AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL CITY ORDINANCES OF THE CITY OF NEW BRUNSWICK

TITLE 5, "BUSINESS LICENSES AND REGULATIONS"

BE IT ORDAINED by the New Brunswick City Council:

SECTION I

Title 5, entitled "Business Licenses and Regulations", Chapter 5.112 – Wreckers shall be amended as follows:

5.112.010 - DEFINITIONS

As used in this chapter, the following terms shall have the meanings indicated:

APPLICANT
An individual or a legally formed business entity, which seeks to obtain a license from the City of New Brunswick to furnish wrecker services within the City pursuant to this chapter.

BUSINESS LOCATION
A base of operation within the City of New Brunswick which is staffed during the normal business hours of 7:00 a.m. to 7:00 p.m., excluding holidays. Such location shall be a secure facility, and if an outdoor facility, be lighted from dusk to dawn. The business must be clearly marked with signs identifying the name of the business and the hours of operation. The applicant must be the owner or principal tenant at the location, which shall include a permanent facility with an office, a patron waiting area, a restroom for patron use and a secured vehicle storage area which is contained within an enclosed building and/or a fenced-in area, as described in §5.112.020 hereof, which shall be used for the storage of towed vehicles.

CRUISING
Driving of an unengaged wrecker along the public streets at a slow rate of speed or in any fashion calculated to solicit business.

DEAD STORAGE
The storage by an operator of a towed vehicle which was delivered to the storage yard by a wrecker as a result of the provision of wrecker services for the vehicle, where such storage continues overnight or for more than 12 hours from the time that a vehicle is removed from the scene from which it was towed, whichever is longer (i.e., there will be no storage charge for the same-day removal of a towed vehicle), and such storage is unrelated to either any repairs or continuing services which are being rendered by the operator at the request of the vehicle’s owner.

DECOUPLING FEE
A charge by a towing company for releasing a motor vehicle to its owner or operator when the vehicle has been, or is about to be, hooked or lifted by a wrecker, but prior to the vehicle actually having been moved or removed from the property or location from which the intended tow was to originate.

GARAGE
A nonresidential building where motor vehicles can be sheltered, stored, repaired and made ready for use.

HEAVY DUTY WRECKER
A wrecker with a minimum lifting capacity of twenty-five (25) tons on a tandem truck chassis.

1. Minimum Equipment Requirements for Heavy Duty License Applicants. Before being considered for a heavy duty license, an applicant must submit proof of ownership or control of the following minimum equipment:
   a. One heavy duty wrecker.
      i. Manufacturer rating gross vehicle weight eighty thousand (80,000) pounds. (Manufacturer rating may be obtained from the factory where the truck originates).
      ii. Power take-off controlled winch with a minimum cable thickness of five-eighths of an inch.
      iii. Four double-faced rear flashing amber lights mounted as high as maximum state requirements.
      iv. A three hundred sixty (360) degree rotating amber beacon light mounted over the cab. All lights are of such candle power in intensity as to be visible one-fourth of a mile away, or must be equal to the candle power of the lights on police vehicles.
One-half inch safety chain. The lift chain and safety chain are not to be attached in any form or manner, on the same part of the wrecker.

Air brakes.

Connecting air lines for connection with the air compressor and air brake lines of the towed vehicle.

Detachable amber flashing bar lights to be attached to the rear of the towed vehicle.

One three-stage hydraulic crane with minimum lifting capacity of forty-five (45) tons.

One hydraulic low-boy trailer capable of hauling trucks or buses a minimum of forty-eight (48) feet in length.

One fifth wheel unit dolly.

LICENSE

The permit to perform wrecker services as hereinafter described. The license is granted to a wrecker operator to provide these services with those vehicles specified on the application for that wrecker operator.

LIGHT DUTY

A wrecker that is able to handle all makes of passenger cars and small trucks, such as pick-up small panel trucks, up to one and one-half tons, and must have, or be equipped, with the following:

- Dual rear wheels, or equivalent;
- The garage from which it originates must be equipped with a portable car dolly;
- A power take-off controlled winch with a minimum cable thickness of three-eighths inch, or equivalent;
- It must have comparable weight equal to the vehicles to be towed with a minimum of five thousand five hundred (5,500) pounds;
- A three-eighths inch safety chain. The lift chain and the safety chain are not to be attached in any form, or manner, to the same part of the wrecker;
- Four double-faced rear flashing amber lights mounted as high as maximum state requirements;
- A three hundred sixty (360) degree rotating amber beacon light mounted over the cab;
- All lights are of such candle power in intensity as to be visible one-fourth of a mile away, or must be equal to the candle power of the lights on city police vehicles.

