

CRANBURY TOWNSHIP ORDINANCE # 08-13-22

AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY SETTING STANDARDS AND FEES FOR THE LICENSING OF TOWING OPERATORS IN THE TOWNSHIP OF CRANBURY

WHEREAS, New Jersey Statute 40:48-2.49 allows municipalities to regulate operators engaged in removal of motor vehicles; and

WHEREAS, regulation of towing operators in Cranbury Township promotes the public health, safety, and welfare by providing that operators will promptly and appropriately respond to requests for towing services, charge reasonable rates, and be available for emergency response; and

WHEREAS, state law requires any such ordinance to provide towing regulations that are non-discriminatory and non-exclusionary.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Cranbury that the Code of the Township of Cranbury be and hereby is amended as set forth below.

SECTION 1. There shall be a new Chapter added to the Code of the Township of Cranbury, which new Chapter shall be known as, "Chapter 140, Towing."

SECTION 2. Chapter 140, Towing, shall include the following provisions:

Chapter 140. TOWING

§ 140-1. Purpose.

The purpose of this article is to provide a uniform set of procedures for administering the issuance, renewal and revocation of all licenses and permits issued under this article in the interest of fair and equitable treatment of the motoring public and towing operators; to establish standards for the operation of towing businesses by licensees; and to set the rates for services performed by licensees.

§ 140-2. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ABSORBENT MATERIAL - means material such as sand or 'speedy dry' used to collect liquids such as radiator fluid, oil, gasoline or diesel fuel spills.

AUTOMOBILE - means a private passenger automobile, station wagon, pick-up truck, motorcycle, moped, ATV, or a snowmobile.

BASIC TOWING SERVICE - refers to 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.

CLEAN-UP - means removal and/or disposal of any debris left on the roadway or property as a result of a motor vehicle accident or recovery.

COMMERCIAL MOTOR VEHICLE means any other vehicle with a GVW greater than 9,500 pounds which is not classified as an automobile.

CONVENTIONAL WRECKER -means a vehicle used to tow or remove other vehicles via a hydraulic beam or winch beam, capable of handling passenger cars and small trucks, such as pickup and small-panel trucks, up to 1½ tons load capacity.

CRUISING - means driving an unengaged wrecker to and fro on a public street in a manner primarily calculated to solicit business.

FIFTH WHEEL - means a device towed behind a heavy wrecker containing dual wheels with a hinged pivot hitch used to replace a tractor connection to a towed trailer. The wheels of the "fifth wheel" shall have a tire size of not less than 10.00 by 20 inches.

FLATBED WRECKER - means a vehicle used to tow or lift and carry other vehicles via a tilt-body flatbed or wheel lift, capable of handling all types of passenger cars and small trucks, such as pickup or small-panel trucks, up to 1½ tons load capacity.

HEAVY WRECKER - means a wrecker of either of the types set forth in the definitions of "standard wrecker" or "specialized wrecker," designed to be capable of towing heavy vehicles having a load capacity over 1½ tons.

HIGHWAY - means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

LOAD CAPACITY - means the load capacity rating which is equal to one-third of the total weight of the vehicle to be towed.

OPERATOR - means a person or other legal entity engaged in the business of providing wrecker services and storage services for vehicles towed.

POLICE TOW - means the transportation of a vehicle at the request of the police department via wheel-lift or flatbed carrier.

PRIMARY WRECKER - operator means a township-licensed wrecker operator who responds to the scene of a police tow.

TOW OPERATOR'S LICENSE - means a license issued to a tow operator allowing the tow operator to be placed on the police tow list.

TOW VEHICLE - means a vehicle, such as a flatbed wrecker or conventional wrecker that is equipped with a boom, winches, slings, tilt beds, wheel lifts, or under-reach equipment specially designed by its manufacturer for the removal and transport of private passenger automobiles and small trucks up to 1½ tons load capacity.

