

**CHAPTER 14**

**PROTECTION OF LIFE AND PROPERTY**

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*This Article was repealed by Ordinance A-14-2016.*

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**ARTICLE 1.           REGULATION OF FIRES**

**Sec. 14.1-1.           AUTHORITY TO ENTER AND INSPECTION.**

The Township Fire Marshal of the Bureau of Fire Prevention and Inspections, Fire Code Official or his/her agent appointed by him/her for that purpose, or Police Officer shall and may, at any time, enter upon any premises in the Township for the purpose of investigating whether or not the provisions of this article are being violated therein. Where upon such inspection a violation of this ordinance is found, an order to extinguish shall be given. Failure to comply with said order shall result in a Court Summons being issued to the person or person responsible for the existing violation.

**Sec. 14.1-2.           RECREATIONAL FIRES AND OPEN BURNING.**

A. Definitions

1. Chiminea, outdoor Fireplace, Fire Pit – a structure and/or device designed to contain and control a recreational fire means approved container.
2. Firewood – wood consisting of trunks and branches of trees and bushes, but does not include leaves, needles, vines or brush.
3. Nuisance – any odor, emission, or event that prevents the reasonable use and enjoyment of one’s property.
4. Open Burning – any fire from which the products of combustion are emitted directly into the open air and, are not by design directed through a stack, chimney or other container designed for recreation fires.
5. Recreational Fires – an outdoor fire where seasoned wood of approved dimensions is burned for entertainment purposes.
6. Treated Lumber – dry wood which has been milled, dried and treated or combined with any petroleum product, glue, chemical, preservative, adhesive, stain, paint or other substance

B. Regulations

1. Recreational fires shall be allowed without a permit at one and two family owner dwellings subject to regulations set forth by this ordinance.
2. Recreational fires shall be limited to a maximum diameter of four feet and a maximum height of two feet, and must be contained in noncombustible Chiminea, outdoor fire place, or fire pit.
3. Recreational fires in approved containers shall be permitted not less than 15 feet from any structure

4. Recreational fires must be constantly attended and supervised by an adult 18 years of age or older until such fire is completely extinguished. A minimum of one portable fire extinguisher with a minimum 4-A rating or other approved on site fire extinguishing equipment such as dirt, sand, water barrel or garden hose shall be available for immediate use.
5. The burning of yard waste, leaves, brush, vines, evergreen needles, branches less than two inches in diameter, treated or untreated lumber, garbage, trash, refuse, paper products or anything other than firewood as set forth herein is prohibited except that kindling may be used to start a recreational fire.
6. Open burning of any material, yard waste, leaves, brush, vines, evergreen needles, branches less than two inches in diameter, treated or untreated lumber, garbage, trash, refuse and paper products is prohibited within the municipal boundary of the Township of Pennsville.
7. Recreational fires as set forth herein shall be prohibited between the hours of 2:00 am and 7:00 am.
8. The Township Fire Marshal of the Bureau of Fire Prevention and Inspections, Fire Code Official or his/her agent appointed by him/her for that purpose, or Police Officer shall and may order any recreational or open fire, or use of an Chiminea, outdoor fireplace or fire pit which creates a nuisance to be extinguished.

**Sec. 14.1-3. COMPLIANCE WITH TERMS**

No persons shall violate or fail to comply with any conditions, terms or requirements contained in Section 14.1-2 of this Article.

**Sec. 14.1-4. PENALTY.**

Any person who shall violate any of the provisions of this Article shall upon conviction thereof before the Municipal Court be subject to a fine not to exceed Two Hundred Fifty Dollars (\$250.00) for the first offense, Five Hundred Dollars (\$500.00) from the second offense and One Thousand Dollars (\$1,000.00) for the third offense, or by imprisonment not to exceed sixty (60) days in the county jail, in the discretion of the Court before which such person is convicted.

**ARTICLE 2.            REGULATION OF GASOLINE STORAGE**

**Sec. 14.2-1.            LOCATION OF STORAGE TANKS.**

No person shall hereafter store any gasoline, oils or other petroleum products in tanks to be used for the storage, sale and trading in said products, within one thousand (1000) feet of any dwelling house within the Township, unless said tanks are wholly buried beneath the surface of the ground.