MOTOR VEHICLE

Includes all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks and motorized bicycles, motorized scooters, motorized wheelchairs and motorized skateboards.

NONCONSENSUAL TOWING

The towing of a motor vehicle without the consent of the owner or operator of the vehicle.

OPERATOR or WRECKER OPERATOR

Anyone who engages in the business of providing wrecker services pursuant to this chapter or who operates a licensed wrecker.

PRIVATE PROPERTY OWNER

The owner or lessee of private property, or an agent of such owner or lessee, but shall not include a private property towing company acting as an agent of such owner or lessee.

PRIVATE PROPERTY TOWING

The nonconsensual towing from private property or from a storage facility, by a wrecker service, of a consumer’s motor vehicle that is parked illegally, parking during a time at which such parking is not permitted, or otherwise parked without authorization, or the immobilization of or preparation for moving or removing of such motor vehicle, for which a service charge is made, either directly or indirectly. This term shall not include the towing of a motor vehicle that has been abandoned on private property in violation of N.J.S.A. 39:4-33.5, provided that the abandoned vehicle is reported to the appropriate law enforcement agency prior to removal and the vehicle is removed in accordance with N.J.S.A. 39:4-56.6.

WAITING TIME

The period of time between the arrival of a wrecker on the scene to which it was called by the police and the time at which the wrecker is actually permitted to commence its efforts to render any required
wrecker services. Waiting time shall not start earlier than the 15th minute after the wrecker service arrives at the scene.

WRECKER

A public vehicle driven by mechanical power, licensed and employed for the purpose of towing, transporting, conveying or removing any and all kinds of other vehicles or parts of vehicles which are so damaged they are unable to be operated under their own power, have been impounded so that they are not allowed to be operated upon the public right of way, or for the removal from private property for the unauthorized use thereof, for which a service charge or fee is exacted.

WRECKER SERVICE

Such roadside assistance as vehicle towing, transport, conveyance or removal and/or storage services as are to be provided by a licensed operator pursuant to this chapter.

5.112.020 - LICENSE REQUIRED; DURATION & APPLICATION

1. No wrecker operates upon the city's streets without first registering with the city clerk. It is the purpose of this chapter to require that all wreckers garaged in the city be registered with the city clerk. Licenses are required only of wreckers which are qualified and which are on the police call list. Both the registration and licensing of wreckers is for a one-year period commencing on January 1st of each and every year.

2. The city clerk shall issue licenses at a rate of one license per every six thousand (6,000) city residents as established by the federal census figures or fractions thereof. However no more than eight wrecker licenses are issued during any one licensing year.

   i Transferability. Any license issued under the provisions of this chapter applies only to the person to whom it was issued and may be transferred either from person to person or to place to place, or both, in accordance with these provisions.

   ii Application for transfer of a license is made by the person seeking the transfer to the city clerk in accordance with the provisions of this chapter. This application is signed and sworn to by the person seeking the transfer and bears the consent in writing to such a transfer by the licensee. The transfer of any license under this chapter is subject to the approval of the municipal council. The fee for the transfer of a license from person to person is two hundred fifty dollars ($250.00) in addition to the license fee itself. The fee of a transfer from place to place is fifty dollars ($50.00), in addition to the license fee itself.

   iii As a requirement of licensure, every licensee shall own or lease an enclosed storage yard to which vehicles towed pursuant to this chapter shall be delivered and stored. Every such storage yard shall be located within the City of New Brunswick or on a road or street contiguous to the municipal boundary, but in no event any further than two (2) miles outside the borders of the City of New Brunswick.

