

ORDINANCE NO. 9 - 2010

AN ORDINANCE PROVIDING FOR THE PARTIAL AMENDMENT AND SUPPLEMENTATION OF SECTION (C) PROHIBITING OVERNIGHT PARKING OF COMMERCIAL MOTOR VEHICLES, TRAILERS, SEMITRAILERS AND POLE TRAILERS AS SET FORTH IN SECTION 22-11 "PARKING PROHIBITED AT CERTAIN TIMES" TO EXCEPT CERTAIN VEHICLES AND STREETS FROM THE PROHIBITION AND TO AMEND THE TIME LIMITS SET FORTH IN SECTION 22-35, "PARKING VEHICLES OF ONE TON OR MORE DURING CERTAIN HOURS" AS SET FORTH IN CHAPTER 22, "TRAFFIC AND PARKING," OF THE "REVISED ORDINANCES OF THE BOROUGH OF MORRIS PLAINS, NEW JERSEY, 1972."

WHEREAS, the Borough Council previously amended Chapter 22, Traffic and Parking, in the "Revised Ordinances of the Borough of Morris Plains, New Jersey, 1972" with the adoption of Paragraph (c) to prohibit the overnight parking of commercial vehicles, trailers, semitrailers and pole trailers on the streets of the Borough during certain hours; and

WHEREAS, off-street parking is not available on certain residential streets of the Borough, which makes this prohibition unduly burdensome for residents of those streets; and

WHEREAS, the Borough Council has also determined that the hours of limitation set forth in the parking restriction of Section 22-35 are inconsistent with the hours of limitation set forth in Section 22-11(c); and

WHEREAS, the Borough Council is now desirous of amending paragraph (c) to provide an exception from this prohibition for certain streets and types of vehicles and revising the hours of limitation set forth in the parking restriction of Section 22-35.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Morris Plains, they being the Governing Body thereof, as follows:

Section 1: Section 22-11, entitled "Parking Prohibited at Certain Times," as set forth in Chapter 22, is hereby partially amended, supplemented and revised with the addition of a new sentence that reads: "Provided, further, that this prohibition shall not apply to pick-up trucks or passenger minivans parked on

Allen Place, Carlyle Avenue, Concord Place, Diana Road, Maple Avenue or Sunset Road during the hours of said restriction." So that hereafter, Paragraph (c) in Section 22-11 read as follows:

(c) All night parking restriction. No person shall park a commercial motor vehicle, trailer, semitrailer or pole trailer, as defined by N.J.S.A. 39:1-1 et seq., between the hours of Midnight and 6:00 a.m., prevailing time on any street in the Borough of Morris Plains. Provided, however, that the Chief of Police or his designee may grant permission for the overnight parking of a such vehicle, trailer, semitrailer or pole trailer due to an emergent situation. Provided, further, that this prohibition shall not apply to pick-up trucks or passenger minivans parked on Allen Place, Carlyle Avenue, Concord Place, Diana Road, Maple Avenue or Sunset Road during the hours of said restriction.

Section 2:

Section 22-35, entitled "Parking Vehicles of One Ton or More During Certain Hours," as set forth in Chapter 22, is hereby partially amended, supplemented and revised by replacing the phrase "during the hours 1:00 a.m. through and including 5:00 a.m." with the phrase "during the hours of Midnight and 6:00 a.m." so that hereafter, Section 22-35 shall read, as follows:

Section 22-35. Parking Vehicles of One Ton or More During Certain Hours.

The parking of trucks with a rated capacity of one (1) ton or more on streets is hereby prohibited during the hours of Midnight and 6:00 a.m., prevailing time, on all days.

Section 3:

All other provisions of the aforesaid Chapter 22, Traffic and Parking, of the Revised Ordinances shall be unaffected and are hereby continued.

Section 4:

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5:

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid by a Court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance.

Section 6:

This Ordinance shall take effect immediately after final passage and publication.

Introduced: 07/15/10
Adopted: 08/19/10

Frank J. Druetzler, Mayor