

Township of Lawrence  
County of Mercer

Ordinance No. 2218-15

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LAWRENCE TO PROVIDE  
FOR AN ADMINISTRATIVE FEE FOR THE IMPOUNDMENT, STORAGE, AND PROCESSING  
OF CERTAIN VEHICLES**

**WHEREAS**, pursuant to N.J.S.A. 40:48-2. 49, the Township of Lawrence is authorized to enact an ordinance setting forth regulations for the removal of motor vehicles from private or public property, including the fees charged and notice requirements for such removal and storage; and

**WHEREAS**, the New Jersey Motor Vehicle and Criminal Code provides a comprehensive system for the towing of vehicles that are stolen, abandoned, disabled or used for certain unlawful purposes among other things; and

**WHEREAS**, the towing of vehicles from public streets requires a substantial amount of traffic management, vehicle inventorying, record keeping, notices and other documentation and towing, which generates much necessary work by the police department and its civilian employees; and

**WHEREAS**, the expense of the administration of towing is a necessary part of ensuring that non-moving vehicles do not present safety hazards to the use of the public streets within the Township; and

**WHEREAS**, the Township Council of the Township of Lawrence finds that the persons responsible for payment of the costs charged by the towing companies as described in the said provisions of the Vehicle and Criminal Code should properly bear the administrative expenses incurred by the Township in regulating its streets and keeping non-moving vehicles off of them to preserve public safety and order, rather than the general funds of taxpayers; and

**WHEREAS**, the Township Council of the Township of Lawrence has an interest in reducing illegal drug activity, illegal weapon activity and other significant vehicle and criminal activity within the Township, while promoting the safety and welfare of persons and their property within the Township of Lawrence; and

**WHEREAS**, the Township Council has determined that the lawful impoundment of motor vehicles will serve as a deterrent in reducing illegal drug and firearm activity, illegal driving under the influence and other significant driving and vehicle related offenses by vehicle owners and operators.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Lawrence, in the County of Mercer and State of New Jersey as follows:

**Section 1.** The Code of the Township of Lawrence, be and is hereby amended by the addition of the following new Chapter which provides for an administrative fee for the management, vehicle inventorying, record keeping, notices and other documentation of certain vehicles that are towed by the Township of Lawrence.

## **CHAPTER 6A**

### **ADMINISTRATIVE FEE FOR CERTAIN VEHICLES**

**Sec. 6A-26. Purpose and Scope.**

**A. The purposes of this Chapter are:**

- 1. To establish an administrative fee for the management, vehicle inventorying, record keeping, notices and other documentation of certain vehicles that are towed at the direction of the Lawrence Police Department;**
- 2. To establish, in the interest of public safety, a uniform policy for the impounding, inventorying and storage of certain motor vehicles;**

**The Fee Schedule of the Township of Lawrence is hereby amended and shall hereafter read as follows:**

**FEE SCHEDULE.**

**A. Administrative Fee for Impounded Vehicles Stored at Contracted Towing Business**

- 1. The administrative fee charged for all acts and record-keeping relating to the towing of impounded vehicles within the Township under authority of the Police Department by a **contracted towing business to their impound lot** shall be \$60.00 per vehicle, per tow. This administrative fee shall be paid to the Township of Lawrence in cash, cashier's check, money order or certified funds.**
- 2. A motor vehicle is considered impounded when it is towed to a secure storage area due to:**
  - a) the vehicle being a danger to the public because of where it is parked or its condition;**
  - b) the vehicle is unregistered under N.J.S.A. 39:3-4;**
  - c) the vehicle is uninsured as required by N.J.S.A. 39:6B-2 and the vehicle cannot be legally parked;**
  - d) the operator's driver's license is suspended or revoked pursuant to N.J.S.A. 39:3-40 and there is no other licensed driver present and the vehicle is not legally parked;**
  - e) the driver has been arrested for Driving While Intoxicated under N.J.S.A. 39:4-50 (when involved in Motor Vehicle Crash and the vehicle is no longer drivable); or**
  - f) the vehicle is disabled and unattended or abandoned and obstructs traffic under N.J.S.A. 39:4-136.**

3. In each of these instances the registered owner is required to present proof of ownership, a valid registration, proof of valid insurance and a licensed driver to a Lawrence Township Police Officer at Lawrence Township Police headquarters prior to the vehicle being released. If the registered owner cannot personally come to the Police Station, a NOTARIZED letter giving permission to the specific person picking up the car is required. A police officer will inspect the presented documents and provide a release form to be presented to the contracted towing business for the vehicle's release after the administrative fee is paid. The registered owner must satisfy all towing and storage charges prior to the release of the vehicle.
4. If a motor vehicle cannot be registered or insured, such as an all-terrain vehicle, go cart, golf cart, snow mobile, etc., then the owner must show proof of ownership and have the vehicle removed from Impound by having it towed or transported in a secondary vehicle. A release form is required and an administrative fee must be paid to the Township of Lawrence, and the towing and storage fees must be paid to the contracted tow company
5. A motor vehicle is not considered Impounded if it is towed for being disabled or involved in a motor vehicle crash, as long as none of the violations listed above apply.

