

**AN ORDINANCE AMENDING CHAPTER 25, SECTION 12.4 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(SUPPLEMENTAL PARKING AND LOADING SPACE REGULATIONS)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 25, Section 12.4 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to modify the fines set forth in Chapter 25, Section 12.4 of the Revised General Ordinances of the Township of West Orange to be amendable by Resolution such that it is amendable in the future by approval of the Township Council, a necessity in an everchanging socioeconomic climate.

**II. CHAPTER 25 SECTION 12.4 SHALL BE AND HEREBY IS AMENDED AND
SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

§25-12.4 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Supplemental Parking and Loading Space Regulations” which specifies the requirements in all districts for parking and loading spaces in the Township of West Orange, shall be repealed and replaced by the following language:
 - a. In All Districts:
 1. No garage shall be erected so as to encroach on a minimum required front yard, side yard or side front yard, except that an existing private garage for a one-family or two-family dwelling may be rebuilt within its same footprint as per Subsection 25-8.2e.
 2. An access drive to an off-street parking area or truck-loading space may be located within a required side yard, but shall not be located within five feet of a side lot line.
 3. Parking or storage of disabled, unlicensed, unregistered or obviously wrecked vehicles for a period of more than 48 hours is expressly prohibited in any zoning district except on property specifically designated for that purpose.
 4. Required parking areas shall be on the same lot with the main building or use to which they are accessory, except in the B-1 and B-2 Districts per Subsection 25-12.2b.4.
 5. Parking areas and truck-loading spaces shall have safe and adequate access to a public street either by a driveway on the same lot or by means of a permanent easement across any adjoining lot.
 6. No trailer, semitractor, pole trailer, road tractor, truck tractor or vehicle with dual rear wheels shall be parked or

stored on property in any district except as hereinafter provided.

(a) A trailer, semitrailer, pole trailer, road tractor, truck tractor or vehicle with dual rear wheels may be parked or stored on property in an industrial district during the hours of 9:00 p.m. and 7:00 a.m. without being completely housed in a garage.

(b) Nothing herein shall be deemed to prohibit the parking or storing of a trailer, semitrailer, pole trailer, road tractor, truck tractor or vehicle with dual rear wheels on property in any district while it is being used in the transaction of business with the owner or occupant of the property. In no event shall the time period authorized by this subsection exceed four hours.

(c) The provisions of this subsection shall not apply to any vehicle parked or stored for the purpose of installing, maintaining or performing public utility services.

(d) Enforcement and Penalty.

(1) Enforcement of the provisions of these regulations shall be the joint responsibility of the Zoning Officer and/or the Police Department.

(2) Any person, firm, partnership, association, corporation or other entity convicted of violating these regulations shall be liable to a fine, the amount of which is prescribed by Resolution for each such violation and each day in which such violation continues shall constitute a separate violation or offense. In addition to the foregoing remedies the Township Attorney may maintain an action in any court of competent jurisdiction to enjoin, restrain, abate, correct or remove any violation of these regulations.

b. In Residential Districts.

1. Private garages and parking areas shall be utilized only as an accessory to the principal use, except that one parking space in a private garage accessory to a dwelling may be rented to a person who is not a resident of the main building.

2. Not more than 30% of the area of a minimum required front yard, rear yard or side yard shall be used as a parking area. For Senior Citizens Projects not more than 65% of the area of the minimum required front yard, rear yard or side yard shall be used as a parking area.

3. No commercial vehicle as defined in Subsection 25-4b, pickup truck, truck, van or equipment related thereto, shall be parked or stored in any residential district between 9:00

p.m. and 7:00 a.m. unless the following conditions are satisfied:

- (a) If there is a garage on the premises into which the vehicle fits in its stripped down fashion (i.e. without accessories), the vehicle must be parked or stored in the garage with the doors closed.
- (b) If the premises has a garage into which the commercial vehicle fits in its stripped down fashion, there cannot be another ungaraged commercial vehicle on the premises.
- (c) If the residence is multi-family, there can be only one ungaraged commercial vehicle per property provided however that all commercial vehicles that can fit in a garage in their stripped down fashion must be parked or stored in a garage if the premises has a garage. In a multi-family residence, the property owner shall designate in writing the sole permitted commercial vehicle.
- (d) If the vehicle is permitted by this section to be parked outside of a garage, all removable equipment such as pipes, pipe racks, ladders and all racks and equipment must be removed from the vehicle when parked and unexposed to public view.
- (e) If the vehicle is permitted by this section to be parked outside of a garage, any signage or commercial markings that are permanently affixed to the vehicle must be covered with a blank metallic cover that is the same color as the body of the vehicle when the vehicle is parked.
- (f) If the vehicle is permitted by this section to be parked outside of a garage, any signage or commercial markings, such as magnetic lettering, that is not permanently affixed to the vehicle must be removed when the vehicle is so parked.
- (g) Any vehicle that does not fit within a garage as per Subsection a., may be parked in the driveway on the premises in the area of the driveway which is least visible from the nearest adjacent street or roadway.
- (h) Any vehicle permitted to be parked outside a garage by this section must have a single axis chassis body with not more than four wheels, it shall not be more than 20 feet long and seven feet high and shall not exceed 6,000 pounds registered gross vehicle weight.
- (i) The vehicle must be owned and/or operated by a Township resident who is the property owner or tenant who actually resides at the property.
- (j) Exception. Nothing herein shall be deemed to prohibit the parking or storing of a commercial vehicle,

