderly system to provide for towing services for removal of damaged motor vehicles in accidents and other abandoned, illegally parked or disabled vehicles within the City of Gloucester City using a towing list of licensed towing operators who will be called upon a rotating basis by the Police Department.

**§ 84-3. Word usage and definitions.**

- A. As used in this ordinance and unless otherwise indicated by the context, the words or terms herein shall have the meanings indicated. When not consistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include words in the singular number and words in the singular number include the plural number.
- B. As used in this ordinance, the following terms shall have the meanings indicated:

**CHIEF OF POLICE** — The Chief of Police of the City of Gloucester City.

**CITY** — The City of Gloucester City, in the County of Camden and State of New Jersey.

CRUISING — The operation of an unengaged wrecker along a public street at a slow rate of speed or in any fashion calculated, designed or having the effect of soliciting towing business on a public street.

IMPOUND AREA — The fenced-in area specifically used by a tower, on the approved towing list of the city, for storage of towed vehicles. Not more than two (2) "impound areas" may be contained with each one-half (1/2) acre of any one (1) storage facility.

PERSON — Any individual, firm, partnership, association, corporation, company or organization of any kind.

SHALL — Is always mandatory and not merely directory.

STORAGE FACILITY — Storage lot or storage area, and shall mean the location within the City of Gloucester City consisting of a minimum of one-half (1/2) acre and used for storage of vehicles towed by towing operators on the list approved by the city.

TOWING LIST — The list of towing operators and wreckers maintained by the Police Department under the direction and supervision of the Chief of Police to provide, on a rotating basis, towing service and storage at the request or call of authorized personnel or members of the Police Department in cases of emergency, accidents involving motor vehicles and for disabled, abandoned or illegally parked vehicles.

TOWING OPERATOR — A person engaged in the business of offering towing services, whereby damaged, disabled, illegally parked or abandoned motor vehicles are towed or otherwise removed from the places where they are damaged, disabled, impounded or abandoned by use of a wrecker, tow truck or other vehicles designed for that purpose.

TOWING SERVICE — That service performed, rendered or provided by towing, removing, transporting or

conveying any kind of vehicle which is or has been damaged, abandoned, impounded, disabled or otherwise unable to be moved under its own power, for which a charge is made against the owner or operator of the vehicle.

**WRECKER** — A vehicle designed and equipped for removing and transporting wrecked or disabled vehicles. This term shall also include a flatbed, tow truck or other vehicle used for or to perform towing services.

**§ 84-4. Towing list.**

The Chief of Police shall establish and maintain a list of qualified towing operators who shall be issued licenses to provide, on a rotating basis, towing services at the request of the Gloucester City Police Department. Towing operators on the list will be scheduled and treated equally and fairly.

**§ 84-5. License required; annual renewal; inspection.**

To be placed on the towing list, towing operators shall be qualified and required to apply for and hold a license to perform towing services at the request or call of the Police Department. The license shall be issued to all qualified towing operators approved by the Chief of Police to be placed on the towing list. Said license shall be subject to annual renewals by the Chief of Police on April 1 of each year. Prior to issuance of any license or renewal, the Chief of Police shall cause an inspection to be made of the required storage facility and towing equipment to verify compliance with this ordinance and all other applicable federal, state and local laws, ordinances, rules and regulations.

**§ 84-6. Application for license.**

- A. Applications for licenses hereunder shall be submitted to the Chief of Police upon forms prepared and made available by the city. The application form shall be

properly completed, signed and accompanied by the application and license fee. The Chief of Police shall investigate and review all applications for compliance with the terms of this ordinance and minimum standards of operator performance mandated by statute. The background and driving records of all applicants and employees shall be checked by the Police Department.

B. Among other things, the applications shall contain:

- (1) The name of the applicant, with both the home and business address of the applicant as well as home and business telephone numbers.
- (2) A statement whether applicant is an individual, firm, partnership, association, corporation, company or other type of entity.
- (3) The names and addresses of all persons owning an interest in the applicant and, if a corporation, the names and addresses of all officers and stockholders with the interest held by each.
- (4) The names of all employees, with their drivers' license and social security numbers.
- (5) The description of all vehicles and equipment to be used in providing towing service, setting forth the year, make, model, serial number, license and registered owner of each vehicle.
- (6) The location within Gloucester City wherein the equipment is maintained and stored; the name and address of the owner, lot and block number and size of storage facility or impound area.