**B. Administrative Fee for Vehicles Impounded at the Lawrence Township Police Department Impound Lot**

1. In addition to any fees charged for the towing and storage of an impounded vehicle by a contracted towing business, the Township of Lawrence may impose an administrative fee of \$300 related to its administrative and processing costs associated with the investigation, impoundment, inspection, inventory, storage and release of the vehicle, while in the Lawrence Township Police Department impound. The administrative fee shall be waived upon verifiable proof that the vehicle was stolen at the time the vehicle was impounded.
2. The administrative fee may be imposed and a motor vehicle may be impounded at the Lawrence Township Police Department Impound lot if probable cause that any of the following violations have occurred:
  - a) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense for which a motor vehicle may be seized and forfeited pursuant to 2C:64-1; or
  - b) A motor vehicle that contains evidence of a crime or possible crime pursuant to 2C:64-1; or
  - c) Driving under the influence of alcohol, another drug or drugs, an intoxicating compound or compounds, or any combination thereof, in violation of 39:4-50; or

- d) **Operation or use of a motor vehicle in which a violation of subsection., d, or f., of NJS 2C:39-5 (Unlawful Possession of a Weapon) was committed pursuant to 2C:43-2.4; or**
  - e) **Operation or use of a motor vehicle in which possession of a handgun, rifle, or shotgun for an unlawful purpose in violation of NJS 2C:39-4 (Possession of a Weapon for an Unlawful Purpose) was committed pursuant to 2C:43-2.4; or**
  - f) **Operation or use of a motor vehicle in which a violation of subsection b, or c of NJS 2C:39-5 (Unlawful Possession of a Weapon) was committed in addition to the motor vehicle being used to commit a separate crime of the first, second, third or fourth degree under Title 2C of the New Jersey Statutes pursuant to 2C:43-2.4; or**
  - g) **Operation or use of a motor vehicle which was used in the commission of any offense under subsection b. of NJS 2C:34-1 (Prostitution); pursuant to 2C:43-2.4; or**
  - h) **Operation or use of a motor vehicle which was used in the commission of an offense under subsection a. of NJS 2C:35-10 (Possession, Use or Being Under the Influence of, or Failure to Make Required Disposition of a Controlled Dangerous Substance) subsection a. of NJS 2C:35-5 (Manufacturing, Distributing or Dispensing a Controlled Dangerous Substance) pursuant to 2C: 43-2.4.**
3. **All administrative fees and towing and storage fees shall be imposed on the registered owner of the motor vehicle. The registered owner shall be entitled to a hearing, upon request.**
  4. **The administrative fees shall be collected by and paid to the Township in cash, cashier's check, money order or certified funds. The Township and storage fee, if applicable, shall be collected by and paid to the person or entity that tows and stress the impounded vehicle.**
  5. **The registered owner of the vehicle shall be provided notice of the impoundment and of the right to request a hearing.**
  6. **If after 5 business days from the date of the impound, the registered owner or lessor of the impounded vehicle fails to claim the vehicle from impound, unless forfeiture proceedings are pending, then the impounded vehicle will be removed from the Lawrence Township Police impound lot by the contracted towing agency that originally towed the vehicle and stored at the contracted towing agency's impound lot. The cost of this second-non-emergent tow will be no more than \$125.00 and imposed on the registered owner of the vehicle. Storage costs will also begin once the impounded vehicle arrives at the contracted towing agency's impound lot at the current rate as outlined in the Towing and Storage Ordinance #2201-14.**

