

TOWNSHIP OF NORTH BERGEN
HUDSON COUNTY, NEW JERSEY

COMMERCIAL VEHICLE PARKING ORDINANCE

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF
THE TOWNSHIP OF NORTH BERGEN that:

Section 1: Definition

For purposes of this Ordinance, the term "commercial vehicle" shall mean a vehicle used for the transportation of persons for hire, compensation or profit, or designed or used for the transportation of property, materials, cargo, equipment or tools. The term commercial vehicle shall include, but not be limited to, commuter vans, food vending trucks, limousines, recreational vehicles, motor drawn vehicles, omnibuses, panel vans, pole trailers, road tractors, school buses, semi-trailers, taxicabs, tow trucks, trucks, and truck tractors, vehicles having more than 4 wheels, vehicles weighing more than 9,000 lbs., vehicles having a height in excess of 9.5 feet, vehicles having a length of more than 18 feet, vehicles having a width of more than 7 feet, vehicles having tool, cargo or equipment racks or cages in the interior or on the exterior of the vehicle, vehicles containing commercial or business lettering, advertising or graphics, and vehicles registered as commercial, omnibus, limousine, livery, taxi, farmer, commuter van, or school vehicle.

Section 2: Parking of Commercial Vehicles Prohibited In Residential

Neighborhoods

Except as provided in Section 4 of this Ordinance, no person shall park or leave standing a commercial vehicle upon any front yard, side yard, rear yard, or any other private driveway or parking lot, where that vehicle is visible from the street in an R1, R2, R3, P1, or P2 residential zone.

Section 3: Parking of Commercial Vehicles In All Neighborhoods

Except as provided in Section 4 of this Ordinance, no person shall park or leave standing a commercial vehicle, upon any street, public land, avenue, road, or other public thoroughfare in the Township of North Bergen.

Section 4: Exceptions to Prohibition of Commercial Vehicles

A. The prohibition as to commercial vehicles parking in areas provided for in Section 2 and Section 3 shall not apply to commercial vehicles that are in the process of rendering services to premises within said neighborhoods.

B. A property that is the subject of a variance for business purposes or a pre-existing, non-conforming business use shall not be deemed to be in an R1, R2, R3, P1 or P2 residential zone.

C. Rental moving trucks, utilized while under a rental agreement, shall be permitted to be parked for a continuous 72 hour time period.

D. The prohibition as to commercial vehicles parking in areas provided for in Section 2 and Section 3 shall not apply to commercial vehicles, where the vehicle owner has obtained a valid residential parking permit from the North Bergen Parking Authority ("Parking Authority") pursuant to Section 5 of this Ordinance.

E. Commercial vehicles, which have obtained a commercial parking permit from the Parking Authority, may park where parking is permitted on the following streets, or portions thereof:

1. Both sides of Dell Avenue, south of 43rd Street;
2. The west side of Dell Avenue, from 43rd Street to 49th Street;
3. Both sides of Roustein Avenue;
4. Both sides of Nolan Avenue;

5. The north side of 70th Street, west of Tonnelle Avenue; and

6. Both sides of 74th Street, west of Tonnelle Avenue.

Section 5: Obtaining a Residential Parking Permit

A. The owner of a vehicle falling within the definition of commercial vehicle set forth in Section 1, may obtain a residential parking permit for a passenger van, panel van, or pickup truck, provided:

1. the vehicle is not, and will not be, used for any business or commercial purpose, and the vehicle owner certifies to this fact;
2. the vehicle does not contain any cargo or equipment racks or cages, either in the interior or on the exterior of the vehicle;
3. the vehicle does not contain any commercial or business lettering, advertising or graphics;
4. the vehicle is not registered as a commercial vehicle, omnibus, limousine, livery, taxi, farmer vehicle, commuter van, or school vehicle;
5. the vehicle does not weigh more than 9,000 lbs; and
6. with respect to a passenger van, the van does not contain more than three rows of seats, including the front seats.

B. In the event an applicant is denied a residential parking permit, the applicant may appeal the administrative decision of the Parking Authority to the Parking Authority Board of Commissioners. