



Legislation Details (With Text)

File #: 23-1438 **Version:** 1 **Name:** Ordinance: Amending Title 8, Business and Occupations, Chapter 19, Wreckers

Type: Ordinance **Status:** Adopted

File created: 8/28/2023 **In control:** Law

On agenda: 9/20/2023 **Final action:** 10/18/2023

Title: AN ORDINANCE AMENDING TITLE 8, BUSINESS AND OCCUPATIONS, CHAPTER 19, WRECKERS, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED TO AMEND SECTIONS 8:19-1, DEFINITIONS AND SECTION 8:19-6, SERVICE RATES TO UPDATE SERVICE RATES PENALTIES AND CLARIFY BOOT/IMMOBILIZATION REGULATIONS.

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
10/18/2023	1	Municipal Council	Close on Public Hearing and Adopt	Pass
10/4/2023	1	Municipal Council	Adopt on First Reading	Pass
9/20/2023	1	Municipal Council	Adopt	Pass
9/20/2023	1	Municipal Council	Advance to First Reading	Pass

AN ORDINANCE AMENDING TITLE 8, BUSINESS AND OCCUPATIONS, CHAPTER 19, WRECKERS, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED TO AMEND SECTIONS 8:19-1, DEFINITIONS AND SECTION 8:19-6, SERVICE RATES TO UPDATE SERVICE RATES PENALTIES AND CLARIFY BOOT/IMMOBILIZATION REGULATIONS.

WHEREAS, N.J.S.A. 40:48-2.49 permits a municipality to regulate by ordinance the removal of motor vehicles from private or public property by operators engaged in such practice, including but not limited to, the fees charged for storage including non-discriminatory and non-exclusionary regulations governing towing operators engaged in business and removing and storing motor vehicles; and

WHEREAS, Section 18:19-1 et seq., sets forth Rules and Regulations governing Wreckers in the City of Newark; and

WHEREAS, this Section needs to be amended to adopted updated service rates and penalties; and

WHEREAS, N.J.S.A. 40:48-2 authorizes a municipality to make, amend, repeal and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this State or of the United States, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

Note: Additions are shown in **Bold and Underlined**. Deletions are shown in ~~Strikeouts~~.

SECTION 1. Title 8, Business and Occupations, Chapter 19, Wreckers, Section 8:19-1, Definitions, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, by adding the definitions thereto:

BOOTING COMPANY

Any individual, sole proprietorship, partnership, corporation, limited liability company or any other business entity offering or performing booting or immobilization services

SECTION 2. Title 8, Business and Occupations, Chapter 19, Wreckers, Section 8:19-6, Service Rates, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, by adding the definitions thereto:

a. This ordinance shall not supersede State Regulations of the towing or stolen or accident damaged private passenger automobiles as established by the Commissioner of Insurance pursuant to N.J.S. 17:33B-47 and N.J.S. 17:33B-48. **N.J.S.A 40:48- 2. 49 which permits a municipality to regulate by ordinance the removal of motor vehicles from private or public property by operators engaged in such practice, including but not limited to, the fees charged for storage including non- discriminatory and non -exclusionary regulations governing towing operators engaged in business and removing and storing motor vehicles.**

b. The charges for services rendered by a licensee wholly within the City of Newark shall not exceed the following rates:

- 1.
Towing.
Private Passenger Vehicles under 5,001 lbs. gross average weight \$65
Commercial Vehicles and Vehicles over 5,001 lbs. gross average weight \$125
- 2.
Storage.
Private Passenger Vehicles under 5,001 lbs. gross average weight \$10 per day
for the first 30 days; thereafter \$15 per day
Commercial Vehicles and Vehicles over 5,001 lbs. gross average weight \$25 per day
for the first 30 days; thereafter \$40 per day
- 3.
Mileage.
No mileage fee may be imposed on any tow which is regulated by this chapter.
- 4.
Winching.
Light Wreckers \$75 per hour per unit
Heavy Wreckers \$225 per hour per unit

Additional Workman Labor \$75 per hour

5.

Transmission Service: \$25

6.