TOWING BUSINESS - means a business, located in the township, with a building and or an enclosed area in which motorcars can be sheltered or stored, and which owns or operates any three or more tow vehicles as defined in this section. At a minimum, each business must have at least two flatbed wreckers and one conventional wrecker in order to be maintained on the towing list. It is optional for said businesses to have gasoline available for disabled vehicles.

TOWING LIST - means a list of the licensed towing businesses, maintained by the Cranbury Township Police Department and used for the purpose of calling the appropriate towing service for all police needs and for removing vehicles from accidents where police services are needed or required.

WINCHING - means an operation by which a vehicle is moved onto a roadway from a position off the roadway or other operation in which substantial work is required to prepare a vehicle for normal towing (i.e., lifting, dragging, up righting a vehicle etc.).

WRECKER PERMIT - means a permit authorizing the use of a specific tow vehicle.

§ 140-3. Removal of motor vehicles.

Whenever a police officer orders the removal of automobiles from private or public property, the officer shall utilize the rotation lists established in ordinance unless emergent need to skip the list is warranted. In the instance the next tower in line is skipped, the skipped tower will then be placed at the top of the list.

§ 140-4. Towing contractors.

A. Towing contractors shall submit no later than March 31 each year, a detailed certification certifying that the towing contractor meets the requirements of this chapter. Said certification shall be submitted to the Chief of Police or his designee for his review and approval. Failure to submit the certification or failure to continue to abide by the requirements of this chapter shall subject the official tower to removal from the towing list.

B. The Township Committee may establish annually, by resolution, a list of automobile towing contractors and a list of truck towing contractors to be utilized by the Cranbury Township Police Department on a rotating basis in compliance with this Ordinance. An operator may, if qualified, be on both lists. Such lists shall be utilized by members of the Cranbury Township Police Department on a non-exclusionary and nondiscriminatory basis.

§ 140-5. Availability/Standards.

A. All towing service operators on the list shall comply with the following:

- (1) Road service must be available 24 hours a day, seven days a week. Towing services must respond to all service requests made. Service requests missed by the operator shall be reviewed by the Chief of Police or his designee and may be construed as a violation of this chapter.
- (2) Towing services must respond within 20 minutes of receipt of the original phone call request by the Police Department.
- (3) Vehicle release must be available from the hours of 8:00 a.m. until 5:00 p.m., Monday through Friday and 09:00 a.m. until 2:00 p.m. on Saturday. During all other hours and legal holidays, vehicles may be released at the discretion of the tow contractor. Refer to miscellaneous service fees.

§ 140-6. Minimum standards for wreckers.

The following shall serve as a guide for minimum standards as they apply to tow vehicles and heavy wreckers:

A. Standards for a tow vehicle, up to one-half-ton capacity, shall be as follows:

- (1) Dual rear wheels or equivalent.
- (2) A power-takeoff-controlled winch with a minimum cable thickness of three-eighths inch.
- (3) A three-eighths-inch safety chain.
- (4) A gross vehicle weight of not less than 10,000 pounds.
- (5) Origination from a garage equipped with a portable car dolly and steering lock bar.
- (6) Three-hundred-sixty-degree rotating amber beacon light mounted over the cab.
- (7) Four double-faced rear flashing amber lights mounted high at maximum state requirements.
- (8) All lights shall be of such candlepower in intensity as to be visible from one-quarter mile away or must be equal to the candlepower of the lights on township police vehicles.
- (9) Garages must maintain light permits for all wrecker emergency lighting.

B. Standards for heavy wreckers are as follows:

- (1) Rated by the manufacturer to be capable of towing a vehicle of at least 80,000 pounds GVWR. The heavy duty towing operator will be responsible to show proof of the vehicle's towing capacity during inspection.
- (2) A power-takeoff-controlled winch with a minimum cable thickness of five-eighths inch.
- (3) A one-half-inch safety chain.
- (4) A gross vehicle weight of not less than 32,000 pounds.
- (5) A 360-degree rotating amber beacon light mounted on the cab.
- (6) Four double-faced rear flashing amber lights mounted high at maximum state requirements.
- (7) All lights shall be of such candlepower in intensity as to be visible from one-quarter mile away and must be equal to the candlepower of the lights on township police vehicles.
- (8) Air brakes.
- (9) Connecting air lines for connection with the air compressor and air brake lines of towed vehicles.
- (10) A brake caging tool.
- (11) Detachable amber flashing lights if needed for rear of towed vehicles.