3. Application of license, required information; affidavit. Applications for licenses issued hereunder shall be made upon printed forms prepared and made available in the City Clerk's office and shall include:

   i The complete legal name, trade name (if any), home address and proposed or actual business address of the applicant, and whether the applicant is the owner, lessee or bailee. In the event the applicant is a corporation, the names, addresses and home telephone numbers of every person owning 10% or more of said corporation shall be listed.

   ii Contain an abstract of the driving history of each operator of a licensed wrecker and a listing of each criminal conviction of any such operator; a statement of any denial of any license or permit to operate a motor vehicle or a towing service for any applicant.

   iii Evidence that the applicant has at least three years' experience of providing properly insured towing services with references available.

   iv Evidence that the applicant has a business location within the City of New Brunswick, or on a road or street contiguous to the municipal boundary on which there is situated a permanent facility and a secured, vehicle storage area which is contained within an outside area surrounded by a chain link, stockade or other such type restrictive fencing which is at least six feet in
INVESTIGATION OF APPLICANT

1. Investigation and inspection; approval or denial of application. Upon receipt of an application as provided for herein, the City Clerk's office shall cause an investigation to be made of the applicant and of the subject business location. Inspection of the business location shall be made by both assigned police officers and code enforcement officials of the City. Said inspection shall be completed within 30 days. The City Clerk's Office may request assistance from the Police Department through the Director of Police or his or her designee for the making and completion of such investigation and inspections, or may delegate the inspections of the vehicles to an independent person, who is not a wrecker operator, and who shall be qualified by experience and training to make such inspection. An inspection report for each vehicle shall be filed with the City Clerk's office and shall clearly indicate whether each vehicle complies with the requirements and standards of this chapter as set forth herein.

2. The Police Department of the City of New Brunswick shall conduct a thorough background check of the licensee, its officers, principals and employees prior to the granting of a license within 30 days after receipt of a completed application. A conviction for a disorderly persons offense and/or a motor vehicle violation evidencing unsafe driving habits or a disregard for the New Jersey Motor Vehicle Laws will be considered ample reason to disqualify any applicant or a particular employee. Each prospective licensee shall furnish with its application executed background check waivers for all officers, principals and employees in the form provided by the Police Department.

3. A report shall be made to the Director of Police as to whether the wrecker is in compliance with the requirements and standards of this chapter.

4. Upon completion of the investigation and inspection, the Director of Police shall forward a report of his or her findings and a proposed classification of the applicant as light-duty motor vehicle accident, light-duty miscellaneous, heavy-duty motor vehicle accident, heavy-duty miscellaneous or not qualified for the call list in accordance with the standards set forth in this chapter. The City Clerk shall either refuse to approve the application or shall classify and refer the application to the governing body for approval and shall inform the applicant of his/her decision. If the application is approved, the applicant shall supply the City Clerk with the insurance policies or certificates as required.

APPROVAL

The City Clerk shall classify and refer an application to the governing body for approval only when the following requirements have been met:

i. The wreckers to be used, on inspection, meet with the required minimum standards for the light-duty motor vehicle accident, light-duty miscellaneous or heavy-duty motor vehicle accident or heavy-duty miscellaneous.

ii. Adequate proof of the applicant's ability to produce insurance policies as required herein has been submitted.

iii. The applicant and proposed operators are properly qualified to operate and conduct a wrecker service in the City in accordance with the requirements as are set forth in this chapter.

iv. All wrecker operators are currently licensed drivers by the State of New Jersey and such license(s) is (are) not presently revoked or suspended for any reason.

v. The applicant is in compliance with all requirements of this chapter and all other governing laws, statutes and ordinances.

vi. Each wrecker has been properly licensed and inspected by the State of New Jersey and has the necessary stickers affixed thereto. No vehicle shall be licensed as a wrecker which is using dealer's license plates or which has failed the state inspection.
DENIAL

If the City Clerk denies an application, a letter setting forth the reasons for the denial shall be sent by the City Clerk's office by certified mail to the applicant within 72 hours of such decision. The applicant may thereafter request a hearing before the municipal governing body.

5.112.030 - INSURANCE REQUIRED

1. In order to insure the full protection of the property of the public, it is unlawful for any wrecker to be operated, nor shall any license to do so be issued unless the applicant obtains a policy of insurance with an acceptable company and furnish satisfactory evidence thereof to the city clerk, in the sum of at least one hundred thousand dollars ($100,000.00) insuring the customer's property against damage by the owner of the wrecker or his or her agent, servant or employee and in the sum of at least two hundred and fifty thousand dollars ($250,000.00) for personal injuries.

2. The required insurance shall provide coverage for the wrecker's towing operations and also for the storage yard required by Section 5.112.020.

