

INTRO 1/28/2013  
ADOPTED: 2/11/2013

TOWNSHIP OF FAIRFIELD  
ORDINANCE #2013-05

AN ORDINANCE AMENDING CHAPTER 4  
OF THE CODE OF THE TOWNSHIP OF FAIRFIELD  
REGARDING THE CHAPTER OF GENERAL LICENSING WITH REGARD  
TO TOWING AND STORAGE OF MOTOR VEHICLES

WHEREAS, it has come to the governing body's attention that some of the towing companies licensed pursuant to section 4-18.1 *et seq.*, have been charging fees in excess of the ordinance, have been failing to maintain accurate and complete invoices, and have been sharing storage space resulting in the reduction of the minimum square footage required; and

WHEREAS, in order to ensure motor vehicle owners are not overcharged for services rendered by the towing companies and to eliminate the problems faced with the sharing of storage space, the governing body desires to amend sections 4-18.1, 4-18.8, and 4-18.11 *et seq.*; and

WHEREAS, the governing body has also decided it is necessary to establish a penalty for failure to comply with the code; and

WHEREAS, the governing body is of the opinion that these amendments are in the public's interest.

NOW THEREFORE BE IT RESOLVED that Sections 4-18.1, 4-18.8, and 4-18.11 *et seq.*, of the Fairfield Township code is amended as follows:

1. Section 4-18.1 Definitions.

~~*Inside building storage facility shall mean a motor vehicle storage facility that is completely indoors, having one (1) or more openings or storage bins in the walls for the storage of motor vehicles and that is secured by a locking device on each bin or opening. Inside storage will be a minimum of nine hundred (900) square feet.*~~

*Inside building storage facility:*

- a. **Inside storage must have one (1) or more openings or storage bins in the walls for the storage of motor vehicles, which is to be secured by a locking device on each bin or opening.**
- b. **Inside storage shall have a minimum of nine hundred (900) square feet.**
- c. **No more than one license can be issued to a facility.**
- d. **Licensee must dedicate the minimum square footage required by this section solely for cars towed in the Township**

**and may not use this space for Licensee's other clients.**

*Outside secured storage facility* shall mean a motor vehicle storage facility that is not completely indoors and must meet the following minimum standards: (a. b. c. and d. are deleted and a new a, b and c are added).

- a. ~~Area completely secured by a fence, wall or other man-made barrier that is at least six (6) feet in height. Fencing must have vision obstruction material.~~
  - b. ~~All entry points shall have a locking device.~~
  - c. ~~Total area shall have adequate lighting to protect stored vehicles from vandalism.~~
  - d. ~~Area must be at least twelve thousand (12,000) square feet.~~
- a. **The outside secured storage facility must be a minimum of twelve thousand (12,000) square feet in area. However, if outside secured storage facility does not meet this minimum square footage requirement, Licensee may supplement this requirement by utilizing its inside building storage facility to make up the difference. This exception may not be used if it reduces below the inside building storage facility minimum square footage requirement of nine hundred (900) square feet.**
  - b. **No more than one license can be issued to a facility**
  - c. **Licensee must dedicate the minimum square footage required by this section solely for cars towed in the Township and may not use this space for Licensee's other clients.**

2. Section 4-18.8 Issuance of Licenses/Fees. (g. amended, h deleted in its entirety.)

- g. Upon issuance of the license the licensee shall pay to the Township of Fairfield a fee of twenty dollars (\$20.00) **for each vehicle towed under this section.** ~~referred to as Towing Fee, for each vehicle towed under this section.~~ Said fee is for administrative costs incurred by the Fairfield Police Department in obtaining valid New Jersey Motor Vehicle Titles (N.J.S.A. 39:10A-1 et seq.) and conducting periodic public auctions for all motor vehicles towed under this Section that are deemed abandoned in the licensee's storage areas. Licensee shall pay the Towing Fee on a monthly basis to the Fairfield Municipal Clerk with payment due on the

15th of every month. Licensee may not add the cost of the Administrative Fee to the tow invoice for reimbursement. If the payment is not made on a timely basis the license may be suspended or terminated.

