CITY OF ABSECON

ORDINANCE 01-2016

AN ORDINANCE OF THE CITY OF ABSECON CREATING CHAPTER 270 OF THE CODE OF THE CITY OF ABSECON ESTABLISHING REGULATIONS FOR PROHIBITION OF COMMERCIAL VEHICLES IN RESIDENTIAL ZONES

WHEREAS, the Municipal Land Use law of the State of New Jersey allows municipalities to create zoning districts; and

WHEREAS, the purposes of zoning allow the creation of residential, commercial, industrial and other types of zones within a municipality; and

WHEREAS, the municipalities of the State of New Jersey are authorized to enact appropriate measures to maintain the character of residential, commercial and industrial zones within municipal boundaries; and

WHEREAS, the Council of the City of Absecon is desirous of maintaining and promoting the residential environment in single family and other residential zones within the City; and

WHEREAS, the parking of large or an excessive number of commercial vehicles in residential zones within the City of Absecon detracts from the residential nature of said zones including having a negative impact on the aesthetics and increases the generation of noise within said residential zones; and

WHEREAS, the prohibition and limiting of certain commercial vehicles within residential zones is a legitimate exercise of police power and will help maintain the residential character of said zones and promote the health, safety and welfare of residents and visitors to the City of Absecon.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ABSECON, NEW JERSEY THAT CHAPTER 270 OF THE CITY OF ABSECON SHALL BE CREATED AND READ AS FOLLOWS:

Section I - Section 270-1 of the Code of the City of Absecon shall read as follows:

270-1 - Residential Purpose
The purpose of this Ordinance is to help maintain the integrity of residential zones within the City of Absecon by prohibiting large commercial vehicles and an excessive number of commercial vehicles within residential zones of the municipality.

Section II - Section 270-2 of the Code of the City of Absecon shall read as follows:

270-2 - Certain Vehicles Prohibited
Parking of The following vehicles overnight is hereby prohibited from all residential zones within the City of Absecon:

A. Tri-axle trucks.

B. Cement mixers.

C. Any tractors, backhoes, bulldozers, excavating equipment or other equipment normally associated with commercial activities.

D. Dump trucks, box trucks and panel trucks.

E. Lifts, scissor lifts, cherry pickers or any trucks or other vehicles containing the same.

F. Any trucks or other vehicles which contain flashing, display or other type signs used to give warning or information to motorists approaching construction sites or to advertise a product.

G. Any asphalt rollers, graders or other vehicles used for leveling ground or placing or removing asphalt.

H. Any trucks used primarily for plowing or spreading of salt, chemicals or fertilizers.

I. Any chipper, wood spreader or similar vehicle.

J. Tow trucks.

K. Any other vehicle which is generally used for commercial purposes or displays commercial license plates.

Section III - Section 270-3 of the Code of the City of Absecon shall read as follows:

270-3 - With the exception of the vehicles set forth in Section II which are prohibited within all residential zones of the City of Absecon, two (2) commercial vehicles limited to cars, pick-up trucks, vans, panel vans, other vehicles whose dimensions are 21 feet or less in length, 8 feet or less in width and 9 feet or less in height and Trailers no longer than 18 Feet in length and 8 Feet in Width shall be permitted on or in front of a property occupied by the owner or operator of the vehicle or trailer. For the purpose of this Section a vehicle shall be considered to be in front of a property if it is parked in a City street between the property lines, if extended, of that property. For a trailer to be permitted as one of the two allowed commercial vehicles it must be used in association with the other permitted commercial vehicle. When measuring the height of a vehicle roof racks, antennas and other attachments shall not be considered.

Section IV. Section 270-4 of the Code of the City of Absecon shall read as follows:

270-4 - Enforcement and Penalties
The provisions of this Ordinance may be enforced by any member of the police department or any individual working in the Construction Office. Any person or business entity found guilty of violating the provisions of this section shall be subject to a fine of up to $1,000.00 and/or community service for up to 30 days and/or imprisonment in the County Jail for up to 30 days. Each day that a violation of this section exists shall be considered a new and separate violation.

Section V. The provisions of this Section shall not apply to any commercial vehicle actively being used at a constructions site.

Section VI. The continuing validity of Section 224-107 and Chapter 330 - Nothing herein shall repeal or modify Section 224-107 or Chapter 330 of the Code of the City of Absecon which shall continue in full force and effect including the continuation of the prohibition against boat trailers being parked in the street.

Severability - If any section or part of this Chapter is deemed to be invalid or illegal in any Court of competent jurisdiction then said part is severable from this Chapter as a whole and the remaining sections or parts of this chapter shall remain in full force and effect.

Effective Date - This ordinance shall become effective upon passage and publication pursuant to law.

Repealer - Any ordinance or section thereof, inconsistent with this ordinance shall be repealed.

DATED: April 7th, 2016

INTRODUCTION ONLY

SIGNED: _____
John R. Armstrong, Mayor

INTRODUCTION ONLY

ATTEST: _____
Carie A. Crone, RMC, Municipal Clerk

Passed on first reading at a regular meeting of the Municipal Council held on March 17th, 2016. Laid over and advertised for public hearing and final adoption on April 7th, 2016.