

LICENSES

135 Attachment 1

Township of East Brunswick

APPLICATION FOR A WRECKER LICENSE

BASIC WRECKER LICENSE \_\_\_\_\_ POLICE TOW LIST WRECKER LICENSE \_\_\_\_\_  
# OF REGULAR WRECKERS: \_\_\_\_\_ # OF HEAVY WRECKERS: \_\_\_\_\_

1. Name of applicant \_\_\_\_\_  
Home address \_\_\_\_\_ Phone \_\_\_\_\_
2. Trade name \_\_\_\_\_  
Business address \_\_\_\_\_ Phone \_\_\_\_\_
3. Owner of vehicles (If leased) \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_
4. Owner of building (If leased) \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_
5. Owner of land (If leased)  
Address \_\_\_\_\_ Phone \_\_\_\_\_
6. Name of partner or anyone with investment in this business not previously named  
in this application \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_
7. Does anyone named in this application have an interest, or obtain financial gain  
from another business licensed to tow vehicles in East Brunswick? Yes No  
Name \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_
8. Does anyone named in this application have any business or personal relationship  
with any East Brunswick municipal employee, East Brunswick Police Officer, or  
any elected or appointed township official? Yes \_\_\_\_\_ No \_\_\_\_\_  
Name \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_
9. Has applicant agreed to permit anyone not having a disclosed beneficial interest in  
the license to receive or agree to pay anyone all or part of the gross receipts or net  
profits derived from this application? Yes \_\_\_\_\_ No \_\_\_\_\_  
Name \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_
10. Address of Business Location/vehicle storage facility  
\_\_\_\_\_
11. Required insurance or bond of indemnity for property damage or loss - \$75,000,  
and not less than \$500,000 for personal injury per accident.  
Insurance company \_\_\_\_\_ Policy number \_\_\_\_\_
12. Name of agent in New Jersey upon whom service of any proceedings against  
applicant may be made \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_

EAST BRUNSWICK CODE

**THE APPLICANT AND ALL DRIVERS MUST BE LISTED  
ON THIS FORM**

NAME	ADDRESS	DATE OF BIRTH	DRIVER LICENSE NUMBER	SOCIAL SECURITY NUMBER

If a wrecker license is granted, I agree to abide by the East Brunswick Township wrecker ordinance. This does not constitute zoning board and planning board approval, which must be sought separately.

Affidavit of applicant: I hereby swear the above information to be true and correct to the best of my knowledge.

\_\_\_\_\_  
Applicant's Signature

LICENSES

**RELEASE AUTHORIZATION**

I, \_\_\_\_\_ am making application for a wrecker license within the Township of East Brunswick. A wrecker license application requires an investigation to determine my eligibility.

I, therefore, authorize any governmental entity or part thereof, corporation, company, institution or agency and employees and representatives of the aforesaid and all other persons without exception to furnish upon request or voluntarily to the East Brunswick Police Department, or their authorized representatives, any and all information, including criminal history and motor vehicle records, without exception, pertaining to me.

I do hereby release the above governmental entity or part thereof, corporation, company, institution or agency or employees and representatives of the aforesaid and all other persons without exception from any liability whatsoever incurred from furnishing such information.

A photostatic copy of this authorization shall be considered as effective and valid as the original.

\_\_\_\_\_  
Signature

Subscribed and sworn to

before me this \_\_\_\_\_ day

of \_\_\_\_\_, 20\_\_\_\_.

Notary Public:

\_\_\_\_\_

Township of East Brunswick, NJ  
Tuesday, April 6, 2021

## Chapter 135. Licenses

### Article VII. Wreckers

[Adopted 4-14-64; amended 10-27-97 by Ord. No. 97-21; 11-28-16 by Ord. 16-19<sup>[1]</sup>]

[1] *Editor's Note: This ordinance replaced the existing ordinance in its entirety.*

#### § 135-46. Definitions.

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

##### **BASIC WRECKER LICENSE**

Required of all wrecker operators who are based within the Township of East Brunswick. Also required of all out-of-town wrecker operators who wish to be called by the police department for "customer requests." The Basic Wrecker License also entitles an operator who qualifies for fatal accident wrecker response, as determined pursuant to the Middlesex County Prosecutor's guidelines, to be called by the police department for fatal and potentially fatal accidents.