**§ 84-7. Application and license fee; renewal fee.**

The application and license fee under this ordinance shall be five hundred dollars (\$500.). The annual renewal fee shall be in the amount of fifty dollars (\$50.).

properly completed, signed and accompanied by the application and license fee. The Chief of Police shall investigate and review all applications for compliance with the terms of this ordinance and minimum standards of operator performance mandated by statute. The background and driving records of all applicants and employees shall be checked by the Police Department.

B. Among other things, the applications shall contain:

- (1) The name of the applicant, with both the home and business address of the applicant as well as home and business telephone numbers.
- (2) A statement whether applicant is an individual, firm, partnership, association, corporation, company or other type of entity.
- (3) The names and addresses of all persons owning an interest in the applicant and, if a corporation, the names and addresses of all officers and stockholders with the interest held by each.
- (4) The names of all employees, with their driver's license and social security numbers.
- (5) The description of all vehicles and equipment to be used in providing towing service, setting forth the year, make, model, serial number, license and registered owner of each vehicle.
- (6) The location within Gloucester City wherein the equipment is maintained and stored; the name and address of the owner, lot and block number and size of storage facility is impound area.

**§ 84-7. Application and license fee; renewal fee.**

The application and license fee under this ordinance shall be five hundred dollars (\$500.). The annual renewal fee shall be in the amount of fifty dollars (\$50.).

**§ 84-8. Qualifications.**

All applications for license shall have the minimum equipment and storage facilities hereinafter described:

[Amended 4-2-2012 by Ord. No. O08-2012]

- A. **[Amended 4-2-2012 by Ord. No. O08-2012]** Required towing equipment (must be located within the City of Gloucester City on property where such use is in compliance with the City Zoning Regulations<sup>2</sup> during all on-call periods).

<sup>2</sup>Editor's Note: See Ch. 93, Zoning.

- (1) One (1) flatbed tow truck (owned or leased) with:

- (a) Three-eighths-inch safety chain.
- (b) Rotating amber overhead lights.
- (c) Cleanup equipment.
- (d) Oil dry or equivalent.

- (2) Proof of ownership or lease by applicant of the required towing equipment must be submitted with the application. The same vehicle may not be used by more than one (1) approved towing operator. Applicant is not permitted to subcontract for towing services.

- B. Required storage facilities (must be located within the City of Gloucester City on a property where such use is in compliance with the City Zoning Regulations<sup>3</sup>).

<sup>3</sup>Editor's Note: See Ch. 93, Zoning.

**§ 84-8. Qualifications.**

All applications for license to be placed on the towing list shall have the minimum equipment and storage facilities hereinafter described:

A. Required towing equipment (must be located within the City of Gloucester City on property where such use is in compliance with the City Zoning Regulations<sup>2</sup> during all on-call periods).

(1) One (1) standard tow truck (owned or leased) with:

- (a) Three-eighths-inch safety chain.
- (b) Detached lift chain and safety chain.
- (c) Rotating amber overhead lights.
- (d) Cleanup equipment.
- (e) Oil dry or equivalent.

(2) One (1) flatbed tow truck (owned or leased) with:

- (a) Three-eighths-inch safety chain.
- (b) Rotating amber overhead lights.
- (c) Cleanup equipment.
- (d) Oil dry or equivalent.

(3) Proof of ownership or lease by applicant of the required towing equipment must be submitted with the application. The same vehicle may not be used by more than one (1) approved towing operator. Applicant is not permitted to subcontract for towing services.

B. Required storage facilities (must be located within the City of Gloucester City on a property where such use is in compliance with the City Zoning Regulations<sup>3</sup>).

<sup>2</sup> Editor's Note: See Ch. 93, Zoning.

<sup>3</sup> Editor's Note: See Ch. 93, Zoning.

