

Chapter 280

VEHICLES, ABANDONED

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[HISTORY: Adopted by the Mayor and Council of the Borough of Dunellen 7-6-1966. Amendments noted where applicable.]

GENERAL REFERENCES

Property maintenance — See Ch. 217.
Trailer and boat storage — See Ch. 271.

§ 280-1. Abandoned vehicles declared detrimental to community.

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.

§ 280-2. Unlawful storage or abandonment.

No person shall place, abandon or leave, keep or store or suffer or permit the placing, abandoning, leaving, keeping or storing of any article described in § 280-1 of this chapter out of doors upon any public or private land in the Borough or between the right-of-way side lines of any public thoroughfare therein. Nothing herein contained shall be deemed to prohibit the placing, keeping or storage of any such article in an enclosed garage, barn or other building.

§ 280-3. Presumption regarding abandonment.

If any article described in § 280-1 of this chapter 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 left, placed, kept or stored there.

§ 280-4. Notices of violations.

Whenever it shall appear to any member of the Police Department of the Borough that § 280-2 of this chapter is being 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 by removing the article or articles constituting the violation from the Borough or into an enclosed garage, barn or other building within 10 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 the household over the age of 14 years; but if any 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 or otherwise by a 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.

§ 280-5. Violations on public lands.

Whenever it shall appear to any member of the Police Department of the Borough that § 280-2 of this chapter is being violated and that the violation exists on public lands or between the right-of-way side lines of any public thoroughfare, he shall:

- A. Determine whether any article constituting the violation constitutes or may constitute a traffic hazard and if so, he shall move it or cause it to be moved to a nonhazardous location or into an enclosed storage place.
- B. 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 10 days after the service of the notice upon him, which notice shall be given as required in § 280-4 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 nonhazardous location or if the name and address of the owner of the article cannot be ascertained or if the violation is not abated within the time required by the notice given under the foregoing Subsection B, he shall:
 - (1) Determine whether or not 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 three months, in the case of motor vehicles, and for six 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 are removed under the foregoing Subsection A or Subsections C(2) or C(3), he shall, in the manner required by § 280-4 for the service of notice thereunder, give notice to the owner of that removal and 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.

§ 280-6. Impoundment of vehicles.

If any article or articles impounded by the Police Department under this chapter shall remain in its possession after three months after notice of the impounding, in the case of motor vehicles, and for six 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 N.J.S.A. 40:47-20.¹

§ 280-7. Violations and penalties.

Anyone who shall violate this chapter may be fined not more than \$500 or be imprisoned in the county jail for not more than

1. Editor's Note: Repealed by L. 1971, c. 197. See N.J.S.A. 39:3-40.3.

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90 days, or both, in the discretion of the Judge before whom he may be convicted.