C. All wreckers shall be equipped with the following:

- (1) One large street broom and shovel.
- (2) Safety flares for night work.
- (3) Absorbent material such as sand or 'speedy dry' which is suitable to collect liquids such as radiator fluid, oil, gasoline or diesel fuel spills.
- (4) Fire extinguisher (A, B, C type).
- (5) Jumper cables.
- (6) Pry bar, hammer or similar tool.
- (7) Tire-changing equipment.

D. No towing business on the township tow list shall operate a flatbed or conventional wrecker that is more than 20 years old for township-sanctioned towing services. No towing business on

the township tow list shall operate a heavy-duty wrecker that is more than 30 years old for township-sanctioned towing services. All towing businesses on the township tow list will have a grace period of one year from inception of this Ordinance to comply with this requirement.

§ 140-7. Inspection of equipment/requirements.

All equipment must be maintained in good working order and be available for periodic inspection by a member of the Cranbury Township Police Department. These inspections will be conducted, at a minimum, on a yearly basis.

§ 140-8. Driver Requirements.

A. The operator shall employ a sufficient number of employees to comply with the minimum operator requirements.

B. No person shall be employed by the operator for this service unless he has obtained a record check and has been approved by the Chief of Police or his designee. A conviction of a criminal offense or suspension of a driver's license within the past year shall be a cause for disqualification as a driver.

C. All drivers of the operator shall be over the age of 18 years and must have a valid New Jersey State driver's license.

D. The operator shall, at the time of his application, submit to the township names, addresses and driver license numbers of all proposed drivers and employees who will be rendering services on behalf of the operator. In order to keep information current, the contractor shall be required to submit any and all changes of drivers to the Chief of Police or his designee immediately upon the change.

E. The service, equipment and personnel are subject to periodic inspections and approval by the township.

F. Complaints of any kind, relative to service, overcharging, theft of parts, damage to towed or stored vehicles, discourteous treatment and the like shall be referred to the Chief of Police or his designee for investigation. Such complaints may be cause for imposition of the penalties enumerated under this ordinance.

§ 140-9. Insurance/indemnity.

A. All tow operators shall comply with the following:

- (1) No tow operator's license or wrecker permit shall be issued pursuant to this article until the applicant has deposited with the Township Clerk a copy of the towing business owner's liability policy covering the operation of the towing business, the storage of the motor vehicles, the wreckers and the loss or damage to motor vehicles or personal property and any personal injury arising out of the towing business. These

policies shall provide coverage in the minimum amount of \$250,000.00 for any one person injured or killed, \$500,000.00 for injury or death of more than one person arising out of the same incident and \$75,000.00 for property damage.

- (2) Each wrecker shall comply with the insurance requirements of N.J.S.A. Title 39.
- (3) Each policy of insurance required under this article must contain an endorsement by the carrier providing 90 days' notice to the township of any change of coverage or cancellation of the policy. Such notice shall be given in writing to both the insured and the chief of police.
- (4) All insurance policies required under this article must remain in full force and effect throughout the license period. If any licensee, for whatever reason, ceases to have the insurance coverage required by this article, the Chief of Police shall immediately cause that licensee to be removed from the towing list.
- (5) Each operator shall indemnify and save the Township of Cranbury harmless from all damages and claims for damages which may be made by any person for bodily injury or property damages as a result of the operator's performing pursuant to this chapter.

§ 140-10. Wrecker inspection.