3. Section 4-18.11 Rates and Charges. (Under G -- 7 is a new).

TOWNSHIP OF FAIRFIELD TOWING AND STORAGE RATE SCHEDULE

G.... Other Charges

7.... Towing Fee ..... \$20.00\*\*

**\*\* Licensee is solely responsible for this charge and the Licensee may not add this cost to the towing invoice or otherwise seek reimbursement of this fee.**

4. Section 4-18.13 Record Keeping.

- a. Licensee shall prepare and issue to the owner/operator a written invoice for services rendered under this section. The invoice shall reflect the date, time, location, the employee that performed the service, and that the service performed was at the request of the Township of Fairfield Police Department and an itemized list of all charges authorized by this Section. A copy of invoice shall be retained by licensee and filed in a manner that coincides with the licensee's current filing methods that will allow immediate access to such record when requested by the Township of Fairfield Police Department.

5. Section 4-18.18 Penalties

a. Any person who violates the provisions of this section shall, upon conviction, be fined not more than one thousand dollars (\$1,000.00) and/or imprisonment for a term not to exceed ~~six (6) months~~ **ninety (90) days**.

**b. In addition, the Governing Body may suspend a licensee for a minimum of one year if it is determined that the licensee is non-compliant with any provisions herein.**

6. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

7. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged to be invalid, such adjudication shall apply only to that section,

paragraph, subdivision, clause or provision so adjudged, and the remainder of this ordinance shall be deemed, valid and effective.

8. This Ordinance shall take effect immediately upon passage and publication in accordance with law.



JAMES W. GASPARINI, MAYOR

ATTEST:



DENISE D. CAFONE, MUNICIPAL CLERK

#### OTICE

**Notice** is hereby given that the foregoing ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Fairfield, County of Essex, State of New Jersey, held on **January 28, 2013** introduced and read by title and passed first reading, and that said Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on **February 11, 2013 at 7:30 p.m.**, at the Municipal Building, 230 Fairfield Road, Fairfield, New Jersey, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens of interest shall have an opportunity to be heard concerning same.

Denise D. Cafone

Municipal Clerk

**INTRODUCTION OF ORDINANCE January 28, 2013: ORDINANCE #2013-05**

**AN ORDINANCE AMENDING CHAPTER 4 OF THE CODE OF THE TOWNSHIP OF FAIRFIELD REGARDING THE CHAPTER OF GENERAL LICENSING WITH REGARD TO TOWING AND STORAGE OF MOTOR VEHICLES**

**INTRODUCED BY: COUNCILMAN LAFORGIA**

**SECONDED BY: COUNCILMAN CIFELLI**

**PUBLISHED FEBRUARY 2, 2013**

**ROLL CALL VOTE**

<b>GOVERNING BODY</b>	<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>	<b>NOT VOTING</b>
<b>COUNCIL PRESIDENT MICHAEL MCGLYNN</b>	X				
<b>COUNCILMAN JOSEPH CIFELLI</b>	X				
<b>COUNCILMAN THOMAS MORGAN</b>	X				
<b>COUNCILMAN JOHN LAFORGIA</b>	X				
<b>MAYOR JAMES GASPARINI</b>				X	

**2<sup>ND</sup> READING AND PUBLIC HEARING FEBRUARY 11, 2013**

**INTRODUCED BY: COUNCILMAN CIFELLI**

**SECONDED BY: COUNCILMAN LAFORGIA**

**PUBLISHED: FEBRUARY 14, 2013**

**ROLL CALL VOTE**

<b>GOVERNING BODY</b>	<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>	<b>NO VOTE</b>
<b>COUNCIL PRESIDENT MICHAEL B. MCGLYNN</b>	X				
<b>COUNCILMAN THOMAS J. MORGAN</b>	X				
<b>COUNCILMAN JOSEPH CIFELLI</b>	X				
<b>COUNCILMAN JOHN LAFORGIA</b>	X				
<b>MAYOR JAMES GASPARINI</b>	X				