



**BOROUGH OF OLD TAPPAN
227 OLD TAPPAN ROAD
OLD TAPPAN, NEW JERSEY 07675**

TOWING LICENSE APPLICATION

Full Name

Address:

Please fill in the following if the application is for a corpotaion:

Name of Officer: Address:

Name of Officer: Address:

Name of Officer: Address:

Name of Director: Address:

Name of Director: Address:

Registered Agent:

Registered Office:

Year of Wrecker: Make of Wrecker:

Type of Wrecker:

Address where wrecker is regularly garaged:

Telephone Number Available on a 24-hour-per-day basis:

Chapter 227: TOWING

[HISTORY: Adopted by the Mayor and Council of the Borough of Old Tappan by Ord. No. 483-92. Amendments noted where applicable.]

GENERAL REFERENCES

Abandoned vehicles — See Ch. 239.

Vehicles and traffic — See Ch. 242.

§ 227-1. List of towing services.

The Police Department shall establish a list of persons or firms who shall be utilized by the Borough to provide towing and wrecking services for abandoned, wrecked or impounded vehicles. In establishing this list, first consideration shall be given to those persons or firms who are presently utilized by the Police Department for this service. All other operators shall be given consideration based upon the date of the application filed by them, which application is more fully described in § 227-2 of this chapter.

§ 227-2. License application information.

An application for a license as a proprietor of a towing or wrecking business to be placed upon the list to be utilized by the Police Department shall be made by the person or firm engaged in operating a wrecker or wreckers. The application shall be made on forms furnished by the Borough Clerk and shall specifically include the following:

- A. The full name and address of the applicant. If the application is made for a corporation, it shall state the names and addresses of the officers and directors thereof, its registered office and its registered agent.
- B. The year, make and type of each wrecker used in said business.
- C. The address where the wrecker or wreckers shall be regularly garaged and the telephone numbers available on a twenty-four-hour-per-day basis.
- D. The applicant shall purchase and maintain at his own expense insurance protection for the Borough and itself in accordance with the provisions of § 227-13 of this chapter. [Amended 3-15-2004 by Ord. No. 843-04]
- E. The applicant will indemnify and hold harmless the Borough from any and all claims for personal injury or property damage against the Borough arising out of the operation of any towing services or repair services under this chapter. The applicant will file a hold harmless agreement with the Borough as well as a certificate of insurance naming the Borough of Old Tappan as the additional insured.

- F. The Borough Clerk shall refer the application for a license to the Police Department for a check of all equipment, personnel and facilities of the applicant to determine the ability of the applicant to perform the business herein regulated.
- G. The Chief of Police shall have the authorization to issue up to three licenses.
- H. Equipment.
 - (1) Each wrecker must meet all of the requirements of Revised Statutes Title 39, "Motor Vehicle Rules and Regulations." In addition, each wrecker must have the following equipment:
 - (a) One large broom and shovel.
 - (b) At least one set of dolly wheels.
 - (c) Steering wheel lock for towing vehicles from the rear.
 - (d) Tow sling-type tow bar to prevent any part of crane metal from touching towed vehicles.
 - (e) Emergency warning lights.
 - (f) Portable safety lights to be installed on rear of towed vehicle if necessary.
 - (g) Safety flares for night work.
 - (2) In lieu of the dolly wheels, steering wheel lock and tow sling-type tow bar as required by Subsections H(1)(b) through (d) of this section, the applicant may have a flatbed car carrier.

§ 227-3. Record of wreckers.

The Chief of Police shall see that a record is maintained containing the names, addresses and twenty-four-hour telephone numbers of all licensed wreckers and a record of the types of wreckers available to meet the specific need of the emergency. He shall also see that a record is maintained of the regular response of wreckers to police calls and any and all complaints from vehicle owners as to improper service or charges.

§ 227-4. Rotation.

The Chief of Police shall maintain a revolving list of licensed wreckers to provide service where needed and instruct all duty officers to call those listed in alphabetical order on a rotational basis. All owners or operators of disabled vehicles shall first be advised that they have a right to call a wrecker of their own choosing and retain the right to direct the towing vehicle to remove the damaged vehicle to a garage or workshop of their own choosing.

§ 227-5. Towing fees.

"Basic towing service" means 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 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. The towing fee schedule shall be as outlined in the New Jersey Department of Transportation guidelines as follows:

- A. Days:
 - (1) First mile or less: \$40.
 - (2) Each additional mile: \$1.75.
- B. Nights, weekends and New Jersey state holidays:
 - (1) First mile or less: \$50.
 - (2) Each additional mile: \$1.75.
- C. Storage of vehicles and large equipment. Any items being held by the Borough Police Department, upon proper notice to the owner, can be retrieved and picked up or retrieved within a ten-day period from notice sent by registered mail; a storage charge will be assessed at the rate of \$20 for every 20 hours of storage time outside and \$25 for every 24 hours of storage time inside. [Amended 7-16-2001 by Ord. No. 758-01]
- D. Every operator of a towing service shall, prior to the actual towing or storing of any vehicle, give the owner a state mandated pricing sheet.

§ 227-6. Obligations of tower or wrecker.

