

**TOWN OF WEST NEW YORK
COUNTY OF HUDSON**

ORDINANCE # 30/13

An Ordinance Amending Chapter 377 of the Municipal Code and Ordinance Nos. 42/96 and 22/09, entitled: "An Ordinance Establishing Towing fees, policies and procedures for the Town of West New York"

WHEREAS, pursuant to N.J.S.A. 40:48-2.49, the Town of West New York may, by ordinance, regulate the removal and storage of motor vehicles within the town; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(u), the town may establish a rotation list of official towers to provide towing, wrecker and storage service without public bid; and

WHEREAS, the governing body, by this ordinance, desires to establish such a rotation list of official towers, to establish qualifications for inclusion on that list and to set forth regulations and fees governing the towers on that list:

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Town of West New York do hereby ordain that Chapter 377 of the Municipal Code and Ordinance Nos. 42/96 and 22/09 be amended as follows:

Section 377-1 Definitions.

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

AUTOMOBILE: a Motor Vehicle 10,000 pounds or less registered gross vehicle weight (GVW)

OUTSIDE UNSECURED: Deleted

Section 377-4 Application process; review; investigation

A. Applications for inclusion on the official towers' list shall be made to the Director of Public Safety upon a form provided by and submitted to the License Bureau and shall contain all of the following information:

(4) Each Towing operator shall be licensed. The fee for each towing operator who is listed on the Towing rotation shall be \$7,000.00 for a three (3) year period.

B. Upon receipt of a complete application, the License Bureau shall forward a copy to the Director of Public Safety for review and approval. The review by the Director shall consist of the following:

D. The Licensing Officer shall conduct a review and render a report to the Director of Public Safety, recommending either approval or denial of the application, within 60 days of receipt of the application. The applicant, or its representative, shall be given notice of the date on which the Director of Public Safety will consider the application and shall be permitted to appear and be heard at that time. The Director of Public Safety's recommendation may be subject to a return of back ground investigation.

E. Written notice of the approval or denial of the application shall be provided to the applicant within seven days of the decision of the Director of Public Safety. Notice can be by regular mail or other electronic means such as Email.

F. In the event the application is not approved or denied within 60 days the applicant may file an appeal within 10 days after receipt of such notification with the Town Administrator requesting a hearing. Notice of the appeal must also be filed with the

Director of Public Safety.

- G. If approval is granted by the Director of Public Safety the same is contingent upon receipt of a completed background investigation and shall be revoked in the event of negative results.
- H. The Town reserves the right to limit the number of approved Towers on the official rotation list to three (3) in order to promote efficiency and consistency.

Section 377-5 Issuance of license; term; reasons for revocation; renewal

- A. Upon approval of the application as herein provided, the Licensing Officer shall issue the applicant an official towers' license for each tow vehicle to be utilized in providing services pursuant to this chapter.
- B. Said licenses, which shall be in a form approved by the Director of Public Safety.
- D. At the expiration of the three-year license period, if no cause for removal from the official towers' list has been shown the applicant's license may be renewed for an additional three-year period upon submission of an application under Section 377-4.

Section 377-6 Minimum vehicle requirements.

A. Minimum vehicle requirements.

- (1) Every official tower shall maintain and have available to render services required by this chapter a minimum of two regular tow vehicles, two flatbed vehicles-and one heavy-duty tow vehicle .

B. Minimum equipment requirements.

- (1) Every tow vehicle or flatbed vehicle shall have two-way communications capability with a dispatching center on a twenty-four-hour basis.

C. Minimum personnel requirements.

- (e) Be subject to inspection by the Director of Public Safety or his designee and shall be approved by the Director prior to rendering any services pursuant to this chapter.

D. Minimum storage requirements.

- (1) Every official tower shall maintain an inside building or outside secured storage area meeting the following requirements:
 - (a) The storage area shall be capable of storing a minimum of 50 passenger vehicles and one tractor and trailer. The area shall have an indoor secured area for the storage of Five (5) five police hold vehicles. This area shall be equipped with a door to which the police department can attach its own padlock.
 - (h) The Official Tower shall have twenty (20) spaces available for use by the Town of West New York to store abandoned vehicles. Storage charges shall accumulate as per section, 377-10. Storage and towing fees shall be paid to the tower from any proceeds received from the auction of the abandon vehicle, except for the first \$50 that is received from the auction or sale which will be retained by the Town to offset costs and expenses associated with the auction. In addition any proceeds in excess of the accumulated fees shall be retained by the Town. In the event the proceeds from such auction or sale shall be insufficient to pay the accrued towing and storage charges, the Town shall not be liable. The licensee shall accept such limited proceeds as full payment.