**Sec. 14.2-2.            CONSTRUCTION OF TANKS; PERMIT.**

No buildings, tanks or plants shall hereafter be constructed or established for the use, storage, sale and disposal of gasoline, oils or other petroleum products, unless the tanks are wholly buried beneath the surface of the ground, until a permit is first secured from the Township Committee, after written application being made and hearing being given to the applicant, by said Township Committee, whereby the said Township Committee shall determine the right of the applicant to said permit, and the Township Committee shall have the right to grant or refuse said permit if they deem fit, for the protection of life and property from fire, explosion and other dangers arising therefrom.

**Sec. 14.2-3.            EXCEPTION WHEN 250 GALLONS OR LESS.**

Nothing herein contained shall apply to the storage of gasoline, oils and other petroleum products which are to be consumed on the premises, and not stored for the purpose of sale or trade, and nothing herein contained shall apply to the storage of said products in quantities of two hundred fifty (250) gallons or less, nor to the construction or establishment of tanks or plants for the use, storage, sale and disposal of said products in quantities of two hundred fifty (250) gallons or less.

**Sec. 14.2-4.            PENALTY.**

Any person who shall violate any of the provisions of this Article shall upon conviction thereof before the Municipal Court be subject to a fine not to exceed One Hundred (\$100.00) dollars or imprisonment not to exceed thirty (30) days in the County Jail, or both in the discretion of the Court before which such person is convicted.

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**ARTICLE 3.            REGULATION OF INOPERATIVE JUNK MOTOR VEHICLES**

**Sec. 14.3-1.            DECLARATION OF INTENT.**

The placing, keeping or storage of unused and inoperative junk motor vehicles or parts thereof on private property in the Township of Pennsville does not promote the public welfare and such articles when so kept become public nuisances in that they possess dangerous qualities which may attract children who may become injured thereby; that they are or may be a fire hazard; that they are or may become unsightly in the community and are therefore disturbing in appearance and depreciate the general appearance of the surrounding area as well as the comfort and use of neighboring properties; that they possess qualities which create health hazards; that they when left in such state increase the risk of such hazards and continue the existence of such detrimental matters; and that they are detrimental to the public health, safety and general welfare of the community.

**Sec. 14.3-2.            DEFINITIONS.**

- A.    Unused and inoperative junk motor vehicle is intended to mean any motor vehicle which is no longer in actual use as a motor vehicle, or which is wholly unfit without repairing or reconditioning for use upon the public roadways, or which has been discarded for use as a motor vehicle. The fact that such motor vehicle is unregistered and not currently inspected shall be evidential of its nature as herein prohibited.
  
- B.    Motor vehicle is intended to have the same meaning as is granted to it by Revised Statutes 39:1-1.

**Sec. 14.3-3.            PROHIBITION; EXCEPTION.**

No person, firm, association or corporation shall place, keep or store or permit or suffer the placing, keeping or storing of any unused or inoperative junk motor vehicle or parts thereof upon any private property in the Township of Pennsville.

**Sec. 14.3-4.            PREMISES DECLARED A NUISANCE.**

The premises where any such motor vehicle or parts thereof are placed, kept or stored in violation of this Article shall be deemed to be a public nuisance and detrimental to the health, safety and public welfare of the residents of this Township and shall be subject to the regulation of this Article and of the regulations or ordinances of the Township Board of Health.

**Sec. 14.3-5. ENFORCEMENT; NOTICE.**

The Zoning Official of the Township shall be deemed to be the administrative officer for the enforcement of this Article. Whenever it shall appear that the provisions of this Article are being violated, such enforcing officer shall notify the owner and person in possession of the property on which the violation exists, in writing, directing such person to abate the violation by removal of the article or articles constituting the violation within thirty (30) days of the service of the notice.

Such notice shall be served personally, if such person is a resident of the Township. If such person is not a resident of the Township, such notice may be given by registered mail with proof of delivery.

The Zoning Official, in determining the existence of a violation, shall give due regard to the standards set forth in Sec. 14.3-1.

In the event such owner or person in possession shall refuse or neglect to abate the condition complained of and which constitutes a violation hereof within the time permitted for such abatement, the enforcing office shall cause a complaint to be made for such violation.

