

BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY

ORDINANCE 2023-11

**AN ORDINANCE AMENDING CHAPTER 423: "TOWING"
OF THE BOROUGH'S REVISED GENERAL ORDINANCES
TO UPDATE THE RATES AND CHARGES FOR TOWING
VEHICLES WITHIN THE BOROUGH.**

Mayor Fox offered the following Ordinance and moved its introduction:

WHEREAS, the Borough of Bradley Beach (the "Borough"), as a municipal corporation, is empowered by State law and the New Jersey Motor Vehicle Code to enact certain regulations pertaining to the towing of vehicles within the Borough; and

WHEREAS, Chapter 423 of the Borough Code sets forth said regulations pertaining to the towing of vehicles within the Borough, as well as the setting of certain fees and charges for permitted towers within the Borough; and

WHEREAS, from time-to-time, it is necessary for the Borough to amend and update its fees and charges to reflect changed circumstances and/or increased cost(s) associated with enacted regulations;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Bradley Beach, County of Monmouth, and State of New Jersey as follows:

SECTION 1. Section 423-1: "Definitions" of Chapter 423: "Towing" of the Revised General Ordinances of the Borough of Bradley Beach is hereby amended and supplemented as follows (~~stricken~~ text deleted; underlined text added):

CHAPTER 423: TOWING

§ 423-1 Definitions.

Certain words, phrases and terms in this chapter shall have the following meanings:

AUTHORIZED STORAGE FACILITY

Any auto body repair shop or service station which has a temporary storage facility for disabled or abandoned vehicles in accordance with the Borough of Bradley Beach or other municipalities, Land Use Ordinance.

DECOUPLING

Releasing a motor vehicle to its owner or operator when the motor vehicle has been or is about to be, hooked to or lifted by a tow truck, but prior to the motor vehicle actually being moved or removed from the property.

OPERATOR

The person, firm or corporation which owns or leases and operates or causes to be operated a tow truck and includes the words "owner" and "permittee."

POLICE OFFICER

Any regular police officer, class one or two special police officer of the Borough of Bradley Beach and any state police officer or the Code Enforcement Officer, Zoning Officer or their designees.

RECOVERY

The winching of any vehicle to remove it from a public roadway or right-of-way.

STORAGE RATE CHARGES

Beginning at 12:01 a.m. of the next day, and each day shall end at 11:59 p.m.

TOW TRUCK

A motor vehicle employed for the purposes of towing, transporting or otherwise carrying other motor vehicles referred to in this chapter as "tow truck/wrecker."

SECTION 2. Section 423-13: "Rates; receipt" of Chapter 423: "Towing" of the Revised General Ordinances of the Borough of Bradley Beach is hereby amended and supplemented as follows (~~stricken~~ text deleted; underlined text added):

§ 423-13 Rates; receipt.

- A. Charges to be paid by the vehicle owner for transportation, hauling or service of disabled vehicles or for any unoccupied vehicle parked or standing in violation of any provisions of this Code shall be deemed a nuisance and a menace to the safe and proper regulation of traffic, and any police officer may provide for the removal of such vehicle by any approved tow truck/wrecker or operator of any approved tow truck/wrecker. The owner thereof shall pay the costs of the removal and storage before regaining possession of the vehicle according to the following rates:

- (1) ~~For towing any passenger automobiles, a maximum fee of \$35. A maximum fee of \$45 may be charged for this service between the hours of 7:00 p.m. and 7:00 a.m. Motorcycles, station wagons, pickup trucks and panel trucks shall be considered the same as passenger automobiles for the purposes of determining rates.~~
- (2) ~~For every day of dead outdoor storage, \$13 per day for passenger automobiles, trucks and omnibuses, and \$20 per day for tractor-trailers.~~

- ~~(3) If a flatbed truck must be used for towing, the maximum fee of \$50 may be charged for the tow during the daytime and \$60 from 7:00 p.m. to 7:00 a.m.~~
- ~~(4) Waiting time and/or winching time for wrecker, a flat rate fee of \$20 per half hour. Waiting time charged shall not begin until at least one half hour after the time of arrival of the tow truck/wrecker at the scene.~~
- ~~(5) If a heavy-duty wrecker must be used for towing, the charge shall be \$100 per vehicle plus \$2 per mile for towing to an authorized storage facility. If a heavy-duty wrecker must be used for removal from accidents, the minimum charge shall be \$150.~~

<u>SERVICE PROVIDED</u>	<u>FEES</u> <u>(Not to Exceed)</u>
Light Duty Rate (less than 10,000lbs G.V.W.)	Tow - \$115.00 (Basic Tow is a Flat Rate) Recovery - \$125.00 (Recovery is billed per hour, per truck, with 1 hour minimum and 30 minute increments thereafter)
Medium Duty Rate (10,000lbs to 32,000lbs G.V.W.)	Tow - \$125.00 (Basic Tow is a Flat Rate) Recovery- \$135.00 (Recovery is billed per hour, per truck, with 1 hour minimum and 30 minute increments thereafter)
Heavy Duty Rate (greater than 32,000lbs G.V.W.)	Tow - \$415.00 (Basic Tow is a Flat Rate) Recovery- \$440.00 (Recovery is billed per hour, per truck, with 1 hour minimum and 30 minute increments thereafter)
Storage per day:	
Light Duty	\$40.00
Medium Duty	\$55.00
Heavy Duty	\$80.00
Other:	
Decoupling Fee	\$35.00 per call
Clean up fee (the bagging and proper disposal of less than 1 gallon of Antifreeze or oil or any other vehicle fluids	\$35.00 per call

- B. Every operator of a tow truck/wrecker shall give the owner of the vehicle a written, itemized receipt for the fee paid. Copies of receipts shall be maintained by the operator for two years and shall be available for inspection by authorized Borough officials. Each receipt shall have imprinted on the reverse side a schedule of fees and charges, and said schedule shall be posted in the area where said transactions normally take place.


- C. Rates specified herein will be reviewed by the Finance Committee of the Borough Council on a yearly basis. Operators are permitted to petition the Borough Council, in writing, as to prevailing rates

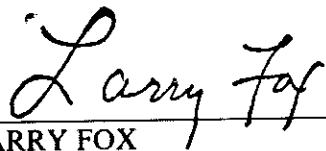
SECTION 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. 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 parts, portions and provisions of The Revised General Ordinances of the Borough of Bradley Beach are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. This Ordinance shall take effect upon adoption and publication in accordance with the laws of the State of New Jersey.

SO ORDAINED as aforesaid.


ERICA KOSTYZ, RMC, CMB
Municipal Clerk


LARRY FOX
Mayor

Introduced: July 12, 2023

Date of Hearing and Adoption: July 26, 2023