

TOWNSHIP OF RARITAN
HUNTERDON COUNTY, NEW JERSEY

ORDINANCE NO. 17-03

AN ORDINANCE AMENDING CHAPTER 5.44 ENTITLED “TOWING” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF RARITAN BY THE DELETION OF SECTION 5.44.080 ENTITLED “MAXIMUM FEE RATE SCHEDULE” AND THE ADDITION OF NEW SECTION 5.44.080 ENTITLED “TOWING AND STORAGE FEE RATE SCHEDULE”.

BE IT ORDAINED by the Township Committee of the Township of Raritan in the County of Hunterdon, State of New Jersey as follows:

SECTION 1. Section 5.44.080 entitled “Maximum fee rate schedule” of Chapter 5.44 entitled “Towing” of *The Revised General Ordinances of the Township of Raritan* is hereby deleted in its entirety and replaced by new Section 5.44.080 entitled “Towing and storage rate schedule” to read as follows:

Section 5.44.080 Towing and storage rate schedule

A. The Police Chief shall recommend to the Township Committee a rate schedule for towing and storage, which rates shall be established by the Township Committee by resolution. A tow operator may only charge the fees established by resolution of the Township Committee, not exceeding the limits set forth therein. No additional fees are permitted other than as set forth below.

B. Fees may be charged for the following:

1. Basic tow, which shall be a flat fee; and
2. In the case of a motor vehicle involved in an accident, the following additional services, if actually performed:
 - a. Waiting time in excess of 15 minutes, which shall be calculated based upon each 15 minutes spent at the site from which a motor vehicle will be towed, with fewer than 15 minutes rounded up to 15;
 - b.. Brush cleaning, including collection of debris that can be picked up by hand, which shall be a flat fee;
 - c.. Site cleanup, which shall be based upon each bag of absorbent used;
 - d. Winching, which shall be based upon each ½ hour spent performing winching;

e. The use of window wrap, which shall be a flat fee;

f.. Tarping, which shall be a flat fee;

g. Transmission disconnect, a flat fee, which shall be charged only if a motor vehicle is locked and the tow operator is unable to obtain the keys for the motor vehicle;

g. Use of a flatbed tow truck, a flat fee, which shall be charged if a motor vehicle can be transported only by a flatbed tow truck;

i.. Use of special equipment other than the first tow truck to recover a motor vehicle that cannot be recovered by winching or pieces of a motor vehicle that cannot be moved by hand, which may be both a labor and equipment charge billed in half-hour increments;

j. Decoupling;

k.. Storage at a tow operator's storage facility;

l. More than three trips to the motor vehicle in storage, which may be invoiced as an administrative fee, which shall be a flat fee;

m. Releasing a motor vehicle from a tow operator's storage facility after normal business hours or on weekends, which shall be a flat fee.

C. A tow operator that engages in private property or other nonconsensual towing shall not charge for the use of a flatbed tow truck if a motor vehicle can safely be towed in an upright position by another type of tow truck, even if the private property tow operator chooses to use a flatbed tow truck for the tow.

D. If a licensed tow operator tows a vehicle at the request of the Police Department, and it is determined by the Police that the vehicle is abandoned, then the police will direct that the vehicle will then be towed to the Police Impound Yard. The Township will only pay the Basic tow rate. All other fees will not apply.

E. A tow operator that engages in private property or other nonconsensual towing shall calculate storage fees based upon full twenty-four-hour periods a motor vehicle is in the storage facility. For example, if a motor vehicle is towed to a storage facility at 7:00 p.m. on one day and the owner of the motor vehicle picks the motor vehicle up before 7:00 p.m. the next day, the tow operator shall charge the owner of the motor vehicle only for one day of storage. If a motor vehicle is stored for more than 24 hours, but less than 48 hours, the tow operator may charge for two days of storage.

F. For the purposes of this section, the following words shall have the following meanings:

1. “Basic tow” shall mean private property towing and other non-consensual towing as defined in this section and other ancillary services that include the following: arriving at the site from which a motor vehicle will be towed; 15 minutes waiting time; hooking a motor vehicle to, or loading a motor vehicle onto, a tow truck; transporting a motor vehicle to a storage facility; unhooking or unloading a motor vehicle from the tow truck; and situating the motor vehicle in the space in which it will be stored. “Basic tow” also includes issuing documents for the release of a motor vehicle to its owner or other person authorized to take the motor vehicle; issuing an itemized bill; three trips to the motor vehicle in storage, which, if applicable, include making a vehicle available to an insurance adjuster or appraiser; issuing documents for the release of a motor vehicle to its owner or other person authorized to take the motor vehicle; and retrieving a motor vehicle from storage during the hours in which the storage facility is open.

2. “Non-consensual towing” shall mean the towing of a motor vehicle without the consent of the owner or operator of the vehicle, including the towing of a motor vehicle when law enforcement orders the vehicle to be towed whether or not the owner or operator consents.

SECTION 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Raritan, the provisions hereof shall be determined to govern. All other parts, portions and provisions of *The Revised General Ordinances of the Township of Raritan* are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. This Ordinance shall take effect immediately upon final passage and publication according to law.

ATTEST:

William Bray
Acting Township Clerk

**TOWNSHIP COMMITTEE OF
TOWNSHIP OF RARITAN**

Karen Gilbert
Mayor

NOTICE OF PENDING ORDINANCE

PLEASE TAKE NOTICE that the foregoing Ordinance was introduced at a Township Committee Meeting by the Township Committee of the Township of Raritan on February 21, 2017 the same was then ordered to be published according to law with a public hearing and a vote scheduled for the meeting of March 7, 2017 beginning at 7:00 p.m. at the Municipal Building, One Municipal Drive, Flemington, New Jersey at which time all interested persons will be heard.

William Bray
Acting Township Clerk

Roll Call	Moved	Seconded	Ayes	Nays
Richard Chen, Committee Member		X	X	
Michael Mangin, Deputy Mayor	X		X	
Craig O'Brien, Committee Member			X	
Lou Reiner, Committee Member			X	
Karen Gilbert, Mayor			X	