or equipment related thereto, in a residential district while it is being used in the transaction of business with the owner or occupant of any residential property or is in the area for the purpose of installing, maintaining or performing public utility services.

(k) Enforcement. Enforcement of these regulations shall be the joint responsibility of the Zoning Official or the Planning Director's designee and/or the Police Department. Both the vehicle owner and property owner/occupant may be found responsible under this Subsection b,3.

(l) Exemption. The Zoning Official or the Planning Director's designee shall grant an exemption, to any resident who provides proof of the following:

(1) That the commercial vehicle is properly registered and meets all the requirements of the State of New Jersey including all appropriate weight and other restrictions.

(2) That the appearance of the commercial vehicle is clean, free of all graffiti, exterior is finely finished, and all other criteria set forth in Subsections (d), (e), (f), (i), (j) are met.

(3) That the size of the driveway is sufficient or appropriate to permit the storage of the commercial vehicle. The driveway must be of sufficient size to permit the commercial vehicle to be parked with three feet of paving on each side and at least 20 feet from the sidewalk, if applicable, and/or the street whichever is further. The driveway shall be in good condition.

(4) That no other housing, health or other violations of the Township Ordinances and other laws exist.

(5) Show an inability to find alternate parking for the commercial vehicle.

(6) The exemption shall only be available for one commercial vehicle per residence and shall be approved for the particular vehicle only.

(7) In granting the exemption, the Zoning official or the Planning Director's designee may impose such reasonable provisions or restrictions as he or she deems necessary and appropriate.

(8) Upon issuance of an exemption and payment of a permit fee prescribed by Resolution, a sticker shall be affixed to the exempted vehicle's rear bumper and may not be transferred to any other vehicle without Zoning Board approval.

(m) Violation. Any person, firm, partnership, association, corporation or other entity convicted of violating these regulations shall be liable to a fine, the amount of which is prescribed by Resolution for each such violation and each day in which such violation continues shall constitute a separate violation or offense. In addition to the foregoing remedies, the Township Attorney may maintain an action in any court of competent jurisdiction to enjoin, restrain, abate, correct or remove any violation of these regulations.

4. Interior roadways or access drives leading to off-street parking facilities in multiple family developments shall be designated fire lanes and no parking shall be allowed.

5. The parking of house, tent and utility trailers, campers, boats, motor homes and other vehicles, notwithstanding any other provision of this chapter, is expressly prohibited in any front yard or side front yard. In any event vehicles may not be parked or stored for more than a period of 48 hours unless owned or leased by the property owner. Portable storage containers shall only be permitted in accordance with the requirements of Subsection 25-9.11.

6. No tow truck, flat bed truck, or construction equipment may be parked or stored on property in any residential district.

(a) Exceptions. Nothing herein shall be deemed to prohibit the parking or storing of a tow truck, flat bed truck or construction equipment on property in any district while it is being used in the transaction of business with the owner or occupancy of the property or when such vehicle has been summoned to the property by the Police Department. In no event shall the time period authorized by this subsection exceed four hours.

(b) Enforcement; Penalty.

(1) Enforcement of the provisions of these regulations shall be the joint responsibility of the Zoning Officer and/or the Police Department.

(2) Any person, firm, partnership, association, corporation or other entity convicted of violating these regulations shall be liable to a fine prescribed by Resolution for each such violation and each day in which such violation continues shall constitute a separate violation or offense. In addition to the foregoing remedies the Township Attorney may maintain an action in any court of competent jurisdiction to enjoin, restrain, abate, correct or remove any violation of these regulations.

c. A parking area may be situated in whole or in part on the roof of the main building to which it is accessory providing the parking area is properly and adequately screened.

III. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

IV. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

V. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

SUSAN MCCARTNEY, MAYOR

**TAMMY WILLIAMS,
COUNCIL PRESIDENT**

KAREN J. CARNEVALE, R.M.C., MUNICIPAL CLERK

INTRODUCED: March 21, 2023

ADOPTED:

2724-23

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 25 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.