3. The application of any operator for a license pursuant to this chapter shall imply an agreement by the operator that, upon the issuance of a license, the licensee shall indemnify the City of New Brunswick against all statutory, common law or contractual claims of third parties relating to any acts or services performed or rendered or which failed to be performed or rendered by the licensee. Any formal agreement to provide said indemnification shall be in such form as is approved by the City Attorney and shall be properly executed by the operator and attested to by an authorized notary of the State of New Jersey.

4. The termination or expiration of any of the insurance coverages which are required herein shall be cause for the immediate suspension of a wrecker's license unless renewal or replacement of such coverage is timely made in compliance with the applicable requirements as are set forth hereinafter.

5.112.040 - LICENSE SUSPENSION OR REVOCATION

Licenses issued under the provisions of this chapter are suspended or revoked in accordance with the provisions of Sections 5.04.090 through 5.04.120 and 5.04.140.

5.112.050 - RATES FOR TOWING AND STORAGE

The prices that may be charged for wrecking service as provided in this chapter shall not exceed the following rates:

A. Light Duty; All Passenger Vehicles.

1. Monday through Friday, 7:00 a.m. to 7:00 p.m.: $125.
   Each additional mile outside the City of Brunswick, but within the State of New Jersey, when the tower agrees to tow outside the City, at the request of the owner or operator of the vehicle: $5.50.

2. Monday through Friday, 7:01 p.m. to 6:59 a.m.: $135.
   Each additional mile outside the City of Brunswick, but within the State of New Jersey, when the tower agrees to tow outside the City, at the request of the owner or operator of the vehicle: $5.50.

3. Weekends and Holidays: $135
   Each additional mile outside the City of Brunswick, but within the State of New Jersey, when the tower agrees to tow outside the City, at the request of the owner or operator of the vehicle: $5.50.

4. Vehicles owned or operated by City of New Brunswick: $35

B. Light Duty; All Vehicles Registered between 6,001 pounds and 12,000 pounds.

1. Monday through Friday, 7:00 a.m. to 7:00 p.m.: $135.
   Each additional mile outside the City of Brunswick, but within the State of New Jersey, when the tower agrees to tow outside the City, at the request of the owner or operator of the vehicle: $5.50.

2. Monday through Friday, 7:01 p.m. to 6:59 a.m.: $145.
   Each additional mile outside the City of Brunswick, but within the State of New Jersey, when the tower agrees to tow outside the City, at the request of the owner or operator of the vehicle: $5.50.

3. Weekends and Holidays: 145
   Each additional mile outside the City of Brunswick, but within the State of New Jersey, when the tower agrees to tow outside the City, at the request of the owner or operator of the vehicle: $5.50.

4. Vehicles owned or operated by City of New Brunswick: $35

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5. Vehicles legally parked in an area where emergency utility work must be performed: $25 to be paid by the utility company or contractor. (Wrecker service not to lose spot in rotation).

C. STORAGE FEES: Any wrecker service operating within the City of New Brunswick shall be allowed to charge a fee for the storage of towed vehicles. However, the storage fees, as described below, shall only be charged after the passage of at least 24 hours following the tow, subject to the "Dead Storage" provisions of 5.112.010:

1. Inside storage facility: $60 per day. (Must be at the owner's request or at the direction of the New Brunswick Police Department)
2. Outside storage facility: $30 per day.
3. The City of New Brunswick shall not be required to pay a storage fee under any circumstances.

E. Miscellaneous services, not to exceed:
1. Start vehicle: $70.
2. Change flat tire: $70.
3. Respond to provide fuel (does not include cost of fuel): $70.
4. Winching: $75 per 1/2 hour or any portion thereof.
5. Cleanup materials. This item is to be a separate line item and itemized on each bill that the use of clean-up materials are required. When Speedi-Dry is used as a cleanup material, a fee of $15 per bag is authorized.
6. Digging any light duty vehicle out of the snow prior to hook-up and tow: $35.
7. A yard charge for each visit or request to access a vehicle in storage may be charged for the following, but not limited to: car cover; photographs; administrative; placing any vehicle on a public street adjacent to it for the vehicle's removal; vehicle estimate requested by the owner or third-party insurance carrier (includes time with appraiser); removal of personal property from the subject vehicle (up to 15 minutes): $30/each occurrence.
   a. There shall be no yard charge assessed to any person seeking to retrieve house keys, medication, or vehicle credentials needed to secure a release from the New Brunswick Police Department.
8. De-coupling Fee $50; Wrecker service to be placed back at top of list.