##### **BUSINESS LOCATION**

A base of operation that is staffed during normal business hours every weekday and Saturdays, excluding holidays. The business must be clearly marked with signs identifying the name of the business and the hours of operation. The Business Location must include a fenced-in lot for the storage of towed vehicles, and must meet the location requirements set forth in § 135-50A and § 135-50B, as applicable. In lieu of a fence, a well-lit storage lot which can be observed by passing patrol cars is acceptable. However, if the Traffic Division Commander determines at any time that the security of the lot is inadequate, he may require the installation of a security fence and/or additional lighting in order for the operator to maintain a Police Tow List Wrecker License.

##### **CLEAN-UP**

Removal and/or disposal of any debris left on the roadway or property as a result of a motor vehicle accident or recovery.

##### **CRUISING**

Driving a wrecker along a public highway at a slow speed or in some other fashion obviously intended to solicit business.

##### **HEAVY WRECKER**

A vehicle used to tow or remove other vehicles which have registered gross vehicle weights in excess of 10,000 pounds.

##### **POLICE TOW LIST WRECKER LICENSE**

Entitles a wrecker operator to be placed on the rotational Police Tow List.

##### **OPERATOR**

Anyone who engages in the business of operating a wrecker or heavy wrecker. It is not necessary that the vehicle used is owned by the operator. A person who leases, borrows or otherwise obtains

a wrecker or heavy wrecker shall be considered an "operator." However, the term does not include a person hired by another to drive a wrecker or heavy wrecker.

#### WRECKER

A vehicle used to tow or remove other vehicles usually so damaged or disabled that they cannot proceed under their own power. It also refers to the operator of a wrecker as defined herein.

### § 135-47. License required.

Every wrecker operator and heavy wrecker operator who is based in the Township of East Brunswick must be licensed by the township. In addition, every wrecker operator and heavy wrecker operator who applies for a Police Tow List Wrecker License, or wishes to be called by the police department for "customer requests" and/or fatal accident response, must be licensed by the township and meet the requirements of this wrecker ordinance.

### § 135-48. Investigation; required equipment; issuance of license.

- A. Wrecker license applications must be obtained from the Township Clerk. Completed applications, along with a sketch of the property indicating where towed vehicles will be stored, must be returned to the Township Clerk with the appropriate fee. A list of all drivers who will operate licensed wreckers must be included with the wrecker license application. The address, driver's license number, date of birth and social security number of the applicant and all wrecker drivers must be included.
- B. The township's Zoning and Code Enforcement Officer shall ensure that every East Brunswick-based wrecker Business Location is in a zone approved for wrecker operations.
- C. In accordance with § 135-4, wrecker license investigations shall be conducted by the Department of Public Safety. A Traffic Division officer shall conduct the actual investigation. The investigation shall include a criminal history check and a motor vehicle record check of all wrecker license applicants and their drivers. Each wrecker must be personally inspected by a Traffic Division officer to ensure compliance with the following requirements:
  - (1) A valid DMV registration and, if required, a valid inspection.
  - (2) A valid DMV amber light permit.
  - (3) Insurance: \$75,000 (Property Damage) and \$500,000 (Personal Injury).
  - (4) Emergency lights: Visible at 1/4 mile and can be seen over the towed vehicle.
  - (5) One fire extinguisher (Five pound carbon dioxide or dry powder).
  - (6) One broom and a debris container.
  - (7) One steering lock bar.
  - (8) The business name and location on the wrecker (39:4-46).
  - (9) A minimum of five gallons of absorbent granules for cleaning up fluid spills.
  - (10) A reflectorized safety vest.
  - (11) Portable lighting equipment (Heavy wreckers only).
  - (12) The wrecker and its equipment must be in good condition.

