



**TOWNSHIP OF WINFIELD  
COUNTY OF UNION, STATE OF NEW JERSEY  
TOWING, ROAD SERVICE AND STORAGE OF VEHICLES ORDINANCE OF THE  
TOWNSHIP OF WINFIELD**

**A-1. Title.**

This article shall be known as the "Towing, Road Service and Storage of Vehicles Ordinance of the Township of Winfield."

**2. Purpose and intent.**

The purpose and intent of this article is to provide criteria and standard operating procedures that are reasonable, nonexclusionary and nondiscriminatory in the selection and use of towing operators, on a rotational basis, for providing towing, road services and the storage of vehicles, including but not limited to the towing of vehicles that are abandoned, disabled, illegally parked or stolen, vehicles involved in accidents and/or those vehicles suspected or identified by the borough as being involved in criminal activities.

**3. Definitions.**

As used in this article, the terms listed below shall be defined as follows:

**BASIC TOWING SERVICE** – The removal and transportation of a vehicle from a highway, street or other public or private road, parking area or storage facility. This article and the definition shall herein shall not include the recovery of a vehicle from a position beyond the public right-of-way or berm or from being impaled upon any other object outside the public right-of-way or berm.

**DISABLED VEHICLE** – A vehicle which has been abandoned, impounded or rendered inoperable as a result of a mechanical failure, involvement in an accident or criminal activity. A vehicle, the location of which constitutes a hazard to the motoring public, shall be deemed "disabled" for the purposes of this chapter.

**IMPOUNDMENT** – The act of storing and confining a vehicle upon an order of the Police Department at either the towing operator's storage area or at a township facility as a result of abandonment, involvement in an accident or suspected criminal activity.

**INSIDE BUILDING STORAGE FACILITY** – A vehicle in storage facility that is completely indoors, having the capacity to store at least three (3) vehicles and provide twenty-four-hour security for the same and for the storing of impounded vehicles involved in criminal or other matters involving police investigations.

**OUTSIDE SECURED STORAGE FACILITY** – A vehicle storage facility that is not completely indoors and that is secured by a fence, wall or other man-made barrier that is at least six (6) feet in height and is protected with onsite security or an alarm system. Outside storage facilities shall also maintain adequate lighting to protect stored vehicles from vandalism and shall be of sufficient size to accommodate a minimum of sixty (60) vehicles.

**OUTSIDE UNSECURED STORAGE FACILITY** – A vehicle 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 a building or outside



secured.

**OWNER** – A person, firm, corporation or partnership who or which owns and/or operates a vehicle on the roads and highways within the Township of Winfield, which vehicle, by reason of being disabled or abandoned on the roads and highways of the township, requires towing and/or storage.

**TOWING OPERATOR** – A person, firm, corporation or partnership engaged in the business of providing towing, road and storage services for vehicles.

**TOWING/WRECKER VEHICLE** – A vehicle driven by mechanical power and employed for the purpose of towing, transporting, conveying or removing any and all kinds of vehicles or parts of vehicles which are unable to be operated under their own power. Such "towing vehicles" or "wreckers" mean only those vehicles that are 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 private passenger automobiles or other vehicles.

#### **4. License required.**

No towing operator shall operate within the Township of Winfield without first obtaining a license in accordance with the provisions of this chapter. Specifically exempted from this license requirement is the towing, transporting, conveying or removing of vehicles from private property, except in the case of a police emergency within the township, or by towing operators which are directly and privately engaged or designated by the owner of the vehicle to be towed, transported, conveyed or removed upon the streets of said Township of Winfield.

#### **5. Minimum equipment and performance standards.**

- A. In addition to other equipment which is necessary for the safe performance of towing, emergency road and storage services, all towing operators must own or lease at least one (1) conventional tow truck, one (1) flatbed truck and one (1) heavy-duty tow truck of at least twenty-four thousand five hundred (24,500) pounds recommended gross vehicle weight (RGVW).
- B. All towing operators' trucks must be equipped with either two-way radio and/or mobile telephone communications equipment with their principal places of business, including their garages and/or facilities, to ensure the prompt availability of services and equipment on behalf of the township and motorists.
- C. The towing operator's wrecker(s) and all other vehicles shall be properly licensed and registered with the New Jersey Division of Motor Vehicles. All towing operator vehicles shall display New Jersey commercial license plates.
- D. All towing operators shall have facilities and equipment that will ensure and guarantee the furnishing of prompt and efficient services required pursuant to the chapter.
- E. The towing operator's company name, address and telephone number(s) shall be prominently and permanently displayed on both sides of all wrecker(s) and other tow vehicles.
- F. All towing operators selected to serve on a rotational basis must guarantee the availability of all services to the Police Department seven (7) days a week, twenty-four (24) hours a day. In this respect, a towing operator shall immediately respond to any type of towing, emergency