F. Heavy-Duty Towing

1. Conventional tow, 12,000 pounds to 25,000 pounds: $250.
2. Conventional tow, 25,001 pounds to 55,000 pounds: $350.
3. Conventional tow, 55,001 pounds to 80,000 pounds: $450.
6. Per mile outside New Brunswick (all tolls additional): $11.
7. Extra-heavy-duty tilt bed low-boy tractor and trailer, or any other heavy equipment necessary to lift, load, right, or move a heavy-duty vehicle of the contents of any spilled load: $400 per hour.
8. Winching: $200 per half hour or portion thereof.
9. Remove bumper: $35.
11. Remove axle: $30 per hour.
12. Remove drive shaft: $40.
13. Extra men, per hour, per man: $90.
14. Cleanup materials. This item is to be a separate line item and itemized on each bill that its use is required.
15. A yard charge may be charged for the following, but not limited to: vehicle cover; photographs; administrative; placing any vehicle on a public street adjacent to it for the vehicle's removal; vehicle estimate requested by the owner or third-party insurance carrier (includes time with appraiser); removal of personal property from the subject vehicle (up to 15 minutes): $45.

G. Heavy-duty storage.
1. Tractor: $55.
2. Trailer: $55.
4. Tractor-Trailer: $85.

Every operator of a wrecker shall give the owner of the vehicle a written receipt for the fee paid. All fees shall be in accordance with the rates posted for the services, which are required, or directed to be rendered. Receipts shall contain all of the information required pursuant to 5.112.070.

No wrecker shall charge an unreasonable fee for the services rendered. Fees shall be presumed to be unreasonable if they exceed 25% of the usual and customary fee charged for consensual towing and related storage services, or 50% of the usual and customary fees for nonconsensual towing and related storage services by towing and storage companies operating within the City. Wrecker services found to have charged an unreasonable fee may be subject to punishment as proscribed by the governing body, which may include the suspension or revocation of their license to operate within the City of New Brunswick.

Whenever a vehicle is towed pursuant to the provisions of this section, it shall be stored on a protected lot owned or controlled by the licensed wrecker owner.

The lot, owned or controlled by the licensed wrecker owner, shall be available between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, Saturdays 7:00 a.m. to 1:00 p.m., in the event towed vehicles are being stored pursuant to the provisions of this section in order that customers may be able to retrieve their vehicles. Licensees are not required to make themselves available on Sundays and state and/or national holidays for retrieval of towed vehicles.

If a licensed wrecker owner chooses to remain closed on Sundays and state and/or national holidays, storage fees cannot be charged for that day.

If a licensed wrecker owner chooses to open the lot for vehicle retrieval between the hours of 7:30 p.m. and 8:30 a.m. Monday through Friday, Saturday after 1:30 p.m., or on Sundays and state and/or national holidays, then a flat fee of twenty-five dollars ($35.00) may be charged for a yard opening fee.

The maximum flat rates contained herein shall be charged by all wrecker and wrecking services operating in the city, using public streets, to effectuate any hauling or removal from any public street or private property. These rates apply to all wreckers within the city, whether they are licensed by the city or not.

Any wrecking service operating within the City of New Brunswick shall accept, cash, credit or debit cards as a form of payment. In the event an insurance company or other business entity is paying for the tow, storage, or any other service associated with a tow and storage, the wrecker service shall accept a business check as payment. Wrecking companies are not required to accept personal checks.

**ADMINISTRATION FEES.**

All vehicles towed by licensed wreckers at the request of the police department are subject to a twenty-dollar ($20.00) administration fee prior to being released by the wrecker company.

This administration fee will not apply to vehicles which were towed solely as the result of a motor vehicle collision, or if the vehicle was towed as the result of criminal activity and the vehicle and/or owner/driver was the victim.

The administration fee will be collected by the police department prior to the vehicle being released by the wrecker company. The vehicle's owner or designee will report to the police department's front desk and speak with the supervisor assigned to the front desk.* The front desk supervisor will confirm with the tow log via dispatch the reason for tow and the location of wrecker company responsible for the tow. The front desk supervisor will also verify the individual picking up the towed vehicle is a licensed driver and the reason for the tow has been corrected. Once the front desk supervisor confirms the above information he/she will collect the twenty dollar ($20.00) administration fee (cash only) and provide the driver with a "tow release receipt." The tow release receipt must be presented to the wrecker company prior to the vehicle's release. All fees owed to the wrecker company must be settled between the wrecker company and the vehicle's owner or designee.