Section 377-9. Insurance.

(3) Garage keepers liability in an amount not less than \$200,000 per location.

Section 377-10. Towing and storage fee schedule.

B. The following charges shall be the charges for basic towing services and storage:

(1) Towing charges:

All vehicles five tons and under \$125.00 plus \$20.00 administrative fee

All vehicles over five tons \$250.00 per hour two hour minimum plus \$20.00 administrative fee

Motorcycles or motor scooters \$125.00 plus \$20.00 administrative fee

Police and other municipal vehicles, all licensees shall be obligated to tow and to make minor roadside service repairs to vehicles owned by the Town of West New York in the event that they become disabled, without charge to the Town if towed within the County of Hudson

(2) Services related to damaged or motor vehicle accidents:

Crash or Window wrap flat fee of \$75.00

Site clean up: \$25.00 per bag of absorbent and \$25.00 for debris removal

(3) Winching service charges:

(a) Light tow Vehicle \$75 per hour

(b) Heavy tow vehicle (over 10,000 lbs) \$150 per hour

(c) Snow-locked vehicles: \$50 per tow, additional charge.

(d) Winching fees are not applicable to towing of parked automobiles or minor maneuvering of automobiles prior to towing.

(4) Storage Charges:

(a) All vehicles five tons and under (including motorcycles) \$35 per 24 hour period or part thereof. No charge for storage will apply for the first twelve (12) hours.

(b) All vehicles over five tons \$100 per 24 hour period or part thereof.

(5) Any person found to be in violation of the terms and conditions of this chapter two times within any one year shall have his license to operate a tow vehicle or towing service in the Town of West New York suspended for six months.

(6) It shall be the duty of all official towers and towing services to maintain a listing of the rates shown herein in their vehicles and posted at their facility.

(8) If the owner of an unattended vehicle appears on the scene and the vehicle does not need to be towed or impounded, the licensee shall not charge for the service call, unless the vehicle has been hooked up to the tow truck, in which event a flat fee of \$100 Towing charge may be assessed against the owner of the vehicle. The fee includes the \$20 administration fee. The Tow operator is not required to wait more than 5 minutes on scene to receive payment.

(9) There shall be no charge for towing, storage, impoundment if it is determined by the Director of Police that such vehicles have been towed, stored or impounded due to an error by the towing operator or the Police. This determination shall be in the sole discretion of the Director of Police and is binding upon the licensee, who shall make no claims against the Town or the owner of the vehicle, and if payment has been received, the payor shall be reimbursed the full amount.

Section 377-12. Dispute resolution; license revocation.

- A. In the event a complaint is received by the town involving the improper or unsatisfactory performance of services by an official tower, excessive charges or damage to a motor vehicle while in the custody of the tower, written notice of the same shall be provided by the Licensing Officer to the official tower involved. The tower shall have the opportunity to respond, in writing, in five days.
- B. Within 14 days of receipt of the tower's response, or within 21 days of receipt of the complaint, if no response is received, the matter shall be presented by the Licensing Officer to the Director of Public Safety.
- C. The Director of Public Safety shall consider the matter at a hearing and may request that the complainant and the tower involved appear and give testimony regarding the complaint.
- D. If, after considering the matter, the Director of Public Safety shall determine that one of the causes for revocation of the official towers' license exists, the license shall be revoked, and the tower shall surrender the same to the Licensing Officer within one day.

All Ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies only.

If any provisions of this Ordinance are found to be invalid, for any reason, by the final judgment of a Court of competent jurisdiction, the validity of such portions shall not affect the validity of the remaining provisions of this Ordinance, which shall be severable therefrom.

This Ordinance shall take effect immediately upon final passage and publication as required by law.

Introduced: 12/18/13

Adopted: 1/15/14