

HARDYSTON TOWNSHIP

ORDINANCE 2023-11

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY
AMENDING CERTAIN PORTIONS OF CHAPTER 165, TOWERS & WRECKERS, OF THE REVISED GENERAL
ORDINANCES TO ESTABLISH MAXIMUM RATES FOR APPROVED TOWING COMPANIES IN THE
TOWNSHIP OF HARDYSTON**

BE IT ORDAINED by the Municipal Council of the Township of Hardyston, County of Sussex, State of New Jersey, as follows:

SECTION 1. Chapter 165, Towers & Wreckers, Section 165-3, Details of Towing Agreements, subsection J., of the aforesaid Revised General Ordinances is hereby amended to read as follows:

J. Towing companies shall prepare an invoice for towing charges for each vehicle towed, consistent with the maximum New Jersey State Police Rates set annually by the Garden State Towing Association, where applicable.

SECTION 2. Chapter 165, Towers & Wreckers, Section 165-4, Rates for Towing Services of the aforesaid Revised General Ordinances is hereby amended to read as follows:

§ 165-4. Rates for towing services.

A. The rates applicable for all towing companies contracted with the Township of Hardyston shall not exceed the enumerated fees set by the Garden State Towing Association's annual fees set for the maximum New Jersey State Police Towing Rates. These tariffs are annually recalculated based upon a random sampling of reasonable fees utilized by commercial and municipal towers. The Hardyston Township Police Department has determined that the average rate per category based upon the Association's census is reasonable and is acceptable for use by this agency. These rates are subject to change throughout the year.

B. The rates applicable to towing services performed under the guidelines of the State of New Jersey shall be posted in a conspicuous place, at the towing companies' facilities.

C. Complaints of any kind relative to services, overcharging, theft of parts, damage to towed or stored vehicles and the like shall be referred to the Chief of Police for investigation.

(1) Such violations or any other violation of this chapter may be cause for imposition of penalties by the Chief of Police, enumerated as follows:

- (a) Written warning; and/or
- (b) Suspension from five tow calls; and/or
- (c) Suspension for three months; and/or
- (d) Permanent revocation.

(2) The penalty set forth in Chapter 1, Article II, of this Code shall not be applicable to violations determined by the Chief of Police under this section.

(3) Towing companies permanently revoked from the rotating list by the Chief of Police may request a hearing before the Township Council to appeal said revocation.

D. In such cases, an appeal may be filed with the Township Clerk within 10 business days of the imposition of the penalty. A hearing may be held by the Hardyston Township Council within 30 days of the filing of such an appeal. The Hardyston Township Council shall render its determination within 30 days following the conclusion of the hearing. The governing body's decision shall be final and conclusive

SECTION 4. All ordinances of the Township of Hardyston which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 6. This Ordinance may be renumbered for purposes of codification.

SECTION 7. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

ATTEST:

TOWNSHIP OF HARDYSTON
COUNTY OF SUSSEX
STATE OF NEW JERSEY

Jane Bakalarczyk, Clerk

Brian J. Kaminski, Mayor

NOTICE

PLEASE TAKE NOTICE that notice is hereby given that the above ordinance was introduced and passed at the regular meeting of the Hardyston Township Council held at the Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey, on September 14, 2023. The same came up for final adoption at a meeting of the Township Council of the Township of Hardyston held on September 27, 2023, and after all persons present were given the opportunity to be heard concerning the same, it was finally passed, adopted and will be in full force and effect in the Township according to law.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk