

MEMORANDUM

TO: Town Council, Town of Morristown
FROM: Vijayant Pawar, Esq.
DATE: November 22, 2010
SUBJECT: Morristown Code regarding Abandoned Vehicles

A question was recently raised on how the issue of abandoned vehicles is addressed in the Morristown Code and whether a lawfully parked vehicle on a street for 48 hours is required to be moved. The relevant section of the Code is 3-3 (Abandoned Vehicles). Section 3-3.2 provides the following:

No person shall leave an abandoned vehicle on public or private property or on any street or highway within the Town, and no such person shall leave a vehicle at any place within the Town for such time and under such circumstances as to cause it reasonable to appear to have been abandoned. No person in charge or control of any property within the Town, whether as owner, Tenant, occupant, lessee or otherwise, shall allow any abandoned vehicle to remain upon the property longer than forty-eight (48) hours, except as provided in subsection 3-3.3. Any person violating this section shall be subject to such fine as provided in subsection 3-3.8

However, a vehicle parked on a Morristown street is not necessarily deemed to be abandoned. An abandoned vehicle is defined in the Morristown Code as “any vehicle partially dismantled or not readily capable of operation under its own power or not currently used for transportation or not currently licensed, or wrecked or junked. It shall also mean any vehicle whose owner has terminated the use and care of the vehicle and has either indicated by his words or actions an intent to leave it and no longer claim ownership of it or has left it without making arrangements for storage with the owner, occupant or person in control of the premises on which it

is located for a period of at least ten (10) days.” (Section 3-3.1). To break it down even further, a vehicle is deemed to be abandoned under the Town Code if it is:

1. partially dismantled or not readily capable of operation under its own power or not currently used for transportation or not currently licensed, or wrecked or junked.
2. whose owner has terminated the use and care of the vehicle **and**
 - a. has either indicated by his words or actions an intent to leave it and no longer claim ownership of it **OR**
 - b. has left it without making arrangements for storage with the owner, occupant or person in control of the premises on which it is located for a period of at least ten (10) days.

Therefore, if an operable vehicle (registration, insurance, license plates) is parked on the streets of Morristown, on which there are no parking restrictions, it is not considered abandoned under the Morristown Code, unless (2) above applies.

Lastly, under state law, N.J.S.A. 39:4-56.5, “a vehicle which has remained on or along any highway or other public property . . . for a period of 48 hours . . . shall be presumed to be an abandoned motor vehicle.” It is only a presumption. If a complaint is initiated by an individual that a vehicle on a street appears to be abandoned, the Morristown Police would perform an inquiry. If the inquiry determines that the vehicle belongs to a resident and the resident confirms same, it will not be considered abandoned.