



# ORDINANCE 04-2006

## AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3-POLICE REGULATIONS- OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ATLANTIC HIGHLANDS

BE IT ORDAINED by the Governing Body of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey that

Chapter 3, *Police Regulations*, Article 2, *Abandoned Motor Vehicles*, of the Revised General Ordinances of The Borough of Atlantic Highlands is hereby amended to read as follows:

### **3-2 ABANDONED MOTOR VEHICLES. 3-2.1**

**Definitions.** As used in his Section:

*Abandoned* shall mean, with respect to public streets, private property, public highways and public property, any vehicle which:

- a. Is parked out of doors without the current year's registration or identification markers as required by law, or
- b. Is so disabled as to constitute an obstruction to traffic, and the driver or person owning or in charge thereof neglects or refuses to move the same to a place where it will not obstruct traffic, or
- c. Is found to be mechanically inoperative, or
- d. Is found without one (1) or more tires

*Motor vehicle* shall mean automobile, omnibus, road tractor, trailer, truck, truck-tractor and vehicle as defined in N.J.S.A. 39:1-1.

**3-2.2 Abandonment Prohibited:** It is unlawful to abandon a motor vehicle on any public street or highway of the Borough or on any property,

which is owned, leased, or maintained by the Borough or to abandon, permit or suffer the abandonment of any motor vehicle on any private property unless garaged.

3-2.3 Exceptions- this section shall not apply to any owner of a motor vehicle who has received a *Permit for Motor Vehicle Sale or Repair*], issued upon written application and acceptance of same, from the Code Enforcement officer or designee, for those circumstances where:

- a. *Sale* – a single Motor vehicle is being held for sale, by the owner, for a period not to exceed (30) thirty-days, during the 365 day period from the initial date of offering, unless extended by permit from the Code Enforcement Officer as outlined in section 3-2.4
- b. *Repair* - a single Motor vehicle is being held for repair for a period not to exceed (30) thirty- days from the original date of disability, becoming mechanically inoperative, or while waiting for appraisal as a result of an insurance claim, unless extended by permit from the Code Enforcement Officer as outlined in section 3-2.4.
- c. *Commercial Establishment* – motor vehicles are being stored on the private, commercial property on which a duly licensed and authorized motor vehicle repair facility, is being operated.

3-2.4 **Extensions.** A permit may be issued by the Code Enforcement Officer for an extension of the time periods set forth in section 3-2.3, upon written application and acceptance of same and upon the payment of the following fees:

- a. Initial (30) thirty-day extension permit: \$25.00.
- b. Additional (30) thirty- day extension permit: \$50.00
- c. No extension shall be granted past (60) sixty-days

**3-2.5 Removal by Police Department** Whenever any member of the Borough Police Department finds any motor vehicle abandoned on any public street, public highway or public property, he may take possession by removing it to such place as may be designated by the Chief of Police or by securely placing a written notice on the motor vehicle which states that the Borough Police Department has taken possession and the motor vehicle shall be removed from the public street, public highway or public property.

Repealer: All prior Ordinances, or portions thereof, inconsistent with this Ordinance are hereby repealed.

This Ordinance shall take effect immediately upon final its final passage and publication as required by law.

Mayor Donoghue introduced this Ordinance and, after First Reading Council member Fligor moved for approval. It was seconded by Council member Nolan and approved by the following vote.

AYES: Council members Archibald, Doyle, Fligor, Ladiana, Nolan and Spatola  
NAYS: Council members

The Second Reading, Public Hearing and possible adoption is scheduled for March 08, 2006.

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held February 22, 2006.  
WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 23rd day of February 2006.

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Dwayne M. Harris, RMC

SECOND READING AND FINAL ADOPTION: PASSED March 08, 2006

After a Public Hearing and Second Reading, Councilmember Nolan moved for Final Adoption of this Ordinance. It was seconded by Councilmember Ladiana and adopted by the following vote.

AYES: Council members Archibald, Doyle, Fligor, Ladiana, and Nolan  
NAYS:

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held March 08, 2006.  
WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 9th day of March 2006.

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Dwayne M. Harris, RMC

DATE OF MAYORS APPROVAL: March 9, 2006

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Peter E. Donoghue, Mayor