road service or storage call with the appropriate vehicle and/or equipment within twenty (20) minutes after receipt of telephone notification from the Police Department's dispatcher/desk officer. Unless heavy or unusual traffic conditions within the borough prevent a towing operator from arriving at the scene within one (1) hour, failure to respond within the time frame shall be considered a breach of this chapter. In the event that a towing operator fails to respond within one (1) hour from the time of the call, the Police Department reserves the right to contact the next available tow operator on the rotational list.

- G. The owner of a vehicle involved in an accident shall have the right, if he/she so desires, to designate a towing operator of his/her choice.
- H. Employees of the towing operator, in responding to a call, shall request and be afforded police assistance during the course of providing towing, emergency road service or removal of abandoned or accident vehicles, when such employees find it necessary to turn around, back up, tow in the opposite direction of traffic or cross the median.
- I. A towing operator shall not permit a vehicle to be removed from the site of a vehicle accident, the scene of a crime or any other insistence or situation without the prior approval and permission of a police officer and/or superior at the scene.
- J. Each towing operator licensed under this chapter shall also meet the following general standards of operation:
  - i. The storage facilities shall have proper sign identification upon the same and shall be kept clean so as to be reasonably accommodating to persons of the township or others who may come upon said premises.
  - ii. A tow operator shall not be charged with a call if the owner designates the tow operator.
  - iii. All towing operators and their drivers shall be fully trained and knowledgeable in the operation of all required equipment and shall be subject to background investigations by the Winfield Police Department.
  - iv. Towing operators and employees who drive vehicles on the township roads or highways traversing said township must have a driver's license with no restrictions or conditional endorsements, except a condition requiring glasses; they shall be of good moral character and mentally alert and present a neat appearance at all times. Possession by a driver of an articulated license, when required by law, is mandatory.
  - v. Towing operators will notify the Police Desk Officer immediately upon completion of service regarding all vehicles serviced on the borough roads or highways traversing said borough, regardless of how the service was originated. He will supply the Desk Officer with the year, make, license plate number, name of the last registered owner and the location and type of service rendered, if this information is available at the time.
  - vi. Towing operators will be charged with a service call for an incident serviced on the highway, and not the number of vehicles serviced at the scene.
  - vii. 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 inoperable due to mechanical failure or personnel insufficiency.



- viii. Towing operators will notify the Police Desk Officer if a vehicle is gone upon their arrival; in such event the towing operator will not be charged with the call.
- ix. Towing operators will be responsible for all vehicles and their contents that were towed off the roadway under the direction of the police while in their custody. An inventory shall be made at the scene to note the contents of each vehicle.
- x. All towing operators shall remain and produce proof to the Chief of Police of the following insurance coverage: automobile liability in the amount not less than one million dollars (\$1,000,000.00) combined single limit; worker's compensation as required by statute; garagekeepers' liability in an amount not less than sixty thousand dollars (\$60,000.00) per location; garage liability in the amount not less than one million dollars (\$1,000,000.00) for any one (1) claimant and two million dollars (\$2,000,000.00) for more than one (1) claimant, with one million dollars (\$1,000,000.00) coverage for property damage for any one (1) event.

#### **6. License fees.**

- A. The following schedule of fees is hereby adopted for obtaining a towing operator's license pursuant to this chapter.
  - i. Application fee: one hundred dollars (\$100.).
  - ii. License fee: three hundred seventy-five dollars (\$375.) per tow operator.
- B. Fees paid pursuant to this section shall not be refundable for any reason.

#### **7. Term of license.**

Licenses issued pursuant to this chapter shall be for a term of one (1) year. Said one-year period shall commence on June 1 and expire on May 31 of the following year. All applications must be received by the Chief of Police on or before February 1 of the year in which application is being made.