The Chief of Police is hereby authorized to establish reasonable rules and regulations for the inspection of the fitness and safety of the wreckers and their associated equipment. The Chief of Police or his designee shall have the right at any time to inspect any wrecker for compliance with the safety requirements of this article, the regulations established under this article and the laws of this state or the United States. If, as a result of any such inspection, it is determined that the wrecker is not in compliance with any law or regulation, the owner shall be given a period of five days to correct such violation or noncompliance, during which time the wrecker shall not be dispatched on the towing list. If the violation or noncompliance is not corrected within such five-day period, the permit for that wrecker shall be suspended.

§ 140-11. Towing rates, storage charges and service fees.

A. Charges for the towing, storage and service of disabled or impounded vehicles shall not exceed the following rates: Fees for towing and storage of private or commercial passenger vehicles, damaged in an accident, recovered after being stolen or impounded by police, are set in accordance with the Vehicle Towing and Storage Act, N.J.S.A. 40:48-2.49.

- (1) The following is the fee schedule for towing and road side services:
 - (a) Any time of day or day of week \$125.00 per hour/per vehicle.
 - (b) A clean up fee of \$55.00/vehicle will apply for clean up at the collision scene.
 - (c) A fee for absorbent material for fluids on the roadways. \$20.00/bag

- (d) Roadside assists such as jump starting a dead battery, lock outs (etc.) will be charged a fee not to exceed \$50.00 if no tow is required. No flat tires will be fixed on the roadway; the vehicle will have to be towed to the premises as described under section 1 (a) above, plus local repair fees.
 - (e) Tow operators may charge \$50.00 per quarter hour for winching fees.
 - (f) Gas Services shall not be included in this service. Pending roadway condition and safety concerns a tow company has no obligation to perform such a service, but rather tow the vehicle to a safe location at the above scheduled towing fee.
- (2) The following is the fee schedule for storage services. These fees shall commence at drop of the vehicle, on the day of the date of the tow.
- (a) Fee for storage: \$30.00 per day.
 - (b) Miscellaneous services:
 - (1) Release of vehicle other than normal hours a flat rate of \$30.00
 - (2) Yard Service Fee (a one-time fee to cover the cost of handling the vehicle while in the tow yard): \$25.00
 - (3) Administration Fee (a one-time fee for time spent with customers, insurance companies, police, making copies of files, faxing of sending e-mails by staff): \$25.00
 - (4) Storage of motorcycles, mopeds, ATVs and snowmobiles: \$30.00 per day.
 - (5) Vehicle preparation before a vehicle can be towed, such as when vehicles are locked, stuck in gear, or have large parts such as doors, bumpers, exhaust systems or molding hanging from them, where the labor extends past on-quarter hour, shall entitle the tow operator to charge a fee of \$50.00 per quarter hour.
 - (6) Labor at Yard (The garage reserves the right to charge a one time, one hour labor shop fee for any assistance needed by the Insurance Adjuster, Salvage Company or Owner of Vehicle or any labor involving the vehicle after the vehicle has been brought to the tow facility): \$89.00
- (3) An unusual or unforeseen circumstance which requires a special charge or additional billing outside the scope of the schedule must be documented by the towing service and provided to the Chief of Police within 48 hours of the event.

B. Fees for towing and storage of private passenger vehicles, other than those damaged in an accident or recovered after being stolen, shall be the same as those set forth in Subsection A if

the official tower is called to the scene by the Police Department of the Township of Cranbury in accordance with this chapter. Any other towing services to private passenger vehicles not involved in accidents or recovered after being stolen when requested privately by individuals shall be at the rates as agreed to between the individual and the tower.

