

1st 2/11/13
2nd 2/20/13

Township of Lower, County of Cape May, State of New Jersey

Ordinance #2013-05

AN ORDINANCE AMENDING CHAPTER 600 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LOWER

WHEREAS, Chapter 600 of the Revised General Ordinances of the Township of Lower governs rules and regulations with regard to the practice of automobile towing and storage in the Township of Lower; and

WHEREAS, certain code sections of Chapter 600 require updating and amendment to further promote the health, safety and welfare of the Township, persons supplying and those requiring such services and to be consistent with the present value of same.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township of Lower Council, County of Cape May and the State of New Jersey as follows:

Section 1. Section 600-2 Base of Services, is hereby amended to be:

Base of Service. For the convenience of the public and the Lower Township Police Department and to reduce excessive mileage charges, any business applying for a towing license shall have a place of business and storing yard located within the confines of the Township of Lower. Any vehicles used to tow vehicles under the provisions of this chapter also must be principally garaged within the confines of the Township of Lower.

Section 2. Section 600-2 "Storage Facility" is hereby amended to be:

Storage Facility. A lawfully licensed area or lot located within the Township's corporate boundary line. Any storage area or lot located within the Township is subject to any and all provisions contained in this chapter and any and all other ordinances of the Township. Said Storage Facility is subject to inspection by the Police Chief or his designee.

Section 3. Section 600-3G is hereby amended as follows:

G. Facilities; hours; transporting vehicles.

(1). Each tow operator shall deposit towed vehicles only at a facility providing personnel on site for the owner to recover his vehicle. Such location shall be open and personnel available to assist customers between the hours of 8:00 a.m. through 5:00 p.m. Monday through Friday, on weekends and holidays, between the hours of 8:00 a.m. and 5:00 p.m. by appointment only. No tow operator shall unreasonably deny access to a vehicle by an owner or his agent for the purposes of removing personal property (i.e. wallet, purse, car seats. The tow operator may deny access to remove fixed objects (i.e. car stereos, speakers, license plates).

(2) Each tow operator shall store each towed vehicle in an area which provided appropriate security and protection for the towed vehicle and which is in compliance with all state and township regulations. Appropriate security and protection shall mean within a locked, 6 ft. high fenced-in area or building.

(3) No tow company or operator will request or demand any person involved in a motor vehicle crash to sign documents requiring the crash victim to have their car repaired at any specific location.

(4) The owner or his designated agent shall make arrangements with the tow firm to make payment or to pick up the motor vehicle by first contacting the affected tow firm in person or by phone in advance.

(5) After normal business hours and on weekends and holidays, the towed vehicle shall be taken to the tow firm's storage yard and arrangements made to have that vehicle transported to the owner's requested designation at the next earliest convenience.

(6) All vehicles towed under the provision of this chapter must be stored in the Township of Lower unless the owner of the vehicle requests otherwise.

(7) All personnel employed or utilized by the tower while engaged in a township requested or authorized tow shall be at least 18 years of age. All such personnel must possess a valid driver's license.

Section 4. Section 600-4I is hereby amended as follows:

I. All applications shall be accompanied by a nonrefundable fee of \$500.

Section 5. Section 600-6A(1) shall be amended as follows:

A (1) The following is the fee schedule for basic towing services:

- (a) Towing services provided during the day, 8:00 a.m. to 6:00 p.m.: flat fee of \$125.
- (b) Towing services provided at night, 6:00 p.m. to 8:00 a.m., weekends or on New Jersey State holidays: flat fee of \$150.

A (2) The following is the fee schedule for nonbasic towing services:

- (a) Charges for the use of jacks and dollies: \$10 over regular tow.
- (b) Charges for each beach tow: \$25 over regular tow.
- (c) Winching-up-righting: \$2.25 per foot per cable.

- (h) Towing of Township vehicles \$50.
- (i) Towing of Motorcycles \$125.
- (j) The fee for hookup (if a vehicle has been hooked up and ready to tow and then claimed by its owner) shall be \$60.
- (k) Standby time. If a tow operator is called to the scene of an accident- or theft-related tow and is required to wait at that scene prior to removing the vehicle, this by direction of the Police Department, a fee to be imposed of \$50.

Section 8. The above revised Ordinances are intended to replace and supercede all previous provisions set forth under said code sections.


Section 9. All code section 600 provisions not altered or amended, hereby are to remain in full force and effect as if set forth with particularity herein.

Section 10. All other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

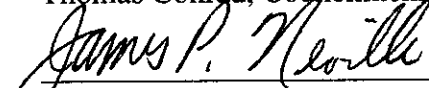
Section 11. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 12. Upon final passage and publication according to law, a copy of the Ordinance shall forthwith be certified by an appropriate officer of the Township of Lower.

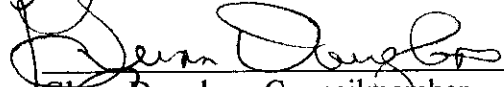
Section 13. This Ordinance shall take effect twenty (20) days after final passage and Publication as provided by law.



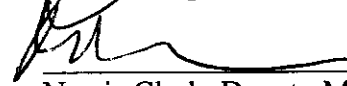
Thomas Conrad, Councilmember



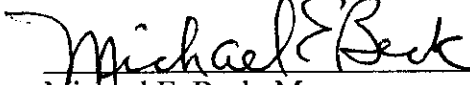
James Neville, Councilmember



Glenn Douglass, Councilmember

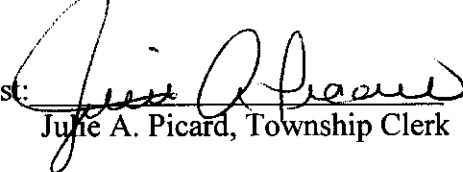


Norris Clark, Deputy Mayor



Michael E. Beck, Mayor

Adopted: Feb 20, 2013

Attest: 
Julie A. Picard, Township Clerk