- 7. If the owner-lessor or registered owner of an impounded vehicle fails to claim the impounded vehicle by midnight of the 90<sup>th</sup> day following the day on which the vehicle was impounded, that vehicle may be sold at auction; provided however, a vehicle shall not be sold until the lessee or registered owner has been convicted on the offense, or offenses pursuant to Section B.2.f. of this ordinance, for which the vehicle was impounded. Property impounded under this section shall not be sold if the owner of the property establishes by a preponderance of the evidence that the owner was not involved in or aware of the unlawful activity and that the owner had done all that could reasonably be expected to prevent the proscribed use of the property by an agent. A person who uses or possesses property with the consent or knowledge of the owner is deemed to be the agent of the owner.**

  - a) Notice of the sale shall be given by the impounding entity by certified mail to the owner of the vehicle, if the owner's name and address are known, and to the lienholder, if the lienholder's name and address are known, and by publication in a form prescribed by the chief administrator by one insertion, at least five days before the date of the sale, in one or more newspapers published in this State and circulating in the municipality in which the vehicle is impounded.**
  - b) At any time prior to the sale of an impounded vehicle, the owner or other person entitled to the vehicle may reclaim possession upon showing proof of registration and insurance and paying all costs associated with the impoundment, and reasonable towing and storage fees and administrative fees.**
  - c) The owner/lessor of an impounded vehicle shall be entitled to reclaim possession without payment or proof of insurance and the lessee shall be liable for all outstanding costs associated with the impoundment, towing, and storage of the vehicle and the administrative fees.**
  - d) Any proceeds obtained from the sale of a vehicle at public auction pursuant to subsection d. of this section in excess of the amount owed for the administrative fees, towing and storage fees and any other costs associated with the impoundment of the vehicle shall be returned to the owner of that vehicle, if his name and address are known.**
  - e) Nothing in this Ordinance shall be construed to in any way to limit or abridge the authority provided by NJS 2C:64-1.**
- 8. Applicability of Other Laws: This Ordinance is in addition to and shall not replace or otherwise abrogate any existing state or federal laws or any ordinance that related to the seizure or impoundment of motor vehicles, and any fee provided for in this Section shall be in addition to any and all penalties that may be assessed or imposed by a Court for any criminal charges. This Section shall not apply: (1) if the motor vehicle used in the violation was stolen**

at the time of the violation; or, (2) if the motor vehicle is subject to successful forfeiture proceedings under any state or federal forfeiture laws.

9. **Administrative Fee Refund:** A finding of “not guilty” following a trial in any Court for the underlying violation wherein the motor vehicle was impounded, shall entitle the owner of record to a full and complete refund of any administrative fee imposed under this Section. However, the owner of record must request the refund in writing and shall include in the request a certified disposition of “not guilty” following a trial.

## **COMPLAINT AND DISPUTE RESOLUTION**

- A. If the owner of record of a vehicle seized pursuant to this Chapter desires to appeal the impoundment of their vehicle, the owner must make a request for a preliminary hearing within 48 hours of the seizure. The request shall be in writing and filed with the Chief of Police or his designee, who shall conduct such preliminary hearing within 24 hours after receipt of the request, excluding Saturdays, Sundays or holidays.
- B. All interested persons shall be given a reasonable opportunity to be heard at the preliminary vehicle impoundment hearing. The formal rules of evidence shall not apply at the hearing and hearsay evidence shall be admissible only if it is the type commonly relied upon by reasonably prudent persons in the conduct of their affairs.
- C. If, after the hearing, the Chief of Police or his designee determines there is probably cause to believe that the vehicle is subject to seizure and impoundment pursuant to this Chapter, the continued impoundment of the vehicle shall be ordered as provided herein unless the vehicle owner pays the Administrative Fee to the Township and pays the contracted towing agent any applicable towing and storage fees.
- D. If the Chief of Police or his designee determines there is no such probable cause, the vehicle will be returned without penalty or other fees.
- E. Any appeal of the Chief of Police’s decision may be appealed to the Governing Body of the Township.

**Section 2.** If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

**Section 3.** In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Lawrence, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Township of Lawrence are hereby ratified and confirmed, except where inconsistent with the terms hereof.

**Section 4.** This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal Law.

**Section 5.** This Ordinance shall take effect 20 days after adoption thereof.

**Adopted: September 1, 2015**

**RECORD OF VOTE**

<b>COUNCIL</b>	<b>AYE</b>	<b>NAY</b>	<b>PRESENT</b>	<b>ABSENT</b>	<b>ABSTAIN</b>	<b>MOVE</b>	<b>SECOND</b>
<b>Mr. Dember</b>	X						
<b>Mr. Kownacki</b>	X						
<b>Dr. Maffei</b>	X						X
<b>Mr. Powers</b>	X					X	
<b>Mayor Lewis</b>	X						