C. The following is the fee schedule for heavy-duty towing services:

- (1) Conventional tow (or recovery) 9,500 pounds to 18,000 pounds.
Flat rate to towing service base or destination within Cranbury Township and/or required recovery time: \$175.00 per hour, per truck.
- (2) Conventional tow (or recovery) 18,001 pounds to 80,000 pounds.
Flat rate to towing service base or destination within Cranbury Township and/or required recovery time: \$475.00 per hour, per truck.
- (3) Specialized Equipment.
Forty-eight-foot hydraulic tilt trailer service, heavy-duty under reach, box trailer or flatbed trailer or flatbed trailer with driver: \$225.00 per hour portal to portal.
- (4) Winching and recovery rates: \$450.00 per hour portal to portal.
- (5) Tow operators may charge \$50.00 per quarter hour for winching fees.
- (6) Extra services for the tow to include the following shall be charged at \$50.00 per quarter hour and are as follows:
 - (7) Removal of chrome bumper
 - (8) Connect air line
 - (9) Removal of an axle
 - (10) Removal of the drive shaft
 - (11) Removal of the air scoop
 - (12) Removal of the exhaust pipes
 - (13) Cage brake chambers
 - (14) Clean up
 - (15) Any other service needed to perform the tow
 - (16) Extra personnel to assist with removing the recovered vehicle and freight:

\$80.00 per hour, per person.

- (17) Storage rates (each twenty-four (24) hours or fraction thereof).
- (18) Tractor or Straight Truck: \$75.00
- (19) Trailer: \$75.00
- (20) Bus: \$150.00
- (21) Every tow operator shall provide the owner or operator of the motor vehicle being serviced with a business card and a written receipt of all the charges collected, with an explanation of each such charge.

§ 140-12. Rotating call list/conduct.

A. The Chief of Police is hereby authorized to establish a rotating system for calling towing services within the Township of Cranbury. The rotating system shall equitably distribute the calls to the listed towing businesses. If the Chief of Police shall propose to add any business, he shall give each licensed towing business within the township at least 30 days' notice of such action.

B. The police will summon a wrecker of the appropriate class, either tow vehicle or heavy, on a rotating list within the township.

C. If it becomes apparent that a licensed towing service cannot handle a job exigent in nature, or if a separate law enforcement authority directs, the officer in charge may at his discretion forego the towing list and summon a towing service with proper equipment. If fees cannot be agreed upon or negotiated at the scene, the towing service may be directed, by police, to perform the required services with reasonable fees to be paid by the owner in accordance with this ordinance.

D. The Chief of Police or designee may institute additional reasonable rules, regulations, requirements or standards if deemed necessary and under emergency or exigent circumstances may suspend rotation.

§ 140-13. Conduct and requirements of businesses.

The following shall apply to the conduct and requirements of towing businesses pursuant to this article:

- (1) No wrecker of any kind shall engage in cruising.
- (2) All valid wreckers shall provide 24-hour-per-day, seven-day-per-week service.
- (3) No person shall solicit or attempt to divert prospective customers of another garage to any other garage or towing service other than in accordance with the rotating provisions of this article.

- (4) No person shall solicit, demand or receive from any person any commission or fee other than the appropriate fee under this article for the transportation or storage of any vehicle.
- (5) Any towing business called must confirm that it is responding within five minutes of the call or its turn will be forfeited on the rotational list.
- (6) Any towing business which does not answer its phone within ten rings, or which is unable to respond for any reason, shall forfeit its turn on the rotation list.
- (7) A towing business on the township tow list that confirms a response to a service call, but never arrives at the call more than one time in a calendar month, shall be subject to the penalties set forth in this article.
- (8) Towing businesses shall be open or available for a customer's pickup daily, other than legal holidays, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 2:00 P.M. Saturday.
- (9) Response time to the scene of a tow must be within 20 minutes of the time of confirmation of the assignment or else the towing business forfeits its turn.
- (10) A towing business must have space available within the boundaries of Cranbury Township for properly accommodating and protecting all vehicles towed. Towed vehicles will not be stored or allowed to remain on or along any property which is not zoned for such storage or on public property.
- (11) Police-impounded vehicles shall be stored at the business premises of the towing operator within the boundaries of the township and shall not be released without a properly signed release form. Vehicles may, in certain circumstances, be towed to headquarters for investigative purposes upon the request of a police officer.
- (12) Every operator shall keep a log with required details, as determined by the Chief of Police or designee, of any vehicle towed. All towing-related documents and receipts shall be available to the police for inspection.
- (13) Towing operators shall be responsible for the actions of all employees, subcontractors, agents and/or assigns.
- (14) Towing operators will comply with instructions given by the officer in charge at the incident scene.
- (15) All accumulated released vehicle documents shall be delivered by each licensed towing business to the police station commander upon request and should be kept on a month to month basis.
- (16) No tow vehicle operator shall respond to the scene of an accident or any scene requiring a police tow except upon notification by police headquarters.