- D. The results of each investigation and inspection shall be reported to the Township Council which shall approve or reject the application within 30 days after receiving the written report of the investigation and inspection. In addition to the reasons set forth in § 135-4, wrecker license applications may be denied for any of the following reasons:
- (1) Incomplete, inaccurate or falsified application.
  - (2) Unsafe or inadequate towing vehicles and/or equipment.
  - (3) Non-compliance with the township's wrecker ordinance.
  - (4) The Business Location is not in a zone where the use is permitted (East Brunswick locations only).
  - (5) The owner pleaded guilty or was convicted of a zoning or property maintenance violation in East Brunswick during the 12 months preceding the application date.
  - (6) Criminal or motor vehicle convictions of the owner or his employees which, in the reasonable belief of the Traffic Division Commander, would jeopardize the safety of customers.
  - (7) Inadequate or insecure storage facility.

Wrecker licenses shall be issued by the Township Clerk upon the approval of the application by the Township Council. All licenses shall expire on December 31st of each year.

## § 135-49. Fee.

The annual fee for a license to operate a wrecker shall be determined by the following schedule:

Basic Wrecker License - Regular Wrecker	\$50.00
Basic Wrecker License - Heavy Wrecker	\$50.00
Police Tow List Wrecker License - Regular Wrecker	\$100.00
Police Tow List Wrecker License - Heavy Wrecker	\$100.00

The Basic Wrecker License fees and the Police Tow List Wrecker License fees are "per vehicle." All fees are non-refundable.

## § 135-50. Police Tow List Eligibility.

- A. Regular Wreckers: In order to be eligible to apply for a Police Tow List Wrecker License for a regular wrecker, an operator's Business Location, including the storage yard, must be within 3 1/2 miles of the East Brunswick Municipal Building. All operators must also meet the response time requirements listed under § 135-51B.
- B. Heavy Wreckers: In order to be eligible to apply for a Police Tow List Wrecker License for a heavy wrecker, an operator's Business Location, including the storage yard, shall be located in East Brunswick Township, or immediately adjacent thereto, in order to ensure response time, as required by § 135-51B.

## § 135-51. Operational Requirements.

- A. Assignment of Services: Towing services are assigned to Police Tow List wrecker operators on a rotational basis. However, when a need arises for an expeditious tow, the nearest licensed wrecker operator may be called. If the operator is on the rotational tow list, the call shall count as

the operator's next turn. Subsequent wrecker requests shall be assigned to the operators who were skipped. When a motorist requests a specific wrecker operator ("customer request"), and the operator is licensed to tow in the township, the requested operator shall be called. If the requested wrecker operator is on the rotational tow list, the call shall count as the operator's next turn. Police tow logs shall be available for inspection by any licensed operator during regular business hours.

- B. Response Time: From the time of dispatch by police headquarters, wreckers shall arrive on the scene within the following time limits:

Regular Wrecker	8:00 a.m. to 6:00 p.m.	15 minutes
	6:01 p.m. to 7:59 a.m.	20 minutes
Heavy Wrecker	8:00 a.m. to 6:00 p.m.	20 minutes
	6:01 p.m. to 7:59 a.m.	30 minutes

When a Police Tow List wrecker operator's response time exceeds the time limits, the wrecker shall be canceled and the operator shall lose his turn on the rotational tow list. The next operator on the Police Tow List shall then be dispatched. Prevailing weather and road conditions should be considered prior to canceling a wrecker for excessive response time. In addition to losing their turn on the rotational tow list, Police Tow List wrecker operators who exceed the response time limits shall be subject to the penalties set forth in § 135-56B for each violation. When a Basic Wrecker License operator exceeds the response time limits, the wrecker shall be canceled and the next wrecker on the Police Tow List shall be dispatched. Basic Wrecker License operators shall be subject to license revocation in accordance with § 135-8 if they exceed the response time limits more than five (5) times in any calendar year. All Police Tow List wrecker operators must provide 24-hour, 7-day service. In addition, they must respond to a minimum of 80% of their calls each month. The Traffic Division will monitor compliance by conducting a monthly review of the police department's tow records.

