

INTRODUCED BY _____
SECONDED BY _____

INTRODUCTION _____
HEARING _____
ADOPTION _____

**BOROUGH OF CLIFFSIDE PARK
COUNTY OF BERGEN, STATE OF NEW JERSEY**

ORDINANCE 2023-08

**ORDINANCE AMENDING § 21 ET. SEQ., OF THE REVISED GENERAL ORDINANCE
OF THE BOROUGH OF CLIFFSIDE PARK, SPECIFICALLY TOWING**

WHEREAS, the Traffic Division has conducted studies and has requested that the Council amend the Chapter 21 Towing Ordinance; and

WHEREAS, the Council agrees with the recommendations of the Cliffside Park Police Department Traffic Division.

NOW, THEREFORE, BE IT ORDAINED that the Council does hereby amend Chapter 21 as follows:

§21-1. DEFINITIONS shall be amended as follows:

§21-1 TOW TRUCK

- b. MEDIUM-DUTY TOW TRUCK shall now read as follows;
Used to tow and recover small commercial type vehicles 10,000 to 16,000 pounds gross vehicle weight (GVW) or passenger vehicles unable to be recovered with light-duty tow truck or flatbed;
- c. HEAVY-DUTY TOW TRUCK- Commercial manufactured truck with wrecker body; minimum GVW 33,001 pounds, used to tow and recover commercial-type vehicles over 16,001 GVW as well as passenger vehicles unable to be recovered by other means.

§21-5 EQUIPMENT AND REQUIREMENTS shall be amended as follows:

§21-5(1)(c) shall be added and read as follows:

- 1. (c) One heavy-duty wrecker with wheel lift (minimum capacity of 25,000 pounds). Heavy-duty wreckers must be a minimum gross vehicle weight of 33,001 pounds with air brakes and must be full hydraulic;

§21-5(3)(a) shall be deleted in its entirety and shall be replaced with the following:

3. (a) It is required that all licensees shall have a filing system to track towed vehicles.

§21-6 STORAGE AREAS shall be amended as follows:

§21-6 (L) shall be deleted in its entirety and replaced with the following:

- (L) Vehicles shall be released between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday. On Sundays or holidays, subject to an additional \$85 charge for after hour release for retrieval of vehicles, Sundays, holidays, or Monday through Saturdays after or before 8:00 a.m. or after 6:00 p.m. are subject to this surcharge.

§21-6 (M) shall be deleted in its entirety and replaced with the following:

- (M) intentionally omitted

§21-8 SUPERVISION AND ENFORCEMENT shall be amended as follows:

§21-8 (d) shall be added and read as follows:

- d. The Chief of Police, upon recommendation to the Council after Service of Notice with the opportunity to be heard, can recommend that the Towing Operator's license be suspended from the Call Duty list. Suspensions shall occur, upon Due Process before the Council or its designated hearing Officer, if deemed in violation of the Ordinance, the Towing Operator shall be subject to the following suspensions.
 1. First Offense Thirty (30) Day Suspension- for failing to comply with any Section of the Chapter;
 2. Second Offense Ninety (90) Day Suspension-for failure to comply with any Section of the Chapter
 3. Third Offense One (1) year Suspension- for failure to comply with any Section of the Ordinance

The Chief of Police or his designee shall investigate all complaints made by Property Owners for losses to their vehicles, complaints for excess of charges and/or incomplete clean up, pursuant to this Chapter.

§21-8 (e) shall be added and read as follows:

- e. All Towing Operators who have been served Notice of any type from the Borough pertaining to the Ordinance, are required to formally respond to the Municipality within five (5) calendar days of receipt of the correspondence. Failure to formally respond to the Borough's notice shall be grounds for the commencement of a

Disciplinary Proceeding, which could result in the Suspension of the Towing License pursuant to this Ordinance.

§21-13 TOWING RATES FOR ALL VEHICLES is hereby amended as follows:

§21-13 (d) is deleted in its entirety and shall be replaced with the following:

- d. Fees for towing and storage of private passenger vehicles damaged in an accident or recovered after being stolen, may not exceed the fees established by the Garden State Towing Association, Inc.