- (17) All tow vehicle operators shall be required to clean up debris on the highway or at the scene of an accident and apply sand or absorbent material to normal radiator fluid, oil, gasoline, or diesel fuel spills in accordance with state law.
- (18) No person owning or operating a tow vehicle or other automobile, while waiting for employment, shall stand at any public street or intersection or on any public or private property, other than his own, without first obtaining the consent of a police officer or the owner of the property.
- (19) No person shall pay any gratuity, tip or emolument to any third person not involved in the accident or to any police officer for any information as to the location of any accident or for soliciting the employment of the licensee's services, nor give any gratuities, fees or other compensation or gifts to any members of the police department.
- (20) The towing company making application to tow for the township shall submit a list of its employees who will be operating the defined wreckers providing service. In addition, the towing contractor will be required to submit photocopies of the driver's licenses of those employees who will be operating tow vehicles providing service. Those driver's licenses will be checked periodically by the Chief of Police or his designee to ensure valid status.
- (21) The towing company shall conspicuously post the towing/storage rates at its business in a location visible to all customers.
- (22) All towing businesses which are on the township tow list must accept all forms of payment from motorists with the exception of personal checks.
- (23) Once a wrecker is requested from the township tow list, the service call shall belong to that wrecker regardless of any other towing business that may show up at the service call location, unless exigent circumstances exist as may be determined by conditions at the scene.
- (24) Disposition of vehicles towed pursuant to this article shall be in compliance with state law.

§ 140-14. Operator dealings with public/rights.

A. In all of his dealing with the public in connection with the contract, the operator is expected always to act in a professional manner and at all times to be courteous and respectful toward members of the public, as well as representatives of the Township of Cranbury. While members of the public, especially those whose cars may have been towed or impounded, may at times resort to strong language, threats and unbecoming behavior toward the operator, the operator is expected to exercise restraint and not to respond in kind and thereby reflect unfavorably on the Township of Cranbury and/or the Cranbury Township Police Department.

B. Repeated reports of discourteous behavior by the operator, which can be substantiated and documented, may be considered by the township as sufficient cause for termination of the contract.

§ 140-15. Effect on rights of motor vehicle owner.

A. Nothing in this article shall abrogate or in any way diminish the rights of the vehicle owner or operator to make his own selection of tow vehicle, except where police presence is needed, where it presents a real or immediate hazard to safety or would in any way interfere with a police investigation.

B. Applicable sections of this article may in certain circumstances be superseded by state statute and the New Jersey Administrative Code, including but not limited to the New Jersey Turnpike Fee Schedule adopted in N.J.A.C. 19:9-3.1 et seq.

C. The owner of any vehicle towed shall have the right to remove property belonging to him or her not pertaining to the vehicle itself, unless a "police hold" is marked on the towing form.

§ 140-16. Release of impounded vehicles / penalties / enforcement.

No impounded vehicle is to be released without proper authorization from the Cranbury Township Police Department whether verbal or written. Vehicle release must be available as set forth in this ordinance. The operator may dispose of abandoned vehicles in accordance with the provisions of N.J.S.A. 39:10A-8 et seq. Titles shall be processed in accordance with New Jersey laws and regulations.

§ 140-17. Violations and penalties.

A. The Chief of Police or his designee shall have the power to suspend a towing business license if it is satisfied by clear and convincing evidence that there has been a violation of this article or violations of the rules promulgated by the State of New Jersey.

