

TOWNSHIP OF MAHWAH

ORDINANCE NO. 1682

**AN ORDINANCE AMENDING CHAPTER 4-2 ENTITLED
"TOWING" OF THE REVISED GENERAL ORDINANCES OF
THE TOWNSHIP OF MAHWAH.**

WHEREAS, the purpose of this ordinance is to update the schedule of fees charged and other provisions of the chapter 4-2 of the Revised General Ordinances of the Township of Mahwah regarding Towing.

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of Mahwah as follows:

Section 1: Sub-section 4-2.1, titled "Definitions," is amended to include the following new definition of the term "Basic towing service:"

Basic towing service shall mean 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 or overturned vehicles.

Section 2: Sub-section 4-2.2, titled "Official Towers to be Appointed/Towers' List," is amended to include the following new versions of parts (d) and (e):

- d. All applicants shall submit their applications at least forty-five (45) days prior to the commencement date for each three (3) year period and the applications shall be reviewed in accordance with the procedures set forth in this section. The award of a license to the successful applicants shall be subject to compliance with the license requirements of the section.
- e. For the purposes of the licenses to be awarded, pursuant to the section, in the year in which it is adopted, the initial term of the license shall be from the date the license is issued until December 31, 1994. Licenses issued thereafter shall be for a three (3) year period commencing on January 1st of the year in which it was issued and terminating three (3) years thereafter unless the Township extends the term.

Section 3: Subsection 4-2.4, titled "Application Process," is amended to include the following new version of part (a)(2):

2. Towing company must have New Jersey office and its storage yard must be within 20 minutes of the Township's municipal offices.

Parts (a) (2) to (9) of this subsection are numbered (a) (3) to (10).

Section 4: Subsection 4-2.5, titled "Issuance of License," is amended to include the following new version of part (d):

- d. The license fee for the license issued under this section shall be seven hundred fifty (\$750.00) dollars per year.

Part (e) is deleted and part (f) is redesignated as part (e).

Section 5: Subsection 4-2.6, titled "Minimum Standards of Performance," is amended at part (a) (1) to state the following:

1. Every official tower shall have exclusive rights to a minimum of one (1) regular tow vehicle, one (1) flat bed vehicle, and one (1) heavy-duty wrecker.

Section 6: Subsection 4-2.6 also is amended to add the following new version of part (d) (1) (a):

- a. The storage area shall be capable of storing a minimum of ten (10) passenger vehicles and one (1) tractor and trailer. The area shall have at least seven hundred and twenty (720) square feet of inside storage facilities to hold and protect "police hold" vehicles.

Section 7: Subsection 4-2.6 also is amended to add the following at the end of part (d) (1) (d):

Multiple towers utilizing the same storage location shall be permitted. However, the location must be able to accommodate the indoor and outdoor storage requirements times the number of licensed towers.

Section 8: Subsection 4-2.10, titled "Towing and Storage Fee Schedule," is amended to state the following:

- a. Fees for towing and storage of private passenger vehicles by official towers called by the Police Department of the Township of Mahwah shall be as follows:

1. The following is the fee schedule for towing services:

<i>Days</i>	\$100.00
<i>Nights, Weekends and New Jersey State Holidays</i>	\$125.00

2. The following is the fee schedule per calendar day for storage services:

<i>Inside Building</i>	\$25.00
<i>Outside</i>	\$20.00

- b. Fees for all types of vehicles other than private passenger vehicles, pursuant to paragraph (a), shall be determined in accordance with this paragraph.

1. The following is the fee schedule per calendar day for towing services:

Days

Standard tow	\$150.00
Wheel lift tow	\$175.00
Flatbed and Class 2	\$300.00

Nights

Standard tow	\$175.00
Wheel lift tow	\$200.00
Flatbed and Class 2	\$325.00

2. The following is the fee schedule for storage services:

<i>Class 1</i>	\$35.00
<i>Class 2</i>	\$60.00

3. In the event that circumstances dictate that a commercial vehicle/tractor trailer is driven from a scene by the person employed with the official tower, a flat rate of one hundred fifty (\$150.00) dollars will be charged if the vehicle is driven to any location within the Township. Fees for the heavy duty wrecker may only be charged if the equipment is actually used to tow the vehicle.