Any other service not enumerated above: \$25

1. Basic Towing

LIGHT DUTY- up to 10,000 lbs.	HOOK-UP \$155
MEDIUM DUTY- 10,001-16,000 lbs.	\$300.00 PER HOUR
HEAVY DUTY- 16,001 and above	\$500.00 PER HOUR
DECOUPLING FEE (IF TOW IS NOT PERFORMED)	1/2 OF BASIC RATE

2. Storage- Per Calendar Day (Inside Rate Two Time Outside Rates)

CARS/ LIGHT TRUCKS -10' X 20' SPACE	\$50.00 PER DAY
TRUCKS (DUAL WHEELS)/ SINGLE AXLE	\$125.00 PER DAY
TRACTOR/ DUMP TRUCK/ TRACTOR AND TRAILER COMBO/ TRAILERS	\$125.00 PER UNIT PER DAY
BUSES	\$150.00 PER DAY
ROLL-OFF	\$125.00 PER DAY FOR EACH
CARGO/ACCIDENT DEBRIS/ LOAD STORAGE/ VEHICLE COMPONENTS	\$50.00 PER SPACE USED PER DAY
10' x 20' SPACE	
RENTAL OF ANY TOW COMPANY SUPPLIED TRAILER POST INCIDENT	\$500.00 PER DAY

3. Recovery/ Winching (In Addition to Towing- per truck including driver)

LIGHT/ MEDIUM DUTY 10,001-16,000 lbs.	\$350.00 PER HOUR CHARGED IN 1/2 HOUR
	INCREMENTS OF \$175. PER 1/2 HOUR
HEAVY DUTY 16,001 and above	\$650.00 PER HOUR

4. Specialized Recovery Equipment

ROTATOR/ CRANE RECOVERY UNIT	\$1200.00 PER HOUR
TRACTOR WITH LANDOLL TRAILER OR DETACH TRAILER	\$500.00 PER HOUR
TRACTOR/ TRANSPORT HAULER ONLY	\$350.00 PER HOUR

<u>REFRIGERATED TRAILER W/ TRACTOR</u>	<u>\$550.00 PER HOUR</u>
<u>BOX TRAILER W/ TRACTOR</u>	<u>\$500.00 PER HOUR</u>
<u>AIR CUSHION UNIT</u>	<u>\$1000.00 PER HOUR</u>
<u>LIGHT TOWER</u>	<u>\$250.00 PER HOUR</u>
<u>PALLET JACK</u>	<u>\$200.00 FLAT RATE</u>
<u>ROLLERS</u>	<u>\$200.00 FLAT RATE</u>
<u>ANY OTHER SPECIALIZED EQUIPMENT</u>	<u>\$300.00 PER HOUR</u>
<u>LOADER/ BACKHOE/ TELESCOPIC HANDLER/ BULLDOZER/ BOBCAT</u>	<u>\$400.00 PER HOUR EACH</u>
<u>FORKLIFT</u>	<u>\$400.00 PER HOUR</u>
<u>DUMP TRUCK/ DUMP TRAILER W/ TRACTOR</u>	<u>\$400.00 PER HOUR</u>
<u>ROLL-OFF WITH CONTAINER</u>	<u>\$400.00 PER HOUR</u>
	<u>PLUS DISPOSAL</u>
<u>RECOVERY SUPERVISOR VEHICLE</u>	<u>\$150.00 PER HOUR</u>
<u>SCENE SAFETY EQUIPMENT, COMMUNICATION EQUIPMENT, TRAFFIC MANAGEMENT EQUIPMENT, ETC.</u>	<u>\$250.00 PER HOUR EACH TYPE USED</u>
<u>RECOVERY SUPPORT VEHICLE/ TRAILER ADDITIONAL RECOVERY EQUIPMENT</u>	<u>\$350.00 PER HOUR</u>

5. On Hook Mileage

<u>LIGHT DUTY</u>	<u>\$7.00/ PER LOADED MILES</u>
<u>MEDIUM DUTY</u>	<u>N/A</u>
<u>HEAVY DUTY</u>	<u>N/A</u>

