

ORDINANCE #68-2
"JUNK CAR ORDINANCE"

BE IT ORDNANIED by the Mayor and Borough Council of the Borough of Elmer, Salem County, New Jersey as follows:

SECTION I. It is hereby determined and declared that the placing, abandonment, leaving, keeping or storage out of doors of any motor vehicle not currently in use for transportation and not licensed for the current license year or any other unused machinery or equipment on public or private lands in the Borough is contrary and inimical to the public welfare in that such articles so placed, abandoned, left, kept or stored, attract or may attract persons of tender years who, being so attracted, may play in and about them and be injured in so doing and in that such articles so placed, abandoned, left, kept or stored out of doors, exposed to the elements, deteriorate, and in themselves are unsightly and, deteriorating, become more unsightly and are detrimental to, and depreciate the value of properties in the neighborhood where they are located and in the Borough as a whole.

SECTION II. No person shall place, abandon or leave, keep or store, or suffer or permit the placing, abandoning, leaving, or keeping or storage of any article described in Section I of this ordinance out of doors upon any public or private land in the Borough or between the right-of-way side line of any public thoroughfare therein. Nothing herein contained shall be deemed to prohibit the placing, keeping or storage of any such articles in an enclosed garage, barn or other building, nor apply to an automobile or farm equipment dealer licensed by the State of New Jersey.

SECTION III. If any article described in Section I of this ordinance shall be left, placed, kept or stored on private lands for 15 days or more, it shall be presumed that the owner or tenant in possession of said land left, placed, kept or stored it there or permitted or suffered it to be placed, left, kept or stored there.

SECTION IV. Whenever it shall appear to any member of the Police Department of the Borough that Section II of this ordinance is violated and that the land on which the violation exists is privately owned, he shall, in writing, notify the owner or tenant in possession of the land on which the violation exists to abate the violation from the Borough or into an enclosed garage, barn or other building within ten days of the service of the notice, which notice shall be served upon such owner or tenant, if he resides in the Borough, personally, or by leaving it at his usual place of abode with some member of his household over the age of 14 years; but if such owner or tenant shall reside outside the Borough the notice shall be served upon him by registered or certified mail addressed to him at his usual residence if ascertainable, otherwise by notice published in the newspaper in which the legal notices of the Borough may be published and the said owner or tenant shall so abate the violation within the time fixed by the notice.

SECTION V. Whenever it shall appear to any member of the Police Department of the Borough that Section II of this ordinance is being violated and that the violation exists on public lands or between the right-of-way side lines of any public thoroughfare, he

- (a) Shall determine whether any articles constituting the violation constitutes or may constitute a traffic hazard and if so, he shall remove it or cause it to be moved to a non-hazardous location or into an enclosed storage space;
- (b) Shall ascertain, if he can, who is the owner of the article or articles and shall in writing notify such owner to abate the violation forthwith and in all events within ten days after the service of the notice upon him, which notice shall be given as required in Section IV for the service of notice thereunder;
- (c) If any article constituting the violation constitutes or may constitute a traffic hazard and it cannot be moved to a non-hazardous location or if the name and address of the owner of the article cannot be ascertained or if the violation be not abated in the time required by the notice given under the foregoing sub-section (b), he shall

(1) Determine whether the article or articles have a value in excess of the cost of removing it or them to enclosed storage and the cost of storing it or them for 3 months in the case of motor vehicles and for 6 months for all other articles;

(2) Unless the article or articles appear to have a value clearly in excess of such cost, he shall arrange, if he can, for the removal of it or them by someone who will undertake the removal without cost to the Borough, but otherwise he shall arrange for that removal at the expense of the Borough to an authorized dump;

(3) If the article or articles appear to have a value clearly in excess of said cost he shall remove it or them or cause it or them to be removed at the expense of the Borough to enclosed storage.

(4) If the article or articles be removed under the foregoing subsection (a) or subsections (2) or (3) of subsection (c) he shall in the manner required by Section IV for service of notice thereunder, give notice to the owner of that removal and of the place to which the article or articles have been removed and the owner's right to reclaim it or them by paying the cost of removal and interim storage charges.

SECTION VI. If any article or articles impounded by the Police Department under this ordinance shall remain in its possession alter 3 months after notice of the impounding in the case of motor vehicles and for 6 months for all other articles, the impounded article or articles shall be deemed to have been abandoned and forfeited by the owner and the governing body of the Borough shall sell and dispose of them as provided in R. S, 40:47 -20.

SECTION VII. Any person who violates, or neglects to comply with the provisions of this ordinance, or notice issued pursuant thereto, shall upon conviction thereof, be liable to a penalty of not more than \$200.00, or imprisonment in the County Jail for a term not exceeding thirty (30) days.

SECTION VIII. If any section or portion of a section of this ordinance shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this ordinance.

SECTION IX. This ordinance shall become effective immediately following final adoption and publication in accordance with law.

NOTICE

Notice is hereby given that An Ordinance entitled "Junk Car Ordinance" was finally adopted at the regular meeting of the Borough Council, of the Borough of Elmer, held on August 14, 1968.

Curtis G. Stratton
Borough Clerk