

**TOWN OF WEST NEW YORK
COUNTY OF HUDSON**

ORDINANCE #12/15

**AN ORDINANCE AMENDING CHAPTER 377 OF THE CODE OF THE
TOWN OF WEST NEW YORK ENTITLED “TOWING”**

WHEREAS, the Town of West New York has established a process for the storage and sale of towed vehicles which are unclaimed and for which junk car titles are obtained for these vehicles, by the Town; and

WHEREAS, the Town seeks to revise this process since the Town does not obtain any additional funds from the auction of the vehicles, aside from the \$50 administrative fee, and the remainder of the proceeds from the sale of the vehicles is turned over to the towing companies who have towed and stored these junk vehicles, in lieu of the towing and storage fees.

WHEREAS, the junk vehicles are surplus property of the Town in accordance with N.J.S.A. 40A:11-36 since they are public property which are no longer needed for a public purpose and since the value of these vehicles is under 15% of the bid threshold the Town can transfer the title to these vehicles without a public auction.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Board of Commissioners of the Town of West New York as follows:

SECTION ONE

Chapter 377 “Towing” shall be amended as follows:

Section 377-6 “Minimum Vehicle Requirements” is amended to delete the following paragraph:

(1)(h) The Official Tower shall have twenty (20) spaces available for use by the Town of West New York to store abandoned vehicles. Storage charges shall accumulate as per section 377-10. Storage and towing fees shall be paid to the tower from any proceeds received from the auction of the abandoned vehicles, except for the first \$50 that is received from the auction or sale which will be retained by the Town to offset costs and expenses associated with the auction. In addition any proceeds in excess of the accumulated fees shall be retained by the Town. In event the proceeds from such auction or sale shall be insufficient to pay the accrued towing and storage charges, the Town shall not be liable. Licensee shall accept such limited proceeds as full payment.

The following shall be substituted therefore:

(1)(h) The Official Tower shall have twenty (20) spaces available for use by the Town of West New York to store abandoned vehicles. The Tower shall keep the junk vehicles for a

minimum of six months. During the six month period, the Town shall comply with the provisions of N.J.S.A. 39:10A-1 through 7 and attempt to notify the vehicle owner. If the vehicle owner cannot be located and the vehicle qualifies as a junk vehicle then the vehicle shall be processed for a junk title. Once junk titles have been obtained and it is determined that the value of the vehicles are below fifteen percent of the bid threshold, then the Board of Commissioners can determine that the vehicles are surplus property and the junk vehicles released to the Official Tower, who has stored the vehicles, to offset the cost of towing and storing the vehicles. The Official Tower shall accept the junk vehicles as full payment for the storage of these vehicles. The Town shall not be liable for any additional costs for the towing or storage of the vehicles.

SECTION TWO

Violations and penalties

Any person who shall violate or fail to comply with the provisions of this chapter shall be subject, upon conviction, to the penalties provided in Section 1-16 of the Code of the Town of West New York.

SECTION THREE

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION FOUR

Repealer. All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION FIVE

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

SUMMARY OF ORDINANCE

This Ordinance establishes a process for the storage and release of towed junk vehicles.

Introduced: 7/15/15

Notice

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on **July 15, 2015** and ordered published, and will be further considered before final passage at a public hearing on **August 19, 2015 at 12:00 noon** at the Commission Chambers, Municipal Building, West New York, NJ. A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, N.J.

Carmela Riccio, RMC
Town Clerk