

PROPOSED ORDINANCE NO. 57 -2014

AN ORDINANCE AMENDING ORDINANCE NO. 535-1989, IN RELATION TO FEES FOR SERVICES RELATING TO POLICE VEHICLES, IMPOUNDED VEHICLES, AND OTHER TOWING

WHEREAS, Nassau County employs mechanics, garages, towing companies, and similar entities (“Automotive Service Providers”) to provide certain services relating to nonconsensual towing, impounded vehicles and vehicles owned by the Police Department; and

WHEREAS, Ordinance No. 535-1989, as amended by Ordinance Nos. 66-1990, 297-1990, and 48-2009 established a fee schedule for impounded vehicle and vehicles owned by the Police Department; and

WHEREAS, it is necessary to increase the maximum rate of compensation so that Automotive Service Providers will be willing and able to continue providing services relating to impounded vehicles and vehicles owned by the Police Department and apply those fees in situations where towing is without the consent of the vehicle’s owner; now, therefore, be it ordained as follows:

Section 1. Sections 1 and 2 of Ordinance No. 535-1989, as amended by Ordinance Nos., 66-1990 and 297-1990, 48-2009 are amended to read as follows:

Section 1. The Police Department is authorized to engage Automotive Service Providers for services listed below relating to the maintenance of vehicles owned by the Police Department. Such Automotive Service Providers shall be paid at rates not exceeding the rates set forth below upon the submission of County claim vouchers.

- a. Oil Change and Lubrication
  - i. Cars \$30.00
  - ii. Gas-powered vans \$40.00

- iii. Diesel-powered vans \$40.00
- b. Transmission Services
  - i. Cars \$40.00
  - ii. Gas-powered and diesel-powered vans \$50.00

§ 2. The Commissioner of Police is authorized to designate Automotive Service Providers to provide services relating to vehicles that have been impounded by the Police Department or towed and stored as ordered by authorized members of the Police Department, including situations where the vehicle owner is unable or unwilling to consent to having the vehicle towed. Designated Automotive Service Providers are authorized to charge fees, payable by the registered owner or lessee of the vehicle upon release of the vehicle, not exceeding the rates set forth below. Such designated Automotive Service Providers are prohibited from charging additional fees for mileage or for any other purpose relating to impounded vehicles.

- a. Towing to a contractor's premises
  - i. Passenger cars, taxis, and motorcycles \$125.00
  - ii. Commercial vehicles up to 8,000 pounds unladen \$200.00
  - iii. Commercial vehicles over 8,000 \$200.00 plus \$15.00 per each additional 4,000 pounds or part thereof
  - iv. Commercial vehicles that require a tow truck with a gross vehicle weight rating of over 30,000 pounds \$300.00 plus \$150.00 per hour for set-up.
- b. Towing from a contractor's premises to a County-owned storage facility
  - i. Passenger cars, taxis, and motorcycles \$125.00
  - ii. Commercial vehicles \$200.00
- c. Storage for each 24-hour period or part thereof for the first seven days
  - i. Passenger cars, taxis, and motorcycles \$20.00 per day
  - ii. Commercial vehicles up to 30 feet in length \$30.00 per day
  - iii. Commercial vehicles exceeding 30 feet in length \$35.00 per day
- d. Storage for each 24-hour period or part thereof for each day after the first seven days up to the 30<sup>th</sup> day
  - i. Passenger cars, taxis, and motorcycles \$25.00 per day

- ii. Commercial vehicles up to 30 feet in length      \$35.00 per day
  - iii. Commercial vehicles exceeding 30 feet in length      \$40.00 per day
  
- e. Storage for each 24-hour period or part thereof for each day after the 30<sup>th</sup> day
  - i. Passenger cars, taxis, and motorcycles      \$30.00 per day
  - ii. Commercial vehicles up to 30 feet in length      \$40.00 per day
  - iii. Commercial vehicles exceeding 30 feet in length      \$45.00 per day
  
- f. Storage in a County-owned storage facility for each 24-hour period or part thereof
  - i. Passenger cars, taxis, and motorcycles      \$20.00 per day
  - ii. Commercial vehicles      \$30.00 per day
  
- g. Brake test
  - i. Passenger cars, taxis, and motorcycles      \$60.00
  - ii. Commercial vehicles      \$80.00

§ 3. Nothing in this ordinance shall be construed to infringe upon the right of any motorist in need of towing services to utilize the license towing company of their choice, unless this poses a danger to the health and safety of people or property or constitutes an undue public inconvenience.

§ 4. Severability. If any section, subdivision or provision of this ordinance or the application thereof to any person or circumstance be adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the section, subdivision or provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this ordinance, or the application thereof to other persons or circumstances.

§ 5. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that

this supplemental appropriation ordinance is a “Type II” Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R. (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 6. This ordinance shall take effect immediately.