- C. Routine Police Tows: Vehicles towed due to breakdown, accident, criminal arrest, etc., shall be taken immediately to the operator's Business Location unless the vehicle driver or the police request otherwise. Vehicles shall be locked and parked in the secure area of the operator's Business Location. If any of the vehicle's windows are broken, a tarp or other non-porous material shall be applied to protect the vehicle's interior from the elements.
- D. Police Holds: If a police officer requests a "police hold" on a vehicle, a "police hold" card shall be completed by the officer and given to the wrecker driver at the time of the tow. The "police hold" card shall be attached to the vehicle's rear view mirror to prevent its unauthorized release. The only reason for a "police hold" shall be for further police investigation. All "police hold" vehicles should be towed directly to the police impound as a "contract tow." However, if a vehicle must first be towed to police headquarters for processing and/or evidence removal, the contract tow operator shall comply. He shall then be entitled to two tow fees, one to police headquarters and one to the police impound.
- E. Conditional Release: A "conditional release" card shall be used to indicate that a vehicle may be released provided certain conditions are met. For example, a vehicle that was towed because the driver was revoked or unlicensed may be released to a licensed driver. A vehicle that was towed because it was uninsured or unregistered may be released if proof of insurance or registration is presented. Storage charges shall begin to accrue after a 24-hour grace period on a "conditional release." "Conditional release" vehicles shall not be released from the wrecker facility until the owner/driver produces a release authorization card obtained from police headquarters.
- F. Motorcycles, go-carts, mini-bikes, ATVs, etc.: All motorcycles, go-carts, mini-bikes, ATVs, etc., shall be towed by a flatbed wrecker. If a "police hold" has been placed on the vehicle, it shall be transported to the police impound as soon as possible and no storage charges are to be assessed. If a "police hold" is not placed on the vehicle, the operator shall store it at his Business Location and standard storage rates shall apply.

G. Storage of Vehicles and Removal to the Police Impound:

- (1) Vehicles that are towed due to a police request shall not remain on the wrecker operator's property longer than fifteen (15) chargeable storage days. After the fifteenth day, the vehicle shall be towed to the police impound by the wrecker operator who provided the initial tow. Storage and towing charges shall be assessed against the owner or other responsible party by the wrecker operator on a township provided receipt form. A copy of the receipt form must accompany the vehicle when it is towed to the police impound.
- (2) Once a vehicle is accepted at the police impound, the Traffic Division shall send a registered letter to the owner advising him of the vehicle's location and current towing and storage fees. If the owner pays the wrecker operator the towing and storage costs, the vehicle will be released. However, if the owner decides that he no longer wants the vehicle, he must sign the title over to the township. The towing and storage fees will be listed as the minimum bid for the vehicle, which will be sold by the township at the next auction. If the owner fails to respond to the registered letter, the township will apply to the DMV for title and sell the vehicle at the next auction. The towing and storage fees will be listed as the minimum bid.
- (3) The maximum number of vehicles which may be stored on an East Brunswick-based operator's property shall conform to the sketch approved by the township's Zoning and Code Enforcement Officer.

## § 135-52. Towing rates and other charges.

[Amended 3-24-03 by Ord. No. 03-09; 11-28-16 by Ord. 16-19]

- A. The maximum rates that can be charged by any licensed wrecker operator for towing a passenger vehicle (including vehicles listed under § 135-51F) to his Business Location or to any location within East Brunswick Township are as follows:

8:00 a.m. until 6:00 p.m.: One hundred dollars (\$100.00)

6:01 p.m. until 7:59 a.m.: One hundred and ten dollars (\$110.00)

Additional Charges:

- (1) Winching (24 hours): \$50.00
- (2) Service Call (8:00 a.m. to 6:00 p.m.): \$35.00 (+ cost of consumables)
- (3) Service Call (6:01 p.m. to 7:59 a.m.): \$60.00 (+ cost of consumables)

Clean-up fee for the clean-up of debris on the highway or at the scene of an accident and application of absorbent material may be charged at the rate of \$45.00 per vehicle. The fee for absorbent material (example-speedy dry) is included with the clean-up fee per vehicle.

