

① 1st reading 1-16-13 Z-226

Sponsored by: *[Signature]*
Seconded by: *[Signature]*

CITY OF HOBOKEN
ORDINANCE NO. Z-226

**AN ORDINANCE TO AMEND CHAPTER 184 ENTITLED "TOWING"
TO INCREASE THE WEIGHT CLASSIFICATION FOR A LIGHT DUTY
TOW**

WHEREAS, the City has determined that many non-commercial passenger vehicles have weights at or slightly above the City's current weight for a heavy duty towing classification, and the City seeks to ensure that the majority of non-commercial passenger vehicles which are towed within the City are towed at the light duty rates.

NOW, THEREFORE, the City Council of the City of Hoboken does hereby ordain as follows (additions noted in double underline, ~~deletions noted in strikethrough~~):

SECTION ONE: AMENDMENTS TO THE SUBSTANCE OF HOBOKEN CODE CHAPTER 59A:

§ 184-3 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ABANDONED VEHICLE

A motor vehicle which the owner or operator leaves on a public roadway and fails to notify the police or does not attempt to repair and remove the same within a reasonable period of time.

ACCIDENT VEHICLE

A motor vehicle which has been involved in an accident.

AUTHORIZED AGENT OF THE OWNER

Any individual who is not the owner who provides sufficient proof of authority, provided by the owner, to represent the owner's interests with regard to a motor vehicle.

BASIC TOW

The towing of a vehicle at the request of the Hoboken Police Department or Hoboken Department of Parking and Transportation either to the towing service's storage site from the point of call or to City Hall from the storage site.

CITY

The City of Hoboken.

DIRECTOR

The Director of the Department of Parking and Transportation.

DISABLED VEHICLE

Any motor vehicle which is unable to operate under its own power.

HEAVY-DUTY TOW

The recovery of any motor vehicle over ~~7,500~~ 10,000 pounds' gross vehicle weight which requires the vehicle to be uprighted or recovered from either on or off the traveled portion of a public roadway.

HEAVY-DUTY TOWING LIST

The annual rotating list of all heavy-duty towing services registered with and licensed by the City of Hoboken.

IMPOUNDED VEHICLE

A vehicle which, at the discretion of the Police Department, is taken into police custody because the operator of the vehicle was engaged in a violation of the law.

LICENSED TOWING SERVICE

A business engaged in the towing and storing of motor vehicles within the City of Hoboken which has registered with the City of Hoboken and been provided a mercantile towing license by the City Council.

LICENSEE

A towing service which has been provided a municipal towing license by the City of Hoboken.

LIGHT-DUTY TOW

The recovery of all vehicles 7,500 10,000 pounds' gross vehicle weight or less.

MOTOR VEHICLE

All vehicles propelled otherwise than by muscular power, including trailers and recreational campers, excepting such vehicles as run only upon rails or tracks and motorized bicycles.

OWNER

The registered title holder of a motor vehicle.

STORAGE RATES

The fees charged for the storage of vehicles, assessed as required in this chapter.

TOWING LIST

The annual rotating list of all towing services registered with and licensed by the City of Hoboken.

TOWING RATES

The fees charged by the towing service for recovery of a motor vehicle from the initial site to the storage site or from the storage site to City Hall.

TOWING SERVICE

A business engaged in the towing and storing of motor vehicles. When used herein without referring to heavy duty or light duty, the term shall include both types.

TOWING VEHICLE

A motor vehicle employed by a towing service for the purpose of towing, transporting, conveying or removing motor vehicles from public roadways.

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION THREE: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION FOUR: EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage and publication as provided by law.

SECTION FIVE: CODIFICATION

This ordinance shall be a part of the Code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Code.

The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

Date of Introduction: January 16, 2013

Introduction:

Councilperson	Yea	Nay	Abstain	No Vote
Ravi Bhalla	/			
Theresa Castellano	/			
Jen Giattino	/			
Elizabeth Mason	/			
David Mello	/			
Tim Occhipinti	/			
Michael Russo	/			
President Peter Cunningham	/			

Final Reading:

Councilperson	Yea	Nay	Abstain	No Vote
Ravi Bhalla				
Theresa Castellano				
Jen Giattino				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
President Peter Cunningham				

Approved as to Legal Form:

Vetoed by the Mayor for the following reasons: _____

Mellissa Longo, Interim Corporation Counsel

Adopted by the Hoboken City Council
By a Vote of ____ Yeas to ____ Nays
On the ____ day of _____, 2013

James Farina, City Clerk

-or-

Approved by the Mayor
On the ____ day of _____, 2013

Dawn Zimmer, Mayor