B. Penalties for violations shall be as follows:

- (1) First offense: suspension of the towing license not to exceed 30 days and/or a fine not to exceed \$500.00.
- (2) Second offense: suspension of the towing license not to exceed 90 days and/or a fine not to exceed \$1,000.00.
- (3) Third offense: suspension from the wrecker list for a period not to exceed one year and/or a fine not to exceed \$2,500.00.

C. Any suspension will be a suspension of police towing privileges only. The towing business will remain licensed during the suspension period and will be bound by the rules and regulations governing licensed towing business.

D. A towing operator's license may be revoked and the tow business removed from the rotational list by resolution of the township council, or by action of the township manager if designated as hearing officer by the township council, if its performance is determined to be unreliable or inadequate after a hearing pursuant to the proper procedures.

E. A towing business terminated from the tow list shall be considered unlicensed and must reapply for a license at the conclusion of the termination period. The terminated towing business will be responsible for towing rates, storage charges and service fees as set forth in this section for police-towed vehicles remaining on the lot during the termination period.

F. If a towing business is suspended or terminated from the rotational list, the remaining towing businesses in the township will be notified of the suspension and to ascertain if they can cover the vacancy.

§ 140-18. Enforcement.

The Cranbury Township Police Department is designated to enforce the provisions of this chapter in accordance with due process law. In carrying out the provisions of this chapter, the Chief of Police or his designee is hereby authorized to adopt additional reasonable regulations which are not inconsistent with this chapter. Notwithstanding, any other tow service not licensed or authorized to tow, repair or service a disabled vehicle within Cranbury Township and which was not solicited by the operator of said vehicle, will be subject to fines consistent with local ordinances. Charges shall include but not be limited to failing to secure a solicitor's permit, with regards to cruising, and any other violations set forth in this and other township ordinances.

§ 140-19. Public access to fee schedules.

The township clerk shall make available all fee schedules and regulations applicable to towing for public inspection during normal business hours.

§ 140-20. Towing from private property.

Unattended vehicles cannot be towed from private parking lots, unless:

A. There is a sign posted at vehicular entrances to the property stating:

- (1) The purpose for which parking is authorized;
- (2) The times when parking is permitted;
- (3) That unauthorized parking is prohibited and unauthorized vehicles will be towed at the owner's expense;
- (4) The name of and the contact information for the towing company and the address of the storage facility, which must be secure and located within a reasonable distance of the property, to which the vehicle will be towed;

(5) The charges for the towing and storage and the times during which the vehicle may be redeemed; and

(6) Contact information for the Division of Consumer Affairs (1-800-242-5864 prompt #4).

- (a) The property owner and the tow company have a contract for the towing and the property owner has authorized the towing company to remove the particular vehicle.
- (c) The requirements do not apply to a single-family home or an owner-occupied multi-unit structure, and the signage requirements are different for a residential community with clearly marked assigned spaces for residents.
- (d) The Predatory Towing Prevention Act and this section further prohibit towing companies from the following:
 - (1) Failing to release a vehicle hooked or lifted, but not actually removed from private property, upon request of the vehicle's owner;
 - (2) Paying for information about vehicles parked without authorization;
 - (3) Refusing to accept an insurance company's check or a debit card, charge card, credit card or personal check for towing or storage services; if the towing company ordinarily accepts such payment at its place of business.

SECTION 3. Repealer. All ordinances and resolutions, or parts thereof, inconsistent with this Ordinance, are hereby repealed.

SECTION 4. Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 5. Effective Date. This Ordinance shall take effect immediately upon its passage and publication, as required by law.

The ordinance published herewith was originally introduced and passed upon first reading at a meeting of the Township Committee of the Township of Cranbury, in the County of Middlesex, State of New Jersey, held on August 12, 2013. The ordinance will be further considered for final passage, after public hearing thereon, at a meeting of the Township Committee to be held in the meeting room of Town Hall, 23A North Main Street, in the Township of Cranbury on

September 9, 2013 at 7 p.m., and during the week prior and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office to the members of the general public who shall request the same.

Kathleen R. Cunningham, RMC, Clerk