- (1) The size of the storage lot will be at least one-half ( $\frac{1}{2}$ ) acre [twenty-one thousand seven hundred eighty (21,780) square feet] and have adequate capacity to store all towed vehicles as determined by the Chief of Police. Each one-half ( $\frac{1}{2}$ ) acre of storage facility shall be used by not more than two (2) towers on the approved towing list of the city.
- (2) The impoundment area must be visually screened from the highway. Each towing operator must maintain a separately fenced and locked impound area.
- (3) The impound area must be secured and must be enclosed by a sturdy six-foot fence with locks on gates. The towing operator is responsible for safe storage.
- (4) The impound area will be lighted from dusk to dawn in compliance with applicable municipal regulations.
- (5) Impound area shall be available twenty-four (24) hours a day, three hundred sixty-five (365) days per year and open to the public on weekdays during normal business hours and limited hours on Saturdays and Sundays.
- (6) The storage area shall have someone on duty at all times.
- (7) Proof of ownership or lease of storage area by applicant must be submitted with the application.

#### § 84-9. Insurance.

No towing operator on the towing list shall be called upon to perform towing services unless and until he has deposited with the Chief of Police proof of insurance set forth in the following schedule, which proof shall have been reviewed by the appropriate city official as to acceptability of the companies and coverage.

- A. The required insurance and minimum policy limits are as follows:
- (1) Automobile liability in an amount not less than one million dollars (\$1,000,000.) combined single limits.
  - (2) Worker's compensation as required by statute.
  - (3) Garage keepers liability in an amount not less than one million dollars (\$1,000,000.) combined single limit.
  - (4) Garage liability in an amount not less than one million dollars (\$1,000,000.) combined single limit.
  - (5) Miscellaneous coverage to provide complete protection to the municipality against any and all risks of loss or liability including comprehensive general liability.
  - (6) Collision coverage for vehicles in tow.
- B. The city shall be listed as an additional insured in all policies, and all policies should contain a provision requiring notification to the city prior to any policy revision or termination.

#### § 84-10. Regulations.

- A. Response to call. All towing operators on the towing list shall be required to remove, transport or convey from the roadway or other areas any and all vehicles at the request of the Police Department. All towing operators on the towing list shall respond in a timely fashion to a request made by the Police Department. In the event that a towing operator on call cannot respond or perform his specific task, the next available towing operator on the towing list will be notified. After vehicles are removed from the roadway as a result of an accident, it is the towing operator's responsibility to clear the roadway of debris and liquids.

- B. Availability of towing operators on list. All towing operators shall be available twenty-four (24) hours a day, seven (7) days a week when on call to provide towing services. In the event of an emergency, illness or vacation, towing operators shall be responsible to provide notice to the Chief of Police and secure a licensed towing list operator as a substitute.
- C. Storage of towed vehicles. Unless otherwise authorized, all vehicles which are removed, transported or conveyed from the roadway and other areas at the request of the Police Department shall be stored within an area which complies with § 84-8B of this ordinance. No towed vehicles shall be placed, stored or parked on any public street or right-of-way, or in any other area not in compliance with this ordinance and approved.
- D. Notification requirements. All licensed towing operators shall be required to notify the Chief of Police within twenty-four (24) hours of any modifications or change with respect to the applicant's ownership, lease, insurance, location or circumstances regarding the equipment, storage facilities or employees and to any information which the applicant was required to supply.
- E. Towing operators shall comply with all state and federal laws and regulations, and the towing operators' place of business shall not be located at their private residence.
- F. The city shall not be liable for charges and fees for towing and storage services performed or provided by towing operators on the list. The towing operator shall proceed and charge all fees for towing services and storage against the owner of the vehicle receiving such service.
- G. Towing operators shall be responsible for the conduct of all its drivers and employees.
- H. No official, employee or member of the City Police Department shall have any interest in any towing operator on the towing list or any storage facility utilized.

- B. Availability of towing operators on list. All towing operators shall be available twenty-four (24) hours a day, seven (7) days a week when on call to provide towing services. In the event of an emergency, illness or vacation, towing operators shall be responsible to provide notice to the Chief of Police and secure a licensed towing list operator as a substitute.
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- F. The city shall not be liable for charges and fees for towing and storage services performed or provided by towing operators on the list. The towing operator shall proceed and charge all fees for towing services and storage against the owner of the vehicle receiving such service.
- G. Towing operators shall be responsible for the conduct of all its drivers and employees.
- H. No official, employee or member of the City Police Department shall have any interest in any towing operator on the towing list or any storage facility utilized.