§21-13 the following shall be added and read as follows:

- e. Pursuant to law, the fee schedules are reviewed by the Garden State Towing Association, Inc. on an annual basis and may be revised if necessary. In the event that the fee schedules are revised by the GSTA, the revised fees shall be the maximum fees that may be charged by official towers, and this chapter shall be amended accordingly.
- f. If the towing operator is called to the scene by the Police Department of the Borough of Cliffside Park in accordance with this chapter, fees for towing and storage of private passenger vehicles, those damaged in an accident or recovered after being stolen, shall be set forth in www.gsta.org/statepolicerates.html.
- g. Fees for other types of vehicles other than private passenger vehicles, pursuant to Subsections A and B of this section, shall be determined in accordance with this section.
 - (1) The following maximum fee schedule for towing services shall be as set forth in www.gsta.org/statepolicerates.html.
 - (2) The fee for storage services shall be as set forth in www.gsta.org/statepolicerates.html.
 - (3) The fees set forth for non-passenger vehicles in this section are maximum charges that shall apply for basic towing services. Towing operators, however, shall be allowed for winching and wrecking services over and above the basic towing services additional fees per hour for light-duty wrecker, per hour for medium wrecker and per hour for heavy-duty wrecker, as set forth in www.gsta.org/statepolicerates.html. There shall be no additional charges for any other services, including but not limited to waiting time, clean-up costs and additional labor when only basic towing services, as defined, are provided, www.gsta.org/statepolicerates.html.

- h. All towing operators shall post the fees for such services in a prominent and visible location at the storage facility and shall accept as payment cash, credit card, debit card, charge card or insurance company check for all services.
- i. The following Fee Schedule will apply to all borough owned vehicles and any vehicle designated as “exempt vehicle” by the Chief of Police. These vehicles will be exempt from the fee schedule set above and the following fee schedule will be applied.

Exempt Vehicle Tow within 10 miles	\$0 per hour
Exempt Vehicle Tow over 10 miles	\$100 per hour
Exempt vehicle Tow over 10,001 pounds	\$275 per hour
Exempt Vehicle Storage	\$0 up to 10 days \$25/day starting on 11 th day

§21-15 REMOVAL OF ABANDONED VEHICLES is hereby amended as follows:

§ 21-15 (c) is deleted in its entirety and replaced with the following:

- c. The municipality shall retain the right to have abandoned vehicles towed to its own property and retain the vehicle and/or monies realized from the sale of such vehicles. If the municipality should take possession of said vehicle or dispose of the vehicle the tow service provider would be entitled to fee per this Ordinance, not to exceed \$1,250.00.

§21-19 POLICE DEPARTMENT CALL LIST is hereby amended as follows:

§ 21-19(b)(1) is deleted in its entirety and shall be replaced with the following:

- b. No Shows.
 - 1. if during normal business hours the tow truck does not arrive on scene within 20 minutes of request, 20 minutes after business hours, (on “Call-Day”), and the desk officer shall make a second call to that company. If the called tow service provider doesn’t not arrive on scene within 10 minutes of that second request, the desk officer shall formally advise the department’s traffic officer who will note the same in the municipalities’ “Tow Log”. The Police Department shall call the next listed tow service provider. This procedure shall also apply to the tow service provider called on an “off day”.

§21-20 FEES is hereby amended as follows:

§ 21-20 (a) is deleted in its entirety and shall be replaced with the following:

- a. Annual application fee: \$2,000.00

NOW, THEREFORE, BE IT ORDAINED all remaining provisions of Ordinance §21 are restated and affirmed as if set forth in their entirety.

SEVERABILITY. If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid in whole or in part or as applied to any particular circumstance or individual by a court of competent jurisdiction, such order of judgment shall not effect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this ordinance.

REPEALER. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies only.

EFFECTIVE DATE. This ordinance shall take effect immediately upon final passage and publication as required by law.

INTRODUCED _____, 2023

ADOPTED _____, 2023

ATTEST:

APPROVED:

Sercan Zoklu, Borough Clerk

Thomas Calabrese, Mayor