BOROUGH OF MILLTOWN

ORDINANCE NO. 19-1475

AN ORDINANCE OF THE BOROUGH OF MILLTOWN, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AMENDING CHAPTER 4 OF THE BOROUGH CODE OF THE BOROUGH OF MILLTOWN, ENTITLED "GENERAL LICENSING AND BUSINESS REGULATIONS", TO SUPPLEMENT WITH CHAPTER 4SECTION 38 WRECKERS

BE IT ORDAINED, by the governing body of the Borough of Milltown, County of Middlesex, State of New Jersey, as follows:

SECTION 1. The Borough Code of the Borough of Milltown is hereby amended and supplemented to amend Chapter 4, entitled "General Licensing and Business Regulations" so as to supplement with §38, Wreckers, which shall be amended to include as follows:

§ 4-38.20 Public Auction of Abandoned Motor Vehicles; Vehicles Inspections

A. The Borough of Milltown shall hold public auctions of towed and stored motor vehicles that have been deemed abandoned pursuant to the terms and regulations set forth in N.J.S.A. 39:10A-1 at least three times in given calendar year.

B. Prior to the time of any public auction, operators of facilities storing towed vehicles shall allow the public to inspect the vehicles to be sold at such public auction. Any operators of a facility storing towed vehicles who take any actions to impede, delay, defer, prohibit or interfere with the inspection of such vehicles for public auction shall be subject to the penalties provided in **§ 4-38.20D** hereinbelow.

C. Operators of facilities storing towed vehicles shall cooperate and comply with all noticing provisions promulgated by N.J.S.A. 39:10A-1 as follows:

i. When the Borough shall have noticed the owner of a towed vehicle, after verification of the owner from the Chief Administrator of the Motor Vehicle Commission, the Borough shall also notify the operator of the facility storing the said abandoned motor vehicle, which notice shall be given by telephone, mail, facsimile or electronic notification, and such notice shall include the name and address of the owner of record and the holder of any security interest in the stored motor vehicle.

ii. Upon receipt of such notice from the Borough, the operator of the facility storing the abandoned vehicle shall provide notice to the owner of record and to any security interest holder in the following manner:

a. The notice shall be by first class mail, with a certificate of mailing, and shall include a schedule of the costs imposed for storing the motor vehicle and instructions explaining how the owner of record or the security interest holder may claim the stored motor vehicle.

b. Storage fees.

1. Except as provided in **§ 4-38.20C(2)(c)** below, if the operator of a facility storing such abandoned motor vehicle fails to provide such notice to the owner of record and to the security interest holder within 30 days of the date on which the storer of the vehicle received the notice required from the Borough pursuant to N.J.S.A. 39:10A-1(4), the maximum amount that operator of a storage facility may charge the owner of record or the security interest holder for storing such motor vehicle shall be $750 for private towing, provided that the owner of record or security interest holder submits a proper claim for the vehicle not later than the 30th day following the date the notice is delivered from the Borough to the operator of a facility storing such motor vehicle.

2. Storage fees to be paid by the Borough for towing and storage of vehicles undertaken at the request of the Police Department shall commence at 12:01 a.m. on the day following the date of the tow as follows:

a. A limit of $3 per day for the first 30 days of storage per vehicle.

b. A limit of $2 per day for the 31st day of storage and any day thereafter.

c. A limit of $400 per vehicle stored regardless of the duration of the storage, except that a waiver may be granted for good cause by the Division of Local Government Services in the Department of Community Affairs upon the request of the Borough.

d. Should a vehicle be abandoned due to the death or incapacitation of the driver or any passenger, the operator of a facility storing such vehicle

shall charge the owner of record or the security interest holder no more than $100 for the first 72 hours after such vehicle is placed on the premises.

e. If the owner of record or security interest holder fails to submit a proper claim for the vehicle on or before that 30th day, the operator of the facility storing such motor vehicle may charge the security interest holder reasonable costs for the removal and storage of the motor vehicle. If the notice is properly provided by the person storing the motor vehicle, the operator of the storage facility may charge the owner of record or the security interest holder reasonable costs for the removal and storage of the motor vehicle from the date the operator removed and stored the motor vehicle.

f. The operator of the storage facility may assess the security interest holder for the actual costs of providing the required notice.

3. The Borough will use its best efforts to assist in the disposal of the abandoned vehicle within the time frames prescribed in N.J.S.A. 39:10A-1.

D. Violations and penalties.

i. Failure of the operators of facilities storing towed vehicles to comply with the provisions of this § **4-38.20**, Public auction of abandoned motor vehicles; notices required, and of N.J.S.A. 39:10-1 et seq., or to take any actions to impede, delay, defer, prohibit or interfere with the inspection of vehicles for public auction, or with the public auction of abandoned vehicles by the Borough of Milltown, shall be deemed a violation of this § **4-38.20**, and shall, upon conviction in the Municipal Court of the Borough, be subject to a fine not exceeding $2,000 or imprisonment or community service for a term not to exceed 90 days, or by both such fine and imprisonment or community service, in the discretion of the Municipal Court Judge.

ii. The continuation of any violations of this § **4-38.20** on each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation(s) may be punished as provided above for each separate offense.

iii. Operators of facilities on the Borough rotating call list who are adjudicated in violation of this § **4-38.20** shall be removed from the rotating call list on a permanent basis.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

Motion/ Second	Roll Call	Aye	Nay	Abstain	Absent
Motion	Council President Dixon	X			
	Councilman Farkas	X			
Second	Councilwoman Kerber	X			
	Councilman Ligotti	X			
	Councilwoman Mehr	X			
	Councilman Revolinsky				X

Adopted on First Reading
Dated: July 8, 2019

Gabriella Siboni, RMC
Borough Clerk

Motion/ Second	Roll Call	Aye	Nay	Abstain	Absent
Second	Council President Dixon	X			
	Councilman Farkas	X			
	Councilwoman Kerber				X
Motion	Councilman Ligotti	X			
	Councilwoman Mehr	X			
	Councilman Revolinsky	X			

Adopted on First Reading
Dated: August 12, 2019

Gabriella Siboni, RMC
Borough Clerk

Approval by the Mayor on this 13th day of August , 2019

Eric A. Steeber, Mayor