- I. Each towing operator, at no cost to the city, shall be responsible on a rotating basis for the towing of disabled city-owned vehicles when requested by the Police Department.

**§ 84-11. Supplemental rules and regulations.**

The Chief of Police from time to time shall make and promulgate reasonable rules and regulations for the proper administration and enforcement of this ordinance and its purposes. Such rules, however, shall not be inconsistent with the terms of this ordinance.

**§ 84-12. Fee schedule.**

The following fees or charges are hereby established for the towing and road services by towing operators of the Gloucester City Police Department under the direction and supervision of the Chief of Police and for storage in conjunction therewith: **[Amended 4-2-2012 by Ord. No. O08-2012]**

- A. For towing and storage services rendered to a private passenger automobile as a result of an accident or theft recovery, the fees for towing and storage services shall not exceed the maximum fees set forth by law under N.J.A.C. 11-3-38.1 et seq., or as amended from time to time. All towing operators on the list shall maintain a copy of such fees as may be provided by the Chief of Police.
- B. For all other towing, road and storage services involving vehicles illegally parked, disabled or abandoned or otherwise requiring services (except those set forth under Subsection A above), the fees shall not exceed the following: **[Amended 4-2-2012 by Ord. No. O08-2012]**
  - (1) Standard motor vehicle tow: \$125.00
  - (2) Daily storage fee: \$25.00 per day
  - (3) Cleanup fee: \$50.00

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- (4) Lot removal fee: \$50.00
- (5) Winching fee: \$50.00
- (6) Lockout fee: \$65.00
- (7) Mileage fee: \$2.00 per mile
- (8) Inside storage fee: \$40.00 per day
- (9) Upright fee: \$50.00
- (10) Heavy duty/commercial tow fee: To be set at the contracted rate of the company called out for service.

C. In all cases the towing operator shall remove the debris as part of the towing services and no fee shall be charged for the clearing of debris by said towing operator.

**§ 84-13. Record of vehicle towed.**

Every licensed towing operator called by the Police Department shall keep a record of the name and address of the owner of the towed vehicle and shall file reports as required by the Chief of Police which shall include but not be limited to itemized towing and storage charges per vehicle.

**§ 84-14. Violations and penalties.**

Any person who violates any provision of this ordinance may be removed from this towing list and, in addition, upon conviction, shall be subject to a fine of not more than one hundred dollars (\$100.) for each offense. Each violation shall constitute a separate offense and shall be charged as a separate offense.

**§ 84-15. Termination of license.**

Any towing operator on the towing list who fails to properly respond to calls in the established response time, fails to provide adequate service or otherwise violates the terms and provisions of this ordinance, falsifies any information with regard to his application or violates the Department of Insurance rules shall be subject to license termination by the Chief of Police.

**§ 84-16. Repealer.**

All ordinances and provisions thereof inconsistent with the provisions of this ordinance shall and are hereby repealed to the extent of such inconsistency.

**§ 84-17. Severability.**

If any article, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision of invalidity shall not affect the remaining portion of provisions of this ordinance.

of the towed vehicle and shall file reports as required by the Chief of Police which shall include but not be limited to itemized towing and storage charges per vehicle.

**§ 84-14. Violations and penalties.**

Any person who violates any provision of this ordinance may be removed from this towing list and, in addition, upon conviction, shall be subject to a fine of not more than one hundred dollars (\$100.) for each offense. Each violation shall constitute a separate offense and shall be charged as a separate offense.

**§ 84-15. Termination of license.**

Any towing operator on the towing list who fails to properly respond to calls in the established response time, fails to provide adequate service or otherwise violates the terms and provisions of this ordinance, falsifies any information with regard to his application or violates the Department of Insurance rules shall be subject to license termination by the Chief of Police.

**§ 84-16. Repealer.**

All ordinances and provisions thereof inconsistent with the provisions of this ordinance shall and are hereby repealed to the extent of such inconsistency.

**§ 84-17. Severability.**

If any article, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision of invalidity shall not affect the remaining portion of provisions of this ordinance.

**§ 84-18. When effective.**

This ordinance shall take effect immediately after final passage and publication in accordance with the laws of the State of New Jersey.