

**BOROUGH OF NEW PROVIDENCE
ORDINANCE NO. 2017-04**

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 253 OF THE CODE OF THE BOROUGH OF
NEW PROVIDENCE ENTITLED "VEHICLES, ABANDONED AND UNLICENSED"**

BE IT ORDAINED by the Mayor and Council of the Borough of New Providence, County of Union, State of New Jersey that Chapter 253 shall be amended as follows:

CHAPTER 253, SECTION 1, ENTITLED "STORAGE IN UNENCLOSED AREAS UNLAWFUL" shall be amended to read in full as follows:

No person shall keep, store or abandon upon any parcel of land, driveway, street, road, alley, way, parkway or other place within the Borough any abandoned motor vehicle. Nothing herein contained shall be deemed to prohibit the placing, keeping or storage of any motor vehicle in a garage or other suitable enclosed building. As used in this Chapter, "other suitable enclosed building" shall be defined as a permanent structure comprised or constructed of material that is intransparent or otherwise opaque so as to engulf or otherwise sheathe the vehicle in its entirety from view. An expired inspection sticker, the removal of license plates, or of an inspection sticker, or the storage of a motor vehicle in such a manner that the license plate or inspection sticker is not visible, or if any motor vehicle has been inoperable and in a stationary position, or any motor vehicle has been raised or supported by jacks or other apparatus for 60 calendar days, or any motor vehicle is unable to be moved a distance of 20 feet under its own power on a flat surface, shall create a presumption that the motor vehicle is abandoned, which presumption may be rebutted by the owner or occupier of the land or property by a demonstration of good cause to be determined by the Construction Official of the Borough.

CHAPTER 253, SECTION 2, shall be amended to read in full as follows:

Whenever the Construction Official of the Borough shall find that a motor vehicle has been abandoned as defined herein and is stored, kept or abandoned upon any lands within the Borough, the owner, tenant or occupant of any such land shall be required to remove such motor vehicle from such land, or to place the same within a garage or other suitable enclosed building within ten (10) days of receipt by such owner, tenant or occupant, as the case may be, by written notice from the appropriate official requiring such removal.

CHAPTER 253, SECTION 3, shall be amended to read in full as follows:

The notice provided for by Chapter 253-2 may be served upon each tenant, owner or occupant, either personally or by sending the same addressed to such owner, tenant or

occupant at their address, and if the latter method is used, the ten-day period within which such removal shall be required to take place shall be deemed to have commenced to run from the date of the registry return receipt showing the delivery of such registered letter. Every such notice shall, in addition to requiring the removal aforesaid, notify the owner, tenant or occupant of the land to which it refers that failure to comply with such notice within ten (10) days, may result in removal and disposal of such motor vehicle by the Borough, and the cost of such removal and disposition shall forthwith become a lien upon the land to which the notice refers, and shall be added to and become a part of taxes next to be assessed and levied upon such land, and to bear interest at the same rate and to be collected as in the case of such taxes.

CHAPTER 253, SECTION 4, shall be amended to read in full as follows:

Whenever the owner, tenant or occupant of any land within the Borough who has received a notice referenced in Section 2 and Section 3 shall fail and neglect within the time prescribed in such notice to effect removal of the motor vehicle therein referred, such removal may be accomplished by the Borough which shall then serve a notice upon the owner, tenant or occupant, as the case may be, which notice may be served in the same manner as is herein provided for service of the notice referred to in Sections 2 and 3, notifying the owner, tenant or occupant that the removal has taken place, and that the motor vehicle which was removed is being held by the Borough for redemption by such owner, tenant or occupant. Such notice shall further state that unless such motor vehicle is redeemed within ten (10) days after service of such notice by the payment of all charges incurred for such removal, then such motor vehicle may be disposed of by destruction or otherwise, and if additional costs are incurred by the Borough by reason of such disposal or destruction, such costs shall be added to the costs of removal referred to in Section 3, and shall be collected in the same manner as stated in such Section.

CHAPTER 253, SECTION 5, shall be amended to read in full as follows:

After completing performance of the matter set forth in Section 4, the appropriate Borough official shall certify the costs thereof to the Mayor and Borough Council. If the Mayor and Borough Council, after examining such certificate, shall find the same to be correct, they may cause the costs so certified to be charged against the land, hereinabove referred to, whereupon the amount of such charge shall forthwith become a lien upon such land and shall be added to and become a part of the taxes next to be assessed and levied upon such land to bear interest at the same rate as taxes to be collected and enforced in the same manner as taxes.

CHAPTER 253, SECTION 6, shall be added and shall read in full as follows:

Any person, firm or corporation violating any of the provisions of this Chapter shall, upon conviction thereof, be subject to a fine not exceeding \$200.00 or imprisonment for a

term not exceeding ninety (90) days, or both. Each and every day that such violation continues or exists shall be considered a separate and distinct violation and not as a continuing offense.

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

INTRODUCTION: April 3, 2017
 PUBLIC HEARING: April 24, 2017
 ADOPTION: April 24, 2017

RECORD OF COUNCIL VOTE

	AYE	NAY	ABSENT	NOT VOTING
GALLUCCIO	X			
GENNARO	X			
KAPNER	X			
MADDEN	X			
MUÑOZ	X			
ROBINSON	X			
MORGAN			TO BREAK COUNCIL TIE VOTE	

BOROUGH OF NEW PROVIDENCE
 COUNTY OF UNION
 STATE OF NEW JERSEY

 Allen Morgan, Mayor

Attest:

 Wendi B. Barry, Borough Clerk