After collecting the administration fee, the front desk supervisor will deposit the monies along with an attached copy of the tow release receipt in a separate and secure lock box or safe located at the front desk area. A tow release log book entry will be completed and dispatch will be advised to make a notation in the tow log that the vehicle has been approved for release.
When the vehicle's owner or designee settles the fees owed to the wrecker company the wrecker company employee will note the tow release receipt number on their company receipt.

* In the event of a snow emergency the police department's traffic safety and enforcement unit may assign a traffic officer to the front desk to assist with the collection of the administration fee at the completion of the snow emergency.

(Ord. No. 0-031007, § 1, 4-9-10; Ord. 0-120604 § 1, 2006: Ord. 0-100104 §§ 1-3, 2001; prior code § 7-11.5)

5.112.060 - RATES TO BE POSTED.

All wreckers shall contain a card or metal plate, to be furnished by the owner, and affixed to a prominent portion of the wrecker as directed by the governing body where it can be easily read stating the license number of the vehicle and rates charged, as well as having same posted at their place of business.

a. All wrecker services operating within the City of New Brunswick shall provide the operator of the motor vehicle being towed, the following written information:
   1. The name, address, and telephone number of the towing company.
   2. The name and location of the storage yard where the vehicle will be kept if different from the wrecker service responding to the scene.
   3. The rates for towing and storage.
   4. The date and time of the tow.

5.112.070 - CUSTOMER RECEIPTS.

A. Every operator of a wrecker shall give the customer a written itemized receipt for the fee paid. Each itemized receipt must contain at a minimum, the following information:
   1. Date of tow;
   2. Time of tow;
   3. Location vehicle was towed from;
   4. Reason for tow;
   5. Tow requested by;
   6. Vehicle type;
   7. Vehicle plate number and state of issuance;
   8. Location vehicle was towed to;
   9. Itemization of fees;
   10. NBPD tow release number.
   11. Date of release.
   12. Time of release

B. Every licensee must have copies of all tow receipts available at the place of business for inspection by a representative of the New Brunswick police department during normal business hours, 7:00 a.m. to 7:00 p.m., Monday through Saturday.

5.112.080 - RULES AND REGULATIONS.

A. The governing body designates the police department generally and the director of police particularly as the supervising authority to enforce the provisions of this chapter as well as the rules and regulations adopted hereunder. All equipment required for licensure or used in connection with the business of a licensed wrecker is subject to inspection as required by the supervising authority.

   1. No wrecker shall engage in cruising.
   2. No wrecker shall solicit or attempt to divert patrons of another wrecker whether or not licensed under this chapter, nor shall a wrecker solicit or divert prospective patrons of a given repair service to any other repair service.
   3. No owner of a wrecker or his or her agent, servant or employee shall solicit, demand or receive any fee or emolument whatever except in accordance with the terms of this chapter or give or offer any gratuity or other form of compensation to any city employee.
   4. No flashing lights or sirens are used on a wrecker except by permission granted by the State Director of Motor Vehicles under the provisions of R.S. 39:11 et seq.
   5. Prior to license renewal and again during the month of July each wrecker licensed under this chapter is inspected by a representative of the police department for fitness.
   6. Each licensed wrecker at all times maintains and carries the necessary equipment to remove disabled or locked vehicles or equipment necessary to separate or open vehicles to enable public safety personnel to remove entrapped passengers.
7. Each wrecker prior to departure from the scene of towing services shall clean and clear the streets of any debris resulting from any accident at such scene and at all times carry the necessary equipment to perform such cleaning services.

8. No wrecker shall respond to the scene of an accident except upon the request of the New Brunswick Police Department, upon notification by the channel of communication established by the police department to notify licensed wreckers of the necessity of their presence.

9. When multiple cars are to be towed, the choice of towing a particular vehicle is established by the sequence of licensed wreckers responding to the call to service. However, before any car is removed, the wreckers must participate in clearing the scene of vehicles blocking the public right-of-way or debris, or in the application of speed-cri.

10. All licensed wreckers shall be available on a twenty-four (24) hour basis for wrecking service except when reporting out of service to the designated dispatcher.

