

ORDINANCE NO. 2018-16

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER,
SALEM COUNTY, STATE OF NEW JERSEY, AMENDING CHAPTER 10
ENTITLED "PROPERTY MAINTENANCE" OF THE CODE OF THE BOROUGH OF ELMER**

WHEREAS, the Mayor and Council of the Borough of Elmer have determined that certain amendments to Chapter 10 entitled "Property Maintenance" are necessary; and

WHEREAS, in all other respects Chapter 10 entitled "Property Maintenance" shall remain in full force and effect;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Elmer, County of Salem and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

Section 1.

A new Article 10-4 entitled "Vehicles: **Abandoned, Inoperable and/or Storage**" shall be added to read in its entirety as follows:

10-4.1 Definitions.

Abandoned vehicle shall mean an automobile or vehicle of any type which does not display current license plates or which is unregistered, or any such vehicle, whether registered or not, that is in an inoperable condition or unfit for use on any public highway, standing or stored anywhere outdoors in the Borough of Elmer.

Person shall mean any individual, corporation partnership or other association of persons.

Vehicles shall mean a motor vehicle designed to be propelled otherwise than by muscular power, and as used in this Article, shall also include any part or parts of a motor vehicle, and any such vehicle, whether or not the same, by reason of its present condition, is still capable of self-propulsion

10-4.2 Abandonment, parking or storage restricted.

No person shall park, abandon, keep, store, locate, suffer or permit the keeping, abandonment, storage or location without current license plates and/or registration of any inoperable vehicle or vehicles outdoors upon any public or private lands in the Borough, including any public street. A vehicle shall be deemed to be stored, parked or abandoned if it has been continually on a property for a time period of at least ten (10) days. Nothing herein shall be deemed to prohibit the keeping or storage of a motor vehicle, whether operable or inoperable, entirely within an enclosed garage, barn or other full enclosed building.

10-4.3 Presumptive evidence of abandonment.

If any inoperable vehicle or vehicles shall be abandoned, parked, kept, located or stored on private lands in the Borough, it shall be presumed that the owner and/or any tenant in possession of said land or property has abandoned, kept, located or stored the vehicle upon the subject property or permitted or suffered it to be abandoned, kept, located or stored on said property, and the owner and such tenant of said property shall be responsible for the violation of this Article

10-4.4 Enforcement.

A. Any member of the Borough of Elmer Police Department, Zoning Officer or Property Maintenance Officer shall enforce the provisions of this Article.

B. Upon receipt of information showing a violation of this Article, a Borough of Elmer Police Department Officer, Zoning Officer or Property Maintenance Officer shall serve written notice, either by personal service or by certified mail, return receipt requested, addressed to the last known address, on the owner of the property where the violation has continued to occur and on the owner of the vehicle, if known, requiring the removal of the vehicle within seven (7) calendar days following the receipt of notice. The notice shall include notification that failure to remove the vehicle will result in issuance of a complaint, summons or other process upon the expiration of the seven (7) calendar day period.

C. Nothing herein shall prevent the enforcement by the Borough Police Department of any provisions of N.J.S.A. 39:1-1, et seq., including, specifically, but not limited to, the provisions of Title 39 relating to abandoned, inoperable or unregistered vehicles, particularly N.J.S.A. 39:4-56.1, et seq.

10-4.5 Each day a new offense.

Each day any such inoperable motor vehicle remains parked in violation of the provisions of this Article shall be deemed a new offense.

10-4.6 Presence of vehicle deemed owner's consent.

Any owner or operator who authorizes, permits or suffers an inoperable vehicle to be brought inside the Borough limits shall be deemed to have consented to the vehicle being towed or impounded pursuant to this Article

10-4.7 Cost of towing payable by owner.

The cost of towing shall be payable by the owner, operator, tenant or authorized agent of the owner or operator of said inoperable vehicle. All such fees and charges shall be independent of and in addition to any fines collected by the municipal court for violations of this Article.

10-4.8 Borough not responsible for damage.

The Borough shall not be responsible for any damage caused to any inoperable vehicles towed or impounded pursuant to this Article, nor for any theft of personal property in connection therewith.

10-4.9 Civil enforcement.

In the event of civil enforcement hereof by the Borough or by any other person, every violator of this Article may be required to remove the vehicle abandoned, kept, stored or located in violation hereof and to pay all costs and expenses of such removal.

10.4.10 Violations and penalties.

Any person violating any of the provisions of this Article shall, upon conviction thereof, be subject one or more of the following: a fine not exceeding One Thousand Two Hundred Fifty Dollars (\$1,250.00) and/or a period of community service not exceeding thirty (30) days.

Section 2.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

Section 3.

Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 4.

When effective.

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

BOROUGH OF ELMER

BY: _____
Joseph Stemberger, Mayor

ATTEST:

Sarah D. Walker, Registered Municipal Clerk

	<u>MOTION</u>	<u>SECOND</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Schneider	_____	_____	_____	_____	_____	_____
Davis	_____	_____	_____	_____	_____	_____
Nolan	_____	_____	_____	_____	_____	_____
Richards	_____	_____	_____	_____	_____	_____
Schalick	_____	_____	_____	_____	_____	_____
Zee	_____	_____	_____	_____	_____	_____

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Council of the Borough of Elmer, in the County of Salem and State of New Jersey, held on November 14, 2018. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Council to be held in the Borough Hall, 120 South Main Street, Elmer, New Jersey 08318, on December 12, 2018 at 7:30 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at Borough Hall, 120 South Main Street, in the Borough, to the members of the general public who shall request the same.

Sarah D. Walker
Registered Municipal Clerk