**Sec. 14.3-6. PENALTY.**

The provisions of Chapter 1 Section 1-6 of this Code shall apply to violations of this Article.

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**ARTICLE 4.**        **Repealed**

*This Article was repealed by Township Ordinance A-14-2016*



**ARTICLE 5.            UNIFORM FIRE CODE ENFORCEMENT**

**Sec. 14.5-1.            PREAMBLE.**

The Uniform Fire Safety Act, (P.L. 1983, c.383) was enacted for the purpose of establishing a system for the enforcement of minimum fire safety standards throughout the State of New Jersey and the Uniform Fire Safety Act authorizes municipalities to provide for local enforcement and to establish local enforcement agencies for that purpose and it is in the best interest of the Township of Pennsville to have the Uniform Fire Safety Act enforced locally. The fire companies of the two Township fire districts have agreed to the plan, set forth herein, for the administration and enforcement of the Uniform Fire Safety Code;

**Sec. 14.5-2.            LOCAL ENFORCEMENT.**

Pursuant to Section 11 of the Uniform Fire Safety Act. (P. L. 1983, c.383) the New Jersey Uniform Fire Code shall be locally enforced in the Township of Pennsville.

**Sec. 14.5-3.            AGENCY DESIGNATION AND COUNSEL.**

The local enforcing agency shall be the Bureau of Fire Prevention and Inspections, which is hereby created as an administrative office of the Township of Pennsville. The Township Solicitor is designated as the counsel for the local enforcing agency.

**Sec. 14.5-4.            DUTIES OF THE BUREAU OF FIRE PREVENTION AND INSPECTIONS**

The Bureau of Fire Prevention and Inspections shall:

- A.    Enforce the Uniform Fire Code of the State of New Jersey and all code regulations adopted under it in all buildings, structures and premises within the established boundaries of the Township. This shall include all apartment complexes, motels, hotels, boarding houses, and any multiple family dwellings.
  
- B.    Comply with the requirements of the Uniform Fire Code of the State of New Jersey and enforce any regulations set forth by ordinances of the Township of Pennsville.
  
- C.    All inspections required by the Uniform Fire Code of the State of New Jersey and the Ordinances of the Township of Pennsville will be conducted yearly unless otherwise specified in the Uniform Fire Code.

**Sec. 14.5-5. LIFE HAZARD USES.**

The Bureau of Fire Prevention and Inspections established by Sec. 14.5-3 of this Ordinance shall be an administrative office of the Township, and shall be under the direct supervision and control of the Township of Pennsville Fire Marshal who shall be certified by the Division of Fire Safety as a licensed Fire Inspector/Fire Official.

**Sec. 14.5-6. CREATION OF THE POSITIONS OF TOWNSHIP FIRE MARSHALL AND DEPUTY FIRE MARSHALL**

The Fire Marshall shall be responsible for the operation of the Local Enforcing Agency. The Deputy Fire Marshall shall work under the supervision and control of the Township Fire Marshall, he shall follow the Fire Marshall's directions, and he shall perform the duties of the Fire Marshall when the Fire Marshall is unavailable.

**Sec. 14.5-7. TERM OF OFFICE; VACANCY.**

The Fire Marshall and the Deputy Fire Marshall shall be appointed for a term of 4 years, respectively. The terms shall commence on January 1, 2016, and they shall run for a 4 year period from that date. The appointment to either positions in question made prior to January 1, 2016 shall be for the remainder of the year 2015.

**Sec. 14.5-8. INSPECTORS AND EMPLOYEES; TERM.**

Such inspectors and other employees as may be needed in the local enforcing agency shall be appointed by the Township Committee with the recommendation of the Fire Marshal for such term as may be provided by resolution of the Committee.

**Sec. 14.5-9. REMOVAL FROM OFFICE.**

The Fire Marshall, inspectors and other employees of the local enforcing agency shall be subject to removal by the Township Committee for inefficiency or misconduct. Each inspector or employee to be so removed shall be afforded an opportunity, to be heard by the Committee or a designated hearing officer.