11. The dispatch desk shall assign wreckers for towing purposes on a rotating basis among the various licensees. Where a licensee has reported out of service, then his or her turn shall be skipped over by the dispatch desk and the call assigned to the next licensee in rotation; the out of service licensee shall be permitted to resume his or her normal rotation if he or she is back in service at the time his or her normal turn again is reached.

a. In establishing a rotation system of assignment of wreckers, a separate list is set up limited to heavy duty wreckers, and the assignment of a heavy duty wrecker to tow a disabled truck is in addition to and not in limitation of the right of the heavy duty wrecker owners to participate on a rotating basis, on the light duty call list.

b. Any wrecker that de-couples from a vehicle at the scene of service shall be back at the top of the rotation.

12. No wreckers listed as in-service may refuse assignments. If assignments are refused then the dispatch desk shall report such refusal and the type of car refused to the police director, which refusal will subject the refusing licensee to the penalties provided by this chapter. Upon receiving notification of refusal by the dispatcher the police director shall, as soon as practicable, notify the city clerk of same.

13. Wreckers shall arrive at the scene to which dispatched within a reasonable time after being dispatched. Under normal circumstances such reasonable time limit is defined as within fifteen (15) minutes.

14. Where no designation has been made, licensed wreckers are authorized to remove the vehicle to the place of business of the wrecker service and charge storage fees in accordance with the provisions of this chapter. Vehicles being stored by a wrecker service which remain unclaimed after thirty (30) days, shall be reported to the New Brunswick police department traffic safety enforcement unit, no sooner than thirty (30) days, but no later than sixty (60) days from date of impound.

15. Where vehicles are towed to premises controlled by the police department for the purpose of utilizing the vehicle or its contents as evidence, or for other purposes, such vehicle is not released from police custody unless the owner of the vehicle furnishes the police department with a receipt that towing service fees have been paid.

16. In all cases where cars are to be towed for illegal parking summonses for such offense shall be issued, and affixed to the vehicle prior to towing.

17. When cars are removed because of emergency snow conditions they are towed to a designated location which will be provided and utilized by the licensed wreckers.

18. Such additional rules and regulations as may be promulgated by the city clerk shall take effect five days after notification of such rules and regulations upon the holders of all licenses for wreckers. Service is made by forwarding these rules, and regulations by certified mail, return receipt requested, to the licensee at the address listed in the licensee’s most recent application.

19. During a snow emergency, where snow routes are being cleared by the New Brunswick police department and wreckers are requested for tows, the licensed wrecker must have an employee available at the yard to release cars, regardless of the time of day, as long as the police department continues to tow vehicles and the licensed wrecker participates in the tows.

20. In order to assure compliance with subsections 10 through 13 the police department shall maintain a roster of time(s) of call, wrecker(s) called, wrecker(s) responding and wrecker(s) out of service.

21. Any person operating a City of New Brunswick licensed wrecker must be appropriately attired when responding to a call for service. Appropriate attire shall at a minimum include work shoes or boots with a non-skid sole, work pants similar to CarhartsrM, DickiesrM, or blue jeans, and a DOT approved safety vest or jacket. (Sweatpants, pajamas and sneakers are prohibited.)

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22. Under no circumstances shall a wrecker operator or employee respond to the scene of a tow while under the influence of alcohol or drugs, including prescription medication that bears the warning that it may cause drowsiness, and/or that the person taking said medication should not operate a motor vehicle or heavy machinery.

5.112.090 - DISPATCHING FEE

To expedite the enforcement of the provisions of this chapter, all licensed wreckers shall participate in a dispatching service at their joint expense for the purpose of making available licensed wreckers when a towing service is required. Such dispatch service shall be conducted and provided by the New Brunswick Police Department. Upon the occasion of the necessity of such towing service, police department personnel shall inform the dispatching desk of the need for a wrecker.

The fee for the dispatching service shall be determined by the Police Director and approved by the governing body on an annual basis. Beginning calendar year 2017 the dispatching fee shall be $20,000.00 per year, to be divided by the licensed wrecker services, and to be paid in monthly installments by each, to the City of New Brunswick.

SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction such finding shall not affect the remaining provisions hereof.

SECTION III

REPEALER:

All Ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING:
DATED: July 5, 2017

ADOPTED ON SECOND READING:
DATED: __________________________

ATTEST:

CITY CLERK

APPROVAL OF THE MAYOR ON THIS _____ DAY OF __________, 2017.

JAMES M. CAHILL, MAYOR
APPROVALS:

CITY ADMINISTRATOR

CITY ATTORNEY

TKS/kc