

ORDINANCE #10-2023

REPEALING AND REPLACING CHAPTER 262 NOW TITLED ABANDONED AND JUNK VEHICLES OF THE CODE OF THE CITY OF EGG HARBOR

WHEREAS, the Mayor and Council of the City of Egg Harbor would like to protect the residents of the City from the harmful effects of abandoned and junk vehicles; and

WHEREAS, the presence of abandoned and junk vehicles in the City depreciates the value of property within the City and such vehicles pose a danger to the public health and safety; and

WHEREAS, pursuant to N.J.S.A. 40: 48-2, a municipality may repeal or amend an ordinance as it deems necessary and proper for good government, order and protection of persons and property and for the presentation of the public health, safety and welfare of its inhabitants.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Egg Harbor that Chapter 262 titled VEHICLES, JUNK is repealed and replaced with ABANDONED AND JUNK VEHICLES as follows:

SECTION 1. Chapter 262-Abandoned and Junk Vehicles shall state:

262-1 Definitions

The following terms, phrases and words, as used in and for the purpose of this chapter, shall be deemed to have the following meanings:

“Abandoned motor vehicle” means and includes any motor vehicle, omnibus, road tractor, trailer, truck and truck-tractor which:

1. Has remained on or about private property or public property without the consent of the owner or other person so in charge of said property for a continuing period of more than ten (10) days; or
2. Does not have current license plates and registration; or
3. Is found to be mechanically inoperative and is allowed to remain inoperative for a period of the (10) days; or
4. Is found without one (1) or more tires.

“Enclosure” means any fully enclosed structure, a solid fence of at least 12

inches higher than the abandoned or junk vehicle,

“Junk automobile”, “junk automobile body” or “other junk vehicle” means any vehicle which is no longer in actual use as a motor vehicle or such vehicle is incapable of being operated safely or being put in a safe operational condition except at a cost in excess of the value thereof.

“Motor vehicle, omnibus, road tractor, trailer, truck and tractor-trailer ” shall have the meanings stated and defined in N.J.S.A. 39:1-1 et seq.

“Person” means any individual, firm, partnership or corporation, being the owner or having legal right in or to the motor vehicle or other vehicle as herein defined, but said term shall not include any commercial enterprise engaged in the business of towing or motor vehicle repair.

“Police department” means the Police Department of the City of Egg Harbor.

“Repair” means that work performed or to be performed upon any vehicle, including, but not limited to, motors, ignition systems, transmission, drive train, electric system or body or fender work.

262-2 Restrictions.

- A. No person shall authorize, permit, allow or suffer the repair, service or overhaul of any motor vehicle, of any description, upon any public parking lot, highway, street or alley within the city except when such repairs are necessary in an immediate emergency. Emergency repairs necessary to place said vehicle in operation may be made upon said public highway, street, parking lot or alley, provided that said emergency repairs can be completed in less than 2 (two) hours or unless an extra period of time has been granted by the person in charge of the police department at the time of the emergency.
- B. It shall be unlawful for any person to store or permit to be stored on any residential private property in the City more than one abandoned or junk vehicle, as defined herein, outdoors, except as set forth in subsection C. Nothing herein contained shall be deemed to prohibit the placing, keeping or storage of any such vehicle in an enclosed garage, barn or other buildings or in accordance with any provisions of the zoning ordinances of the City. An enclosure as defined herein shall be erected around any such vehicle stored.
- C. Any person may keep on his or her own residential private property one (1) vehicle which would otherwise be classified as abandoned or junk , provided that said vehicle is being kept for repair or sale.

- D. No more than two (2) abandoned or junk vehicles shall be permitted on any nonresidential private property unless such vehicles are being repaired as defined herein. Such vehicles must have an enclosure as defined herein.

262-3. Notice; Complaint

- A. Upon complaint of any resident or property owner of the City or any employee of the City, the Chief of Police or their designated agent shall make an investigation of the conditions complained of and report thereon, in writing, as to the conditions found. Upon receiving such report, if the property in question about which the complaint was made is found to be in violation of this chapter, the Chief of Police or their agent shall notify the owner or possessor of the property, personally or by mail, to take steps to effectively remove the violation from the property within ten (10) days after receipt of such notice.
- B. The Chief of Police or their designated agent shall reinspect said lands after the ten -day period shall have expired, and, if it is found that a condition complained of and previously found to exist in violation of this chapter has not been abated or remedied, such member of the police department shall file a complaint in the municipal court. The person owning the same shall first pay the reasonable cost of removal and storage which may result from such a removal before regaining possession of the vehicle.

262-4. Violations and penalties.

- A. Any person who violates the provisions of this chapter shall, in addition to such other penalties as may be prescribed, pay all cost of removal and impounding, and in the event that the violator is a property owner, said costs and such other fines and penalties as may be levied in accordance with this chapter shall become a lien upon his or her property in accordance with law and be collected in the manner ascribed and established for the collection of liens found in the Code of the City.
- B. Any person who violates the provisions of this chapter shall, upon conviction, be punished by a fine not exceeding five hundred dollars (\$500) at the discretion of the judge of the municipal court of the City, and each day that such a violation shall continue shall be deemed a separate offense.
- C. A continuance of a violation or a noncompliance with the provisions of this chapter shall be deemed a nuisance, and the City Council shall have the right to apply to the courts of this state for injunctive relief or other relief in addition to the penalties provided herein.

262-6 Appeals

Any person may appeal the decision of the police department as follows:

- A. Any person aggrieved by the notice of the police department may seek review of the notice before the Mayor for reconsideration, within five days of the person's receipt of the notice.
- B. Any person aggrieved by the decision of the Mayor they may then request a hearing before Council by filing a request for appeal with the City Clerk's office within five days of the decision of the Mayor. The owner or tenant may appeal the decision of Council through the Superior Court.

SECTION 2. REPEAL OF PRIOR ORDINANCES. All ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.


SECTION 3. SEVERABILITY. To the extent that any part of parts of this Ordinance are repealed or otherwise modified or voided by State Statute or case law, the remaining portions or sections of this Ordinance shall remain in full force and effect. If any section, sentence or any part of this Ordinance is adjudged, unconstitutional or invalid by a Court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of the Ordinance, but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy in which judgment shall have been rendered.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect after final passage and publication as provided by law.

PUBLIC NOTICE is hereby given that the foregoing proposed Ordinance was introduced and read by title at a meeting dated:

Introduction: May 11, 2023
Publication: May 17, 2023
Public Hearing: May 25, 2023
Adoption: May 25, 2023
Publication: May 31, 2023

ATTEST:



Meg Steeb, City Clerk, RMC

CITY OF EGG HARBOR



Lisa Jampetti, Mayor