

**CITY OF UNION CITY  
COUNTY OF HUDSON, STATE OF NEW JERSEY**

**ORDINANCE 2018-17**

**ORDINANCE AMENDING CHAPTER 397 AND SETTING FORTH ACCEPTABLE  
PAYMENT METHODS WITH RESPECT TO TOWING SERVICES.**

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, a municipality may make, amend, repeal and enforce ordinances not contrary to the laws of this State or of the United States, as it may deem necessary and proper for order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

**WHEREAS**, the City of Union City (the “City”) is a municipality as defined by Title 40 of the New Jersey Statutes; and

**WHEREAS**, the City finds that it is in the best interest of the health, safety, and welfare of its residents to amend Chapter 397 to set forth acceptable payment methods with respect to towing services.; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey that the Code of the City of Union City is hereby amended and revised as follows:

**SECTION ONE:**

Chapter 397 is hereby amended to add Section 29, entitled “Acceptability of payment; forms” which shall read as follows:

- A. For services rendered, or to redeem a vehicle from storage, the towing operator shall accept in payment either cash, a check issued by an insurance company, a valid debit card, or a valid major credit card or charge card subject to the provisions of subsection b. of this section.
- B. The towing operator may request additional identification, as determined by the Director of the Division of Consumer Affairs, before proceeding with repairs or towing. Unless the owner is unable to produce such identification, or the towing operator has a bona fide reason to believe the card or other identification is fictitious, altered, stolen, expired or revoked or not valid for any other cause or is clearly offered with intent to defraud the issuer, the debit card, charge card or credit card shall be deemed an acceptable form of payment in lieu of cash if the operator ordinarily accepts the card at his place of business. Nothing in this act shall preclude payment by an owner in the form of check or money order, if this form of payment is acceptable to the towing operator.

**SECTION TWO:**

**Severability.** If any term or provision of this Ordinance is held to be illegal, invalid, or unenforceable by a court of competent jurisdiction, in whole or in part, such determination shall not affect the validity of the remaining terms and provisions of this Ordinance.

**SECTION THREE:**

**Repealer.** To the extent that any provision of the Code of the City of Union City is found to conflict with this Ordinance, in whole or in part, this Ordinance shall control.

**SECTION FOUR:**

In order to avoid accidental repeal of existing provisions, the City Clerk and the Corporation Counsel are hereby authorized to change any chapter numbers, article numbers and/or section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code.

**SECTION FIVE:**

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

<b>Commissioners</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain/Present</b>	<b>Absent</b>
Lucio P. Fernandez				
Tilo E. Rivas				
Celin J. Valdivia				
Maryury A. Martinetti				
Mayor Brian P. Stack				

**I HEREBY CERTIFY** this to be a true and correct Ordinance of the City of Union City Board of Commissioners, introduced on April 24, 2018 and was further considered and adopted after a Public Hearing held on May 9, 2018 at 7:00 PM at Colin Powell Elementary School, 1500 New York Avenue, Union City, New Jersey.

INTRODUCED:        April 24, 2018  
ADOPTED:            May 9, 2018  
ATTEST:

\_\_\_\_\_  
Erin Knoedler  
City Clerk

\_\_\_\_\_  
DATE

## **SUMMARY OF ORDINANCE**

This Ordinance amends Chapter 397 to include Section 29 which sets forth acceptable payment methods with respect to towing services.