

ORDINANCE NO. 4-2023

AN ORDINANCE AMENDING CHAPTER 27, TOWING, ROAD SERVICE, AND STORAGE OF VEHICLES, SECTIONS 27-6 ENTITLED FEES FOR REMOVAL AND STORAGE OF VEHICLES AND 27-10 ENTITLED VIOLATIONS AND PENALTIES OF THE "REVISED ORDINANCES OF THE BOROUGH OF MORRIS PLAINS, NEW JERSEY, 1972" TO ESTABLISH THAT A VEHICLE'S FINANCING OR LEASING COMPANY SHALL BE NOTIFIED WHEN THE VEHICLE HAS BEEN IMPOUNDED FOR THIRTY-SIX HOURS.

WHEREAS, the Borough of Morris Plains is desirous of requiring that a vehicle's financing or leasing company be notified whenever the vehicle has been impounded for thirty-six (36) hours.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Morris Plains, they being the Governing Body thereof, as follows:

Section 1:

Section 27-6 entitled Fee for the Removal and Storage of Vehicles in Chapter 27 of the Revision is hereby amended, supplemented and revised by deleting the following language:

(a) The fees for towing and storage of vehicles under this chapter are set forth in the Fee Schedule of the Borough of Morris Plains, Chapter 2, Section 2-46, of the Revised Ordinances, and the rates set forth therein are the maximum permitted charges that shall apply to the towing and/or storage of passenger automobiles, except to the extent that the same are regulated by the New Jersey Department of Insurance pursuant to N.J.S.A. 17:33B-47. Towing operators transporting multiple passenger vehicles at one (1) time shall receive the applicable fees for each passenger vehicle transported.

(b) It shall be the responsibility of the towing operator to provide all motorists utilizing the towing operator's

services with a written schedule of fees which lists in full all fees charged for towing, storage and road service within the Borough. Towing operators shall not exceed the maximum charges set forth on the fee schedule for towing and the storage of vehicles regulated under this chapter.

(c) The towing and storage fee schedule of each towing operator on the rotational duty service list shall be filed by the towing operator with the Chief of Police and the Borough Clerk, and the same shall be made available to any person upon request. The fee schedules shall be available at the Municipal Building, located at 531 Speedwell Avenue, Morris Plains, Mondays through Fridays, except holidays, between the hours of 8:30 a.m. and 4:30 p.m.

(d) In addition, the Chief of Police shall be informed in writing at least ten (10) business days prior to the amendment of any tow operator's towing and storage fee charges. Under no circumstances shall any amendments exceed the maximum amounts for towing and storage as set forth in the Fee Schedule.

(e) In no instance shall the towing operator request payment from the Borough for any services rendered to the owners of private vehicles, except, however, in those cases where the Police Department authorizes the removal of a Borough-owned vehicle or a vehicle that is related to criminal activity.

And inserting the following in its place and stead:

(a) The fees for towing and storage of vehicles under this chapter are set forth in the Fee Schedule of the Borough of Morris Plains, Chapter 2, Section 2-46, of the Revised Ordinances, and the rates set forth therein are the maximum permitted charges that shall apply to the towing and/or storage of passenger automobiles, except to the extent that the same are regulated by the New Jersey Department of Insurance pursuant to N.J.S.A. 17:33B-47. Towing operators transporting multiple passenger vehicles at one (1) time shall receive the applicable fees for each passenger vehicle transported.

(b) It shall be the responsibility of the towing operator to provide all motorists utilizing the towing operator's services with a written schedule of fees which lists in full all fees charged for towing, storage and road service within the Borough. Towing operators shall not exceed the maximum charges set forth on the fee schedule for towing and the storage of vehicles regulated under this chapter.

(c) The towing and storage fee schedule of each towing operator on the rotational duty service list shall be filed by the towing operator with the Chief of Police and the Borough Clerk, and the same shall be made available to any person upon request. The fee schedules shall be available at the Municipal Building, located at 531 Speedwell Avenue, Morris Plains, Mondays through Fridays, except holidays, between the hours of 8:30 a.m. and 4:30 p.m.

(d) In addition, the Chief of Police shall be informed in writing at least ten (10) business days prior to the amendment of any tow operator's towing and storage fee charges. Under no circumstances shall any amendments exceed the maximum amounts for towing and storage as set forth in the Fee Schedule.

(e) In no instance shall the towing operator request payment from the Borough for any services rendered to the owners of private vehicles, except, however, in those cases where the Police Department authorizes the removal of a Borough-owned vehicle or a vehicle that is related to criminal activity.

(f) Any officer who has a vehicle towed and impounded shall notify the vehicle's financing or leasing company, whichever the case may be, of the vehicle's impoundment whenever the vehicle has been impounded for thirty-six (36) hours.

Furthermore Section 27-10 entitled Violations and Penalties in Chapter 27 of the Revision is hereby amended, supplemented, and revised by deleting the following language:

Any person, firm or corporation who violates any of the provisions of this chapter shall, upon conviction, be subject to a fine not exceeding one thousand dollars (\$1,000.) or to imprisonment for a term not exceeding ninety (90) days, or both. Each and every violation of this chapter

and each and every day that any violation shall continue shall be construed as a separate and distinct violation. The Police Department is specifically designated as the enforcement agency which shall serve and execute the process for violations of this chapter in accordance with law.

And inserting the following in its place and stead:

Any person, firm or corporation who violates any of the provisions of this chapter shall, upon conviction, be subject to a fine not exceeding one thousand dollars (\$1,000.) or to imprisonment for a term not exceeding ninety (90) days, or both. Each and every violation of this chapter and each and every day that any violation shall continue shall be construed as a separate and distinct violation. The Police Department is specifically designated as the enforcement agency which shall serve and execute the process for violations of this chapter in accordance with law. Any officer who causes a vehicle to be impounded shall notify the vehicle's financing or leasing company, whichever the case may be, of the vehicle's impoundment whenever the vehicle has been impounded for thirty-six (36) hours.

Section 2:

All other provisions of the aforesaid Chapter 27 of the Revised Ordinances shall be unaffected and are hereby continued.

Section 3:

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4:

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid by a Court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance.

Section 5:

This Ordinance shall take effect immediately after final passage and publication.

Introduced: February 16, 2023

Adopted: March 2, 2023

/s/ Jason Karr