- c. The fees set forth for non-passenger vehicles in this section are the maximum charges that shall apply for basic towing services. The

official towers, however, shall be allowed for winching and wrecking services over and above the basic towing services an additional seventy-five (\$75.00) dollars per hour for light duty wrecker, one hundred twenty five (\$125.00) dollars per hour for medium wrecker, and one hundred seventy five (\$175.00) dollars per hour for heavy duty wrecker. There shall be no additional charges for any other services, including but not limited to waiting time, cleanup costs, and additional labor when only basic towing services, as defined, are provided.

d. The fees set forth in paragraph (a) of this section for towing rates are the maximum charges that shall apply to a private passenger automobile for basic towing services. There shall be no additional charges other than those provided herein, including but not limited to, flatbedding, waiting time, winching, cleanup cost, and additional labor when only basic towing services as defined are provided. The official towers, however, shall be allowed to charge for services other than basic towing services as defined in this section the sum of thirty (\$30.00) dollars per hour for any additional winching services required over and above the basic towing services. In addition, the official towers may charge a flat fee of fifty (\$50.00) dollars for any road service for private passenger vehicles which do not need to be towed.

1. Tow vehicles transporting multiple passenger cars at one time shall receive the applicable fees for each vehicle transported.
2. When towing services are required at the scene of an accident, the day rate shall apply when the time of the accident is between 8:00 a.m. and 4:30 p.m., Monday through Friday, except New Jersey state holidays. The night, weekend, and holiday rate shall otherwise apply.
3. When towing services are otherwise required, the day rate shall apply when the vehicle is transported (pickup to delivery) entirely between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday, except New Jersey state holidays. The night, weekend, and holiday rate shall otherwise apply.

[Parts (e), (f), (g), and (h) are unchanged].

i. Tows Outside of the Township of Mahwah.

1. Under this Ordinance the Tower may charge an additional fee mutually agreed upon by the Tower and the client for tows outside of the Township.
2. If the vehicle owner or operator requests towing to a location other than an approved location, there shall be an additional fee of \$4.00 mile for passenger vehicles, \$6.00 a mile for commercial light duty and \$10.00 per mile for heavy duty.

Section 9: All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of any inconsistencies.

Section 10: The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional or invalid by any court, the remaining parts of this ordinance will remain in full force and effect.

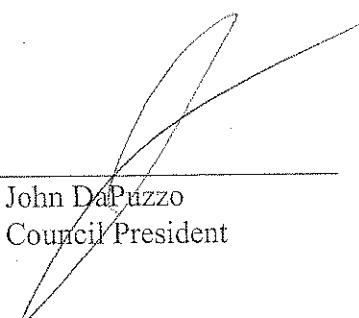
Section 11: This ordinance shall take effect upon passage and publication in accordance with N.J.S.A. 40:49-2(d).

Ordinance No. 1682

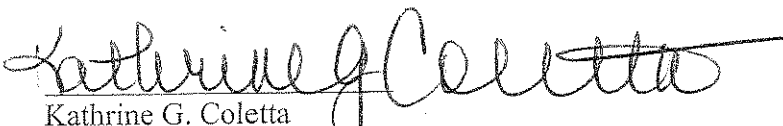
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Date: 1/18/11

Attest



John DaPuzzo
Council President



Kathrine G. Coletta
Municipal Clerk

CERTIFICATION

I, Kathrine G. Coletta, Municipal Clerk of the Township of Mahwah, hereby certify that the within Ordinance was passed and adopted at a meeting of the Township Council held on the 22 day of November, 2010.



Kathrine G. Coletta, RMC/CMC
Municipal Clerk