

## ORDINANCE 131

AN ORDINANCE PROHIBITING THE ABANDONMENT, LEAVING, STORAGE OR MAINTENANCE OF INOPERABLE MOTOR VEHICLES OR VEHICLES IN A STATE OF SUBSTANTIAL DISREPAIR OR OTHER UNUSED MACHINERY AND EQUIPMENT OUT-OF-DOORS ON PUBLIC STREETS OR PROPERTY OR PRIVATE PROPERTY WITHIN THE VILLAGE OF LOCH ARBOUR AND PROVIDING FOR THE REMOVAL AND DISPOSITION THEREOF AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

Be It Ordained By The Board Of Trustees Of The Village Of Loch Arbour, In The County Of Monmouth And State Of New Jersey, As Follows;

SECTION 1. No person shall abandon, leave, store or maintain, or permit the abandonment, leaving, storage or maintenance of inoperable motor vehicles or vehicles in a state of substantial disrepair or other unused machinery and equipment out-of-doors on public streets or property or private property within the Village of Loch Arbour. The within section is in addition to N.J.S.A. 39:4-56.5.

SECTION 2. No person shall abandon or permit the abandonment on public streets or property or private property within the boundaries of the Village of Loch Arbour of any motor vehicle owned by him or under his control or in his possession at the time of abandonment, or store or permit the storage of an abandoned vehicle on any property owned by him or in his possession or under his control.

SECTION 3. Any person who owns or has control of any premise and finds a motor vehicle left on his property without his knowledge, acquiescence or consent, where the owner of the vehicle has failed or refused to remove the same, or the owner is unknown, shall promptly notify the Chief of Police of the year, model and make of the vehicle, and if known or ascertainable, registration, license, serial number and ownership thereof with such further and additional information as the Chief of Police may request to ascertain whether or not the same has been abandoned. The Chief of Police shall take such further and additional steps as may be necessary to determine whether the same is an abandoned vehicle within the meaning of N.J.S.A. 40A:14-157 and/or N.J.S.A. 39:10A-1 et seq. And if the same is, shall proceed to take possession thereof and thereafter dispose of the same pursuant to said statutes, to the regulations of the Division of Motor Vehicles of the State of New Jersey, and any other provisions of law pertinent thereto. As used in this ordinance, the term "Chief of Police" shall refer to the Chief of Police of the municipality doing police work by contract with the Village of Loch Arbour.

SECTION 4. Where a motor vehicle is in such a condition that it is no longer self-propelled and by reason of the same is not a motor vehicle within the jurisdiction of the Division of Motor Vehicles, or where there is other unused machinery and equipment out-of-doors on private property, then the owner of the property of the person having possession or control thereof where such motor vehicle or machinery or equipment shall be located, shall remove and dispose of the same through private contractor by private means. The Chief of Police, or an authorized member of his department, or the Village Building Inspector is hereby authorized to remove the vehicle or equipment and machinery within ten days after written notice from the Chief of Police or Village Building Inspector and the owner and person having possession or control of such property shall pay and be jointly and severally liable for all costs incurred by the village in effecting such removal. If payment of the removal charges is not made upon demand, the charges shall become a lien on the real estate involved. Removal by the Chief of Police, or his representative, or the village Building Inspector shall not provide a defense or excuse to an owner or person having possession or control of such premise for failure to comply with this section.

SECTION 5. For the purpose of this section, the following definitions are applicable:

- (a) An inoperable vehicle or junk automobile or junk automobile body shall mean any automobile or truck which is no longer in actual use as a motor vehicle, or which is wholly unfit without rebuilding or reconditioning for use for highway transportation, or which has been discarded for use as a motor vehicle.
- (b) Motor vehicle shall include all vehicles designed to be propelled other than by muscular power, except such vehicles as run only upon rails or tracks, and as used in this section 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.
- (c) An abandoned vehicle shall mean:
  - (i) One that has been left, parked, maintained or stored continuously on a street, avenue, highway or other public place or public property of the Village for a period in excess of 72 hours; or
  - (ii) One whose owner has terminated the use and care of and has left it on open lands, either public or private property, and has either indicated by his own words or actions an intent to leave the same and no longer claims ownership thereof, or has left the same without making arrangements for the storage thereof under cover with the owner or occupant of the premises on which it is located for a period of at least 30 days.

SECTION 6. Any person who violates this ordinance shall upon conviction thereof pay a penalty of not more than \$200.00 or be imprisoned for a period not exceeding 30 days, or both in the discretion of the Municipal Judge empowered to hear and determine such violation.

SECTION 7. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistency.

SECTION 8. This Ordinance shall become effective when finally passed and published as provided for by law.