

**TOWN OF WEST NEW YORK
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE #9/18

**AN ORDINANCE AMENDING CHAPTER 377 OF THE CODE OF
THE TOWN OF WEST NEW YORK ENTITLED “TOWING”**

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

WHEREAS, Chapter 377 of the Code of the Town of West New York (“Town”) regulates towing in the Town; and

WHEREAS, the Town now seeks to amend this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Commissioners of the Town of West New York that Chapter 377 entitled “Towing” shall be amended as follows:

SECTION ONE

377-10 B(1) shall be deleted in its entirety and replaced as follows:

- (1) Towing Charges
 - (a) All vehicles five tons and under: \$125.
 - (b) All vehicles over five tons: \$250 per hour, two-hour minimum.
 - (c) Motorcycles or motor scooters: \$125.
 - (d) 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.

SECTION TWO

377-10 B(3) shall be deleted in its entirety and replaced as follows:

- (3) Winching Service Charge

Winching service charges apply to instances where the vehicle must be pulled back onto the roadway and put in proper position to “hook” the vehicle to the tow truck. These instances include, but are not limited to, vehicles that are positioned in embankments, overturned or positioned in

such a precarious manner that normal winching to facilitate the tow is unsuitable. The charges are as follows:

- (a) Light tow vehicle: \$75 per hour.
- (b) Heavy tow vehicle (over 10,000 pounds): \$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.

SECTION THREE

377-10 B(7) shall be deleted in its entirety and replaced as follows:

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 \$80 towing charge may be assessed against the owner of the vehicle. The tow operator is not required to wait more than five minutes on scene to receive payment.

SECTION FOUR

A new section, 377-10 C(5), shall be added as follows:

Every official tower that performs private property or other non-consensual towing shall retain, for three years, records of invoices, job orders, documentation of waiting time, logs, documents relating to services performed and rates charged, and any contracts under which the towing company is authorized to perform private property towing services. These records must be made available for review by the Division of Consumer Affairs upon request.

SECTION FIVE

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION SIX

Repealer. All ordinances or portions thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, or the extent of such conflict or inconsistency, it being legislative intent that all ordinances or portions of ordinances now existing or in effect shall remain in effect unless they are in conflict or inconsistent with any provision of this Ordinance.

SECTION SEVEN

When Effective. This ordinance shall take effect upon passage and publication as required by law.

SUMMARY OF ORDINANCE

This Ordinance amends Chapter 377. Section 10(B) is amended to delete the administrative fees and clarify winching and 377-10C(5) is added to provide a three year period for the retention of records.

Introduced: 4/19/2018

Notice

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on **April 19, 2018** and ordered published, and will be further considered before final passage at a public hearing on **May 17, 2018 at 6:30 p.m.** at the Commission Chambers, Municipal Building, West New York, NJ. A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, N.J.

Carmela Riccio, RMC
Town Clerk