- B. The maximum rate that can be charged by any licensed heavy wrecker operator for towing a truck to his Business Location or to any location within East Brunswick Township is as follows:

\$175.00 (24 hours)

Additional Charges:

- (1) Air line connection: \$25.00
- (2) Removal of a bumper: \$25.00
- (3) Use of a wheel lift: \$25.00
- (4) Brake releases (per axle): \$25.00



The above rates apply only to typical tow situations. Additional charges must be justified by a documented need for additional personnel, equipment, and/or supplies.

- C. A wrecker operator and a motorist may agree to the payment of a fee in excess of the amount specified in this section when unusual difficulties and/or distances are involved. Such agreements shall be without prejudice to the right of the motorist to apply to the Director of Public Safety for a refund of part of the fee paid on the grounds that it was exorbitant or that the motorist was induced to pay it by reason of misrepresentation, duress or some other unfair conduct by the wrecker operator.
- D. If a motorist requests to have his or her vehicle taken to a location within the township other than the wrecker operator's Business Location, the wrecker operator shall comply if the motorist has either cash or a credit card to pay for the tow charges. There shall be no additional charge for towing a vehicle to any location within East Brunswick Township. If a wrecker operator is based outside East Brunswick Township, there shall be no additional charge for towing a vehicle to the operator's Business Location. If a motorist requests to have his or her vehicle taken outside the township, but within Middlesex County, and the wrecker operator is able to comply with the request, the charge shall be three dollars (\$3.00) per mile for every mile beyond the boundaries of East Brunswick, regardless of the time of day. The motorist is responsible for negotiating the terms of a tow beyond the boundaries of Middlesex County. No driver or owner of a wrecker shall demand or receive any commission, gratuity or other payment other than the established or agreed-upon fee for towing a disabled vehicle. No operator shall refuse to accept Master Card, Visa or cash as payment for services.
- E. Maximum vehicle storage charges are as follows:  
[Amended 11-28-16 by Ord. 16-19]
- (1) The daily passenger vehicle storage fee, which begins after a 24-hour grace period, shall be thirty-five dollars (\$35.00). "Passenger vehicles" includes automobiles, motorcycles, go-carts, mini-bikes, ATVs, etc.
  - (2) The daily storage fee for trucks, omnibuses, tractor cabs, and/or trailers with GVWR of 8,000 pounds and over, shall be forty dollars (\$40.00) each.
  - (3) The daily storage fee for tractor cabs and/or a trailer, with a GVWR of 10,000 pounds and over, shall be thirty dollars (\$30.00) each.
- F. Wrecker licensees shall provide every customer with an East Brunswick Township towing receipt for the towing and storage fees paid. Blank receipt forms are available from the Traffic Division at no charge to licensed operators. The receipts specify the maximum towing and storage charges, and explain the right to appeal to the Director of Public Safety if a customer feels the charges are excessive.

## § 135-53. Applications for adjustment of charges; hearing.

The application to the Director of Public Safety provided for in § 135-52C shall be made within thirty (30) days of the incident. It shall be in writing and contain sufficient information to properly identify the date, time and place, as well as the parties involved in the incident. Upon receiving the application, the Director shall set a date for a hearing and notify all parties involved. The hearing shall be conducted in the manner provided in Article XVII of Chapter 3, Administration of Government of this Code. The Director shall determine what part, if any, of the fee was exorbitant or was paid as a result of misrepresentation, duress or other unfair practices. The amount determined by the Director shall be immediately refunded to the complainant by the wrecker operator. Failure to immediately refund the overcharge will subject the operator to license revocation proceedings in accordance with § 135-8.