6. Fuel Surcharge Chart- Tow and Mileage Cost Only

<u>FUEL COST</u>	<u>FUEL SURCHARGE PERCENTAGE</u>
<u>\$2.50</u>	<u>0%</u>
<u>\$3.00</u>	<u>1%</u>
<u>\$3.50</u>	<u>2%</u>
<u>\$4.00</u>	<u>3%</u>
<u>\$4.50</u>	<u>4%</u>
<u>\$5.00</u>	<u>5%</u>
<u>\$5.50</u>	<u>6%</u>
<u>\$6.00</u>	<u>7%</u>
<u>\$6.50</u>	<u>8%</u>

<u>\$7.00</u>	<u>9%</u>
<u>\$7.50</u>	<u>10%</u>
<u>\$8.00</u>	<u>11%</u>

SECTION 3. Title 8, Business and Occupations, Chapter 19, Wreckers, Section 8:19-9, Penalties, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, by adding the definitions thereto:

- a. Any person **Person that operates a towing company or is the owner of private property found guilty** of violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not more than \$500 or to imprisonment of not more than 30 days, or both.

SECTION 4. Title 8, Business and Occupations, Chapter 19, Wreckers, Section 8:19-10, Booting or Removal Of Vehicle From Private Property, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, by adding the definitions thereto:

a. ~~No person~~ **Person** shall boot **or immobilize** any motor vehicle parked for an unauthorized purpose from:

1. **Any privately owned parking lot, or**
2. **From other private property, or**
3. **From any common driveway without the consent of the motor vehicle owner or operator;**

In the of City of Newark without first obtaining a license from the Division of Tax Abatements/Special Taxes. All licenses issued, and renewals thereof, under this chapter shall expire biennially on May 31st after its date of issuance. If any applicant obtains an initial license pursuant to this Section after the renewal date or in between a biennial cycle, the applicant will pay a pro-rated application fee. The applicant's license will thereafter expire on May 31st in accordance with the biennial licensing cycle. The Division of Tax Abatements/Special Taxes shall establish administrative rules and/or regulations pertaining to scheduling for the issuance of a booting operator's license. The biennial fee for such license shall be \$300.

~~, unless the person is registered in compliance with Section 8:19-2 and with the City of Newark as authorized to perform/act by the owner of the private property.~~

b. It shall be unlawful to boot **or immobilize** a motor vehicle at any location unless: There is posted in a conspicuous place at all vehicular entrances to the property which can easily be seen by the public a sign no smaller than thirty-six (36) inches high and thirty-six (36) inches wide stating:

(a) The purpose or purposes for which parking is authorized and the times during which such parking is permitted; and

(b) That unauthorized parking is prohibited and unauthorized motor vehicles will be booted **or immobilized** at the owner's expense; and

(c) The name, address, and telephone number of the booting company that will perform the booting **or immobilization**; and

(d) The charges, which shall not exceed the fee specified in the ordinance on file with the Municipal Clerk for the booting **or immobilization** of motor vehicles.

c. A booting company shall not boot **or immobilize** a motor vehicle on private property without the consent of the owner or operator of the vehicle, without first obtaining the written authorization from the property owner or lessee, or its employee or agent, who shall verify the alleged violation with the Department of Public Safety, Division of Police by way of notification herein below. If it occurs during normal business hours of any premises at the location operated by the property owner or lessee authorizing the removal of the vehicle, except that general authorization in writing shall be sufficient for the removal of a motor vehicle parked on private property if the violation occurs at a time other than during normal business hours of the premises of the property owner or lessee authorizing the removal of the vehicle.

SECTION 5. Any existing ordinance, or part thereof, inconsistent with this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION 6. If any Section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific Section, paragraph, subparagraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 7. This Ordinance shall take effect upon final passage and publications in accordance with the laws of the State of New Jersey.

SECTION 8. Codification. This Ordinance shall be a part of the Code of the City of Newark as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Code. The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Newark in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

STATEMENT

This Ordinance amends Title 8, Business and Occupations, Chapter 19, Wreckers, of the Revised Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented to update service rate, penalties, and clarify Boot/ Immobilization Regulations.