By making application to be utilized as a tower or wrecker by the Police Department, and by accepting such contract, the person or firm agrees to:

- A. Provide a prompt response to each call;
- B. Clean all glass and auto parts at the accident site emanating from the accident;
- C. Provide the Police Department with the following information on vehicles unclaimed for over 30 days:
 - (1) Year, make, color and vehicle identification number;
 - (2) Owner's name and address if available;
- D. Maintain a ledger of all towing or wrecking jobs handled, the name of the owner or operator, the charges made for the service and the date and amount of payments;
- E. Comply with all other terms and conditions of this chapter; and
- F. Comply with all motor vehicle rules and regulations found within Title 39.

§ 227-7. Promulgation of rules and revocation of rights by Chief of Police.

The Chief of Police is hereby given the authority to promulgate rules and regulations necessary to carry out the intent and purpose of this chapter. The Chief of Police is hereby given the authority to suspend or revoke the right of any person or firm which is on the authorized list if the person or firm violates any of the terms and conditions of this chapter.

§ 227-8. Operator's choice.

Nothing in this chapter shall prevent the owner or the operator of an automobile from contacting a tower or wrecker of his own choice to remove his vehicle from the public streets of the Borough of Old Tappan after it has become disabled or otherwise inoperable by virtue of accident or other reason. Said owner or operator shall have a reasonable time within which to select a tower or wrecker of his own choice to remove the vehicle from the public roadways of the Borough. After this reasonable period of time, the Borough shall remove the vehicle by resorting to the procedure set forth in this chapter.

§ 227-9. Specialty wrecker.

In an emergency and in such other circumstances when necessary, the Chief of Police shall be permitted to call in a specialty wrecker company where special needs must be met such as, but not limited to, bulldozers off trucks, towing involved in a tractor/trailer accident, towing where hazardous materials are involved and such other circumstances requiring a specialty wrecker.

§ 227-10. Subletting work.

Under no circumstances shall an applicant which has obtained a license in accordance herewith sublet or assign any towing or wrecking work permitted by said license.

§ 227-11. Indemnification. [Added 3-15-2004 by Ord. No. 843-04]

The towing operator shall execute an indemnification and hold harmless agreement which shall provide that the towing operator agrees to defend at the towing operator's expense and to hold harmless and indemnify the Borough of Old Tappan, its elected officials, boards, officers and employees from any and all obligations, expenses and/or damages arising out of any claims which may thereafter be asserted against the Borough of Old Tappan by anyone for loss or damages to personal property, for personal injury or for any other damages in connection with the rendering of services pursuant to this chapter.

§ 227-12. Insurance requirements. [Added 3-15-2004 by Ord. No. 843-04]

No towing operator shall be called by the Police Department unless the towing operator has submitted as part of the application insurance policies or certificates of insurance, in a form approved by the

Borough's risk management consultant, evidencing that there is in effect insurance policies with the following coverage:

- A. Garage liability insurance. Limit of liability shall not be less than \$300,000 combined single limit (bodily injury and property damage) per occurrence, including premises operations and products/completed operations.
- B. Automobile liability insurance. Limit of liability shall not be less than \$300,000 combined single limit (bodily injury and property damage) per occurrence.
- C. Garage keepers insurance. Physical damage insurance policies shall be provided for vehicles in tow, possession of or storage on property owned or controlled by the contractor. Limit of said coverage shall be not less than \$100,000. Physical damage insurance policies shall be specifically endorsed to provide direct primary insurance, where applicable, for vehicles in tow.
- D. Excess umbrella insurance. Limit of liability shall be not less than \$500,000 providing protection in excess of the \$300,000 garage and auto liability coverage. This requirement may be waived by the Mayor and Council if the limits of liability in Subsections A and B above are not less than \$1,000,000 combined single limit.
- E. On all liability policies, the Borough shall be added as an additional insured, and coverage policies and insurance certificates shall indicate such coverage as primary coverage notwithstanding any insurance carried by the Borough.
- F. Workers' compensation insurance. New Jersey statutory coverage, including employers liability coverage.
- G. The contractor shall indemnify the Borough against any loss due to injuries, accidents or damages of any character whatsoever where any such damage is the result of act or omission of the contractor, his agents or employees in or due to the execution of the work called for under the contract.
- H. Insurance policies or certificates shall provide that the Borough shall be given at least 30 days' prior written notice of any cancellation of, intention not to renew or material change in such coverage by certified mail, return receipt. Insurance policies or certificates must be provided before commencing work in connection with the contract. Failure to submit this shall subject the contractor to immediate disqualification.
- I. The providing of any insurance required herein does not relieve the contractor of any of the responsibilities or obligations assumed by the contractor for which the contractor may be liable by law or otherwise.
- J. If any policies contain deductibles or copayment, it shall be the responsibility of the contractor to pay such sums at the same time a claim is settled by the contractor's insurance company.
- K. If any policies contain limits of liability with an aggregate limit, the contractor or the contractor's insurance company shall provide the Borough, quarterly during the policy period, a statement evidencing the limits of liability required under this contract to be in force.

- L. Failure to provide and continue in force such insurance as required above shall be deemed a material breach of the contract and shall cause an immediate termination thereof.
- M. All policies shall be written by a company licensed in the State of New Jersey, Best's rated A-VII (A minus seven). They shall be written on an ISO (Insurance Service Office) form or better.