## § 135-54. Information required to be on application.

[Amended 11-25-91 By Ord. No. 91-116]

In addition to the information required by § 135-2, applicants shall submit a signed application as follows.<sup>[1]</sup>

[1] *Editor's Note: The Application for a Wrecker License can be found as an attachment to this chapter.*

## § 135-55. Regulations.

- A. The following information shall be prominently displayed on the driver's side of every licensed wrecker:
- (1) The Township of East Brunswick wrecker license number.
  - (2) A township-issued rate plate listing the rates charged.
  - (3) The name, address and telephone number of the owner.
  - (4) The date of inspection of safety equipment.
- B. No driver or owner of a wrecker shall attempt to divert patrons of one garage to another garage or repair facility.
- C. No driver of a wrecker shall engage in "cruising" as defined in § 135-46 or otherwise interfere with the progress of traffic on public highways.
- D. All wrecker operators and their agents and/or employees are required to wear red or orange traffic vests with adequate reflective material for night use when working in the roadway.
- E. All wrecker operators and their agents and/or employees shall comply with § 209-17.1, regarding the parking of trucks and commercial vehicles on East Brunswick Township streets between 11:00 p.m. and 6:00 a.m. In addition, they shall also comply with § 228-224C2 at all times in residential areas, including private driveways, if the vehicle dimensions exceed the limits specified in the ordinance.
- F. All wrecker operators and their agents and/or employees shall perform reasonable cleanup of all debris associated with an accident or breakdown. All debris and fluid spills shall be removed from the scene and disposed of properly by the wrecker operator and/or his employee. All licensed wreckers shall carry a minimum of five gallons of absorbent granules for motor vehicle fluid spills.
- G. All wrecker operators and their agents and/or employees shall be experienced in the towing of vehicles. Unsafe or improper towing methods may result in immediate suspension from the Police Tow List. A Basic Wrecker License may be revoked by the Township Council after notice and hearing in accordance with § 135-8.
- H. All wrecker operators are responsible for ensuring that their agents and/or employees are familiar with this ordinance. Wrecker operators shall be held responsible for any violations of this ordinance by their agents and/or employees.
- I. Before a new driver may operate a licensed operator's wrecker, he must first be investigated and approved in accordance with § 135-48A and § 135-48D(6).
- J. Every year, typically during the month of December, a meeting will be held at police headquarters for all licensed wrecker operators. A representative of every licensee shall be present at the annual meeting.

## § 135-56. Penalties.

A. For a violation of any provision of this wrecker ordinance, except § **135-51B** (wrecker response time limits), Police Tow List Wrecker licensees shall be subject to the following penalties:

- (1) First violation in any given calendar year will result in a warning letter.
- (2) Second violation in any given calendar year will result in a 15-day suspension from the Police Tow List.
- (3) Third violation in any given calendar year will result in a 30-day suspension from the Police Tow List.
- (4) Fourth violation in any given calendar year will result in a suspension from the Police Tow List for the remainder of the calendar year, or for 90 days, whichever is greater.

For a violation of any provision of this wrecker ordinance, including § **135-51B** (wrecker response time limits), Basic Wrecker licensees shall be subject to possible license revocation in accordance with § **135-8**.

B. For a violation of § **135-51B** (wrecker response time limits), Police Tow List wrecker licensees shall be subject to the following penalties:

- (1) First violation in any given calendar year will result in a warning letter.
- (2) Second violation in any given calendar year will result in a 7-day suspension from the Police Tow List.
- (3) Third violation in any given calendar year will result in a 14-day suspension from the Police Tow List.
- (4) Fourth violation in any given calendar year will result in a 28-day suspension from the Police Tow List.
- (5) Fifth violation in any given calendar year will result in a suspension from the Police Tow List for the remainder of the calendar year, or for 56 days, whichever is greater.

## § 135-56.1. Enforcement.

The municipal officers and/or agencies designated to enforce the provisions of this ordinance in accordance with due process of law are the East Brunswick Township Police Department's Traffic Division Commander, and the East Brunswick Township Zoning and Code Enforcement Officer, where applicable.