

TOWNSHIP OF CHESTERFIELD

ORDINANCE NO. 2018-20

AN ORDINANCE TO AMEND CHAPTER 173 OF THE CODE OF THE TOWNSHIP OF CHESTERFIELD, “TOWING OF VEHICLES”

WHEREAS, on June 14, 2018, the New Jersey Superior Court, Appellate Division decided three consolidated cases docketed as A-2546-16T4, A-5399-16T3, and A-5668-16T3 regarding what fees a municipality can require be collected from a contracted automobile towing service; and

WHEREAS, the Superior Court’s decision ruled administrative fees for non-consensual tows were in violation of the Towing Act, N.J.S.A. 56:13-14 and its associated regulations, N.J.A.C. 13:45A-31.4(a); and

WHEREAS, the Township Committee of the Township of Chesterfield wishes to amend the Township Code to comply with the Court’s opinion.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Chesterfield, County of Burlington, State of New Jersey that Chapter 173 of the Code of the Township of Chesterfield, entitled “Towing of Vehicles,” is hereby amended to state as follows [new material indicated by underline, deletions indicated by ~~striketrough~~]:

ARTICLE I. Amended Sections

§173-10 Rate schedule

[Subsections A., C., and D. to remain unchanged]

B. Charges and Fees.

(1) Refer to Schedule A for towing service charges flat fee

- (2) Refer to Schedule B for winching service charges per each ½ of winching
- (3) Refer to Schedule C for ~~administrative~~, storage and general charges
- (4) Refer to Schedule D for miscellaneous charges

ARTICLE II. Amended Schedules. Schedule C, included at the end of Chapter 173, entitled “Towing of Vehicles” is hereby amended to state as follows [new material indicated by underline, deletions indicated by ~~striketrough~~]:

TOWING OF VEHICLES

173 Attachment 3

Township of Chesterfield

Schedule C: ~~Administrative~~, Storage and General Charges

Administrative:

~~A one time administrative fee of \$20 payable to Chesterfield Township shall be charged to the vehicle owner and collected by the tower for each vehicle towed for the processing and maintenance of towing records. This fee shall be paid to the Township by the 10th of each month. Failure to pay this administrative fee shall result in the removal of the tower from the contract pursuant to §173-7.~~

~~A one time removal fee of \$55 may be charges for each vehicle that has to be removed from the storage facility by means of towing. This fee is intended solely for those vehicles that are inoperable due to damage that requires the tower to remove the vehicle from the storage lot in order for another person or firm to remove the vehicle for disposal.~~

[Subsections entitled “Storage” and “General Charges” to remain unchanged]

ARTICLE III. REPEALER, SEVERABILITY AND EFFECTIVE DATE.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

CHESTERFIELD TOWNSHIP COMMITTEE

Introduced: September 27, 2018

Adopted: October 25, 2018

RECORD OF VOTE													
INTRODUCTION							ADOPTION						
TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC	TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC
S Davis	X						S Davis	X					
A Katz	X						A Katz	X					
D Koetas-Dale	X					X	D Koetas-Dale	X					X
J Liedtka	X				X		J Liedtka	X				X	
R Romeu	X						R Romeu	X					
X – Indicates Vote NV – Not Voting AB – Absent ORD – Motion SEC - Seconded													

4845-0059-5570, v. 1