

ORDINANCE NO. 9-2023

**AN ORDINANCE FOR THE PARTIAL AMENDMENT AND
SUPPLEMENTATION OF CHAPTER 22, "TRAFFIC AND PARKING"
IN THE "REVISED ORDINANCES OF THE BOROUGH OF MORRIS
PLAINS, NEW JERSEY, 1972," WITH THE ADDITION OF A NEW
SECTION 22-11.1, "OVERNIGHT PARKING OF COMMERCIAL
VEHICLES"**

WHEREAS, the Borough of Morris Plains, ("Borough") is desirous of amending Chapter 22 to establish a prohibition on overnight parking of commercial vehicles and storage of commercial equipment on all streets in all residential zones in the Borough of Morris Plains between the hours of 6:00 p.m. and 6:00 a.m.

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:

Chapter 22, "Traffic and Parking" of the Revised Ordinances of the Borough of Morris Plains, New Jersey, 1972" (hereinafter "Revised Ordinances" or "Revision" ins hereby amended and supplemented with the addition of a new 22-11.1 entitled "Overnight Parking of Commercial Vehicles" in Article 7, "Parking, Stopping and Standing, Generally" which shall read in its entirety as follows:

22-11.1 Overnight Parking of Commercial Vehicles. The parking of all commercial vehicles and commercial equipment, as hereinafter defined, which are being used to provide a private service within the Borough shall be prohibited from parking on any street between the hours of 6 p.m. to 6 a.m. in all residential zones. Residential zones shall include the R-1, R-2, R-3, R-4, R-5, R-6, R-7 and R-8 zones.

1. For purposes of this article "commercial vehicle" shall be defined as follows:

- a. Any truck, being any motor vehicle designed and used or maintained primarily for the transport of

property.

- b. Any van or pickup truck bearing commercial license plates or having any sign, lettering or other indicia indicating that the vehicle is maintained for business or commercial purposes.
- c. Tractors.
- d. Tractor-trailers.
- e. Any truck trailers.
- f. All dump trucks regardless of size.
- g. All non-passenger vehicles and/or equipment or machinery, including, but not limited to construction vehicles and equipment.

For purposes of this article "commercial equipment" shall be defined as "Any construction equipment or large equipment used primarily in the course of conducting a trade or business." Examples of "commercial equipment" shall include, but not be limited to, excavators, backhoes, rollers, pavers and equipment commonly used for landscaping purposes.

2. Municipal vehicles exempted.

Exempt from the provisions of this article are any motor vehicles owned or operated by the Borough of Morris Plains or any agency or department thereof.

Also exempt from the provisions of this article shall be any commercial vehicle that is providing a service to the Borough at the Borough's request.

3. Violations and Penalties.

A. Any person found guilty of violating this article of the Code of the Borough of Morris Plains shall be subject to a penalty consisting of a fine, the maximum of which shall be the

maximum fine permitted to be imposed by the court having jurisdiction over the violation of this article of the Code of the Borough of Morris Plains; provided, however, that the fine shall not be less than \$500 nor more than \$2,000 per offense.

B. In the event of a continuing violation, each day shall constitute a separate offense.

C. Each vehicle which is parked in contravention of the provisions of this article shall constitute a separate offense.

D. The provisions of this article shall be enforced by the Borough's Police Department and the Borough's Zoning Official.

E. In the event that any commercial vehicle or equipment that is in violation of the provisions of this article shall remain parked for a period of seventy-two (72) hours in the residential zone shall be towed by the Borough at the owner's expense.

F. No commercial vehicle or commercial equipment shall be deemed to be in violation of the provisions of this article if the commercial vehicle or commercial equipment is reported to the Borough's Police Department as being inoperable, and is removed from the residential zone within twenty-four (24) hours by the owner.

G. Any commercial vehicle or commercial equipment that is not registered, or whose owner is otherwise unidentifiable, which shall remain parked in any residential zone for a period of thirty-six (36) hours, shall be removed by the Borough.

8. Commercial vehicles and equipment that are servicing utilities within the Borough are exempt from the provisions of this act unless the vehicle or equipment has been parked for

more than five (5) days.

All other parts, portions and provisions of the Borough of Morris Plains Code, be and the same, are hereby ratified and confirmed, except where inconsistent with the terms hereof. In the event of any such inconsistency, the terms of this Ordinance shall be deemed to govern.

Section 2:

The terms of this Ordinance are hereby declared to be severable; should any part, portion or provision hereof be declared invalid or unconstitutional, said finding shall not affect any other part, portion or provision hereof.

Section 3:

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

Section 4:

This Ordinance shall take effect immediately upon final passage and publication according to law.

Introduced: May 4, 2023

Adopted: May 18, 2023

/s/ Jason Karr