

**BOROUGH OF SUSSEX
COUNTY OF SUSSEX
ORDINANCE NO. 2022-06**

AN ORDINANCE AMENDING SECTION 4-10, ENTITLED “TOWERS AND WRECKERS”, OF CHAPTER 4, ENTITLED “GENERAL LICENSING” OF THE CODE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND STATE OF NEW JERSEY.

BE IT ORDAINED by the Borough Council of the Borough of Sussex, in the County of Sussex and State of New Jersey, as follows:

SECTION 1. Subsection 4-10.2, entitled “Permit Required”, of Section 4-10, entitled “Towers and Wreckers”, of Chapter 4, entitled “General Licensing”, be and is hereby amended to read as follows:

Section 4-10.2. Permit Required.

No person, firm or corporation shall participate in the towing rotation within the borough without first obtaining a permit from the borough clerk.

SECTION 2. Paragraph (a), entitled “Contents” of Subsection 4-10.3, entitled “Application for Permit”, of Section 4-10, entitled “Towers and Wreckers”, of Chapter 4, entitled “General Licensing”, be and is hereby amended to revise the application fee of \$100 to be \$250.

SECTION 3. Paragraph (b), entitled “Time for Filing” of Subsection 4-10.3, entitled “Application for Permit”, of Section 4-10, entitled “Towers and Wreckers”, of Chapter 4, entitled “General Licensing”, be and is amended to read as follows:

b. Duration of permit. Permits expire at 12:00 midnight on December 31 of each year and may be renewed on January 1 of the following year.

SECTION 4. Subsection 4-10.5, entitled “Towing and Storage Fees”, of Section 4-10, entitled “Towers and Wreckers”, of Chapter 4, entitled “General Licensing”, be and is hereby amended to read as follows:

Section 4-10.5. Fee Schedule; Automobiles Containing Hazardous Waste; Billing; Complaints.

- a. The Mayor and Council shall from time to time by resolution establish the maximum fees chargeable by towing contractors for basic towing services. It shall be unlawful for any towing contractor to charge fees in excess of those prescribed by the Mayor and Council pursuant to this section.
- b. Towing contractors transporting multiple automobiles at one time may charge up to the maximum allowable fee for each automobile so transported.
- c. Each towing contractor shall provide all automobile owners using the towing contractor's services with a written schedule of fees which lists in full all fees to be charged for towing, storage and road service within the Borough and which shall not exceed the maximum charges set forth on the fee schedule established by the Mayor and Council per this section.
- d. The towing and storage fee schedules of all towing contractors serving the Borough on a rotational basis shall be filed with the Clerk and shall be made available to the public during normal business hours on request.
- e. The towing contractor shall inform the Clerk, in writing, at least 10 business days before amending the towing contractor's towing and storage charges. The amended rates shall not exceed the maximum amounts for towing and storage established by the Borough.
- f. Towing contractors shall not request payment from the Borough for basic towing services, and the Borough shall have no obligation to pay towing contractors for such services.
- g. Towing contractors shall not remove an automobile from a road within the Borough if it is evident that the automobile may contain hazardous waste, unless the towing contractor first receives permission from the Sussex County Hazardous Waste Materials Coordinator to remove the automobile. Failure to comply with the provisions of this paragraph shall constitute a violation of this section and result in forfeiture by the towing contractor of monies otherwise due for removal of the automobile.

- h. This section does not prohibit towing contractors from charging additional fees for nonbasic towing services authorized by the owner of an automobile. Fees for nonbasic towing services shall be based on the towing contractor's prevailing hourly labor rates and charges for parts or materials, and the towing contractor shall inform the owner of the automobile of those hourly labor rates and the estimated total cost for parts or materials before performing those services.
- i. Fees shall be disclosed by towing contractors through the use of a notice on the front or top page of all invoices or receipts. The rates applicable to basic and nonbasic towing services shall be posted in a conspicuous place visible to the public at the towing contractor's place of business.
- j. The towing contractor shall accept from any owner, or his representative, methods of payment in the form of cash, certified check, money order and at least one major credit card. The contractor is not required to accept personal checks for payment.
- k. The towing contractor shall at its expense prepare a printed bill for distribution to the customer reflecting the fees charged. The bill shall also include the information set forth in paragraph (l) of this subsection and a statement to the effect that all complaints shall be referred to the Clerk.
- l. Pursuant to N.J.S.A. 40:48-2.54, the owner of any automobile whose automobile is towed and/or stored other than at the owner's request may submit complaints and/or report disputed fees, in writing, to the Clerk. After receipt by the Clerk of such complaint in writing, the Mayor and Council shall arrange for investigation of the owner's allegations and report the outcome of the investigation to the owner within 40 days of the Borough's receipt of the written complaint.

SECTION 5. If any article, section, subsection, paragraph, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 6. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 7. This Ordinance shall take effect immediately upon final passage and publication according to law.

Attest:

Antoinette Smith, Borough Clerk

Edward Meyer, Mayor

NOTICE

NOTICE IS HEREBY GIVEN that the attached Ordinance 2022-06 was introduced at a regular meeting of the Mayor and Council of the Borough of Sussex, Sussex County, New Jersey, held on April 5, 2022 and passed on first reading, and that such Ordinance will be further considered for final passage and adoption at the regular meeting of the Mayor and Council to be held on April 19, 2022 at Borough Hall, 2 Main Street, in the Borough of Sussex at 7:00 p.m. or via the internet, connectivity information available at www.sussexboro.com and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance.

Antoinette Smith, RMC