#### **8. Supervision of towing operators' services.**

- A. The Chief of Police is hereby authorized to establish reasonable rules and regulations for the supervision, inspection and safe operation of tow trucks, wreckers and other related vehicles and equipment in accordance with the standards outlined in this section. The Chief shall maintain due vigilance over all towing operators to make certain that the tow trucks and other related vehicles and equipment are maintained in a safe working condition for transporting and hauling disabled vehicles. The Chief or his duly designated representative shall have the right at all times to inspect all towing vehicles and related equipment which perform services pursuant to this chapter.
- B. At any time, should the chief or his designee determine that the vehicles and/or equipment being used are unsafe, he shall have the power and authority to direct the immediate correction or repair of any automotive defect, malfunction or violation of motor vehicle regulations within a specified period of time to be determined by the Chief. The Chief of Police is authorized and empowered to establish and transmit from time to time to all tow operators on the rotational list such additional rules and regulations not inconsistent with the provisions of this chapter as may be reasonable and necessary in carrying out the provisions of this chapter.

#### **9. Suspension or removal for noncompliance.**

The Chief of Police shall have the power to suspend a towing operator from the



rotational duty service list for a period of up to thirty (30) calendar days for failure to comply with any section of this chapter. As subsequent violation may result in the permanent removal of a towing operator from the rotational duty service list for a twelve-month period. A towing operator may appeal the Chief's ruling of either a suspension or a permanent removal. In such cases, an appeal may be filed with the Township of Winfield within ten (10) business days of the Chief's decision. A hearing may be held by the township council within thirty (30) business days of the filing. The Winfield Council shall render its determination within twenty (20) business days following the conclusion of the hearing. The governing body's determination as rendered shall be final and conclusive under this article.

#### **10. License transfer.**

No controlling interest in a license issued pursuant to this article shall be assigned, transferred or sold, except on specific approval of the governing body of the Township of Winfield, and, upon cessation of activity or authority under the license through revocation or otherwise, the license shall be determined null and void. In no event shall any such license be posted as collateral. At the time of application for said license, the towing operator shall complete and submit, on borough forms, a statement of ownership. Any controlling interest transfer of ownership in a licensee's business, be it actual transfer or stock ownership, without borough approval, shall render the license void. In the event of sale or transfer, the new applicant, if any, shall make a new application and pay fees and be approved by the governing body of the Township of Winfield.

#### **11. Violations and penalties.**

- A. Any person, firm or corporation who or which willfully violates any of the provisions of this article shall, upon conviction, be subject to a fine not exceeding \$1,000 or imprisonment for a term not exceeding 90 days, or both. Each and every violation of this article or each and every day that any violation shall be permitted to continue shall be construed as a separate and distinct violation. The Police Department shall enforce the provisions of this article and shall have the authority to serve and execute process for violations hereof.
- B. The Municipal Court shall have jurisdiction of proceedings to enforce and collect any fine imposed because of a violation of this article.

#### **12. Administration and enforcement.**

The Chief of Police and the Police Department are hereby designated to administer and enforce all provisions of this article.

Introduced: August 20, 2007



Adopted: October 1, 2007



DATE INTRODUCED:            August 20, 2007

**PUBLIC NOTICE**



The foregoing ordinance was introduced and approved on first reading at the regular meeting of the Winfield Township Committee held on August 20, 2007 and will be considered for public hearing and final adoption at the regular meeting of the Township Committee to be held on September 17, 2007 at 7:00 PM in the Municipal Building, 12 Gulfstream Avenue, Winfield, NJ.

	MOTIONED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN	<div>I hereby certify that the above Ordinance was introduced by the Township Committee of the Township of Winfield at a meeting held on August 20, 2007.   Laura Reinertsen, Twp. Clerk</div>
 MAYOR DAVID P. WRIGHT, SR			✓				
COMM. S. GEORGE LOWREY	✓						
COMM. MARGARET McMANUS		✓					

DATE ADOPTED:            October 1, 2007

**PUBLIC NOTICE**

The foregoing ordinance was introduced and approved on first reading at a regular meeting of the Township Committee held August 20, 2007 and was approved for adoption on final reading at the regular meeting of the Township Committee held on October 1, 2007 at 7:00 pm.

	MOTIONED	SECONDED	AYES	NAYS	ABSENT	ABSTAIN	<div>I hereby certify that the above Ordinance was adopted by the Township Committee of the Township of Winfield at a meeting held on October 1, 2007.   Laura Reinertsen, Twp. Clerk</div>
 MAYOR DAVID P. WRIGHT, SR			✓				
COMM. S. GEORGE LOWREY		✓					
COMM. MARGARET McMANUS	✓						