**Sec. 14.5-10. BOARD OF APPEALS.**

Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by any order of the Bureau of Fire Prevention shall have the right to appeal to the Construction Board of Appeals of the Township or in the event such Board does not exist, then to the Salem County Construction Board of Appeals.

**Sec. 14.5-11. ADDITIONAL REQUIRED INSPECTIONS AND FEES.**

In addition to the inspection fees required pursuant to the Act and the regulations of the Division of Fire Safety of the Department of Community Affairs, the following additional inspections and fees shall be required:

**ADDED INSPECTIONS AND FEES NOT REGULATED BY THE DIVISION OF FIRE SAFETY OF THE STATE OF NEW JERSEY**

<b><u>BUILDING TYPE</u></b>	<b><u>USAGE</u></b>	<b><u>FEE (PER BLDG.)</u></b>
1 & 2 Story	Places of assemblage or Eating or drinking establishments With less than 50 occupancy	\$50.00
1,000 square ft. or less	Business, professional, Mercantile	\$50.00
1,001 to 5,000 sq. ft.	Business, Professional, Mercantile	\$100.00
5001 or more sq. ft.	Business, Professional, Mercantile	\$150.00
2 Units or more (not Regulated by Div. of Fire Safety)	Apartment(s), complexes, motels, hotels, boarding houses, multi-family dwellings (rental units Only)	\$35.00
1,000 sq. ft or less	Storage facilities	\$50.00
1,001 to 5,000 sq ft.	Storage facilities	\$175.00
5,001 sq. ft. or more	Storage Facilities	\$225.00
1,000 sq. ft or less	Industrial Complexes (building not regulated by Division of Fire Safety)	\$50.00
1,001 to 5,000 sq. ft	Industrial Complexes (building not regulated by Division of Fire Safety)	\$175.00
5,001 or more sq. ft.	Industrial Complexes (building not regulated by Division of Fire Safety)	\$225.00

**Sec. 14.5-12. PERMITS; FEES.**

The permit fees established by the Uniform Fire Code, and the Ordinances of the Township of Pennsville, shall be the fees for the uses and activities prescribed for such fees. Such fees shall be paid to the municipal treasury and appropriated to the local enforcement agency for the enforcement of the Act.

**Sec. 14.5-13. RETENTION OF EXISTING REGULATIONS.**

Existing local fire prevention codes and ordinances are retained, exclusive of this ordinance, to the extent not inconsistent with requirements of the State Fire Code.

**Sec. 14.5-14 LIFE HAZARD USES / PENALTIES**

All life hazard use fees and penalties for violations are set by the Uniform Fire Code of the State of New Jersey and collected by same.

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## **ARTICLE 6**

## **REFUSE CONTAINERS/DUMPSTERS**

### **Sec. 14.6-1 PURPOSE**

An Ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer systems operated by the Township of Pennsville and/or the waters of the State of New Jersey so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

### **Sec. 14.6-2 DEFINITIONS**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- A. **Municipal Separate Storm Sewer System (MS4):** A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Pennsville or other public body, and is designed and used for collecting and conveying stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.
- C.. **Person:** Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.
- D. **Refuse Container:** Any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
- E. **Stormwater:** Means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.
- F. **Waters of the State:** Means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

**Sec. 14.6-3                    PROHIBITED CONDUCT**

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal storm sewer system(s) operated by the Township of Pennsville.

- A. Subsequent to October 1, 2012, Any person who owns, leases or otherwise uses a refuse container or dumpster shall not permit said dumpster to be outside of an enclosure. (This deadline may be extended by duly adopted resolution of the Township Committee for a period not exceeding sixty days.)

**Sec. 14.6-4                    EXCEPTIONS TO PROHIBITION**

- A. Permitted temporary demolition containers
- B. Litter receptacles (other than dumpsters or other bulk containers).
- C. Individual homeowner trash and recycling containers
- D. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit.
- E. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

**Sec. 14.6-5                    ENFORCEMENT**

This Ordinance shall be enforced by the Township’s Recycling Enforcement Officer and the Zoning Officer and or Assistant Housing Official.

**Sec. 14.6-6                    PENALTIES**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject a fine of not less than one hundred (\$100) dollars – no greater than five hundred (\$500) dollars.

**Sec. 14.6-7 SEVERABILITY**

Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this ordinance.

**Sec. 14.6-8 EXEMPTION**

Governmental and public entities shall be exempt from the provision for enclosures.

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## **ARTICLE 7**            **ILLICIT CONNECTION ORDINANCE**

### **Sec. 14.7-1**            **PURPOSE**

An ordinance to prohibit illicit connections to the municipal separate stormwater sewer system(s) operated by the Township of Pennsville in order to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

### **Sec. 14.7-2**            **DEFINITIONS**

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at NJAC 7:14A-12.

- A.    Domestic sewage – waste and wastewater from humans or household rations.
  
- B.    Illicit connection – any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate stormwater sewer system operated by the Township of Pennsville, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ 0141852). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate stormwater sewer system.
  
- C.    Industrial waste – Non-domestic waste, including but not limited to those pollutants regulated under Section 307(a), (b) or (c) of the Federal Clean Water Act (33 USC 1317 § (a), (b) or (c)).
  
- D.    Municipal separate stormwater sewer system (ms4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Pennsville and is designed and used for collecting and conveying stormwater. MS4's do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.

- E. NJPDES permit: a permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at NJAC 7:14A.
- F. Non-contact cooling water: water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may however contain algacides, or biocides to control fouling of equipment such as heat exchangers and/or corrosion inhibitors.
- G. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of the state subject to municipal jurisdiction.
- H. Process wastewater – any water which during manufacturing or processing comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.
- I. Stormwater - water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate stormwater sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

**Sec. 14.7-3 PROHIBITED CONDUCT**

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm water sewer system operated by the Township of Pennsville any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

**Sec. 14.7-4 ENFORCEMENT**

This Ordinance shall be enforced by the Township of Pennsville Certified Public Works Manager

**Sec. 14.7-5 PENALTIES**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of not less than (\$500) dollars – no greater than five thousand (\$5,000) dollars.

**Sec. 14.7-6 SEVERABILITY**

Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the funding or holding of any such portion of this ordinance to unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this ordinance.

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**ARTICLE 8**                    **AN ORDINANCE REGULATING THE REPOSSESSION OF MOTOR VEHICLES WITHIN THE CONFINES OF THE TOWNSHIP OF PENNSVILLE**

**Sec. 14.8-1**                    **PURPOSE**

The purpose of this Ordinance is to regulate repossession of motor vehicles within the confines of the Township of Pennsville by or on behalf of holders of liens against such vehicles.

**Sec. 14.8-2**                    **DEFINITION**

- A. Private Towing Company shall mean a company retained by a holder(s) of lien(s) on a vehicle for the recovery of a vehicle possessed by an owner/borrower.
- B. Notice shall mean a written notification identifying:
  - 1. The make and model of the vehicle to be repossessed.
  - 2. The vehicle identification number to be repossessed.
  - 3. Name of the vehicle owner/borrower from whom the vehicle will be recovered from.
  - 4. Address or Location of the vehicle to be repossessed.
  - 5. The approximate date and tie of the repossession of the vehicle.

**Sec. 14.8-3**                    **NOTICE OF INTENT TO REPOSSESS**

Prior to any repossession activity, any private towing company operating within the Township of Pennsville must provide notice to the Pennsville Police Department. The private towing company shall also provide the Pennsville Police Department with proof of its right to repossess the vehicle in question.

**Sec. 14.8-4**                    **WARNING/NOTICE TO PRIVATE TOWING COMPANIES**

If a private towing company operates within the Township of Pennsville without providing the Pennsville Police Department with the notice required in section 14.8-3 and when the Department learns of such activity, a CAD will be created that will contain the name of the private towing company as well as all pertinent information including the address of the company, the address or location from which the vehicle is repossessed with the lien holder in the name of the registered owner of the vehicle. The Department will then send the private towing company a letter advising the company of the existence of this ordinance and that a second violation will result in a complaint being signed with a fine to be determined by the Judge of the Municipal Court.

**Sec. 14.8-5            PENALTY**

Any person and/or private towing company convicted of violating this section shall be subject to a fine of not less than five hundred (\$500) dollars and not more than one thousand (\$1,000) dollars or imprisonment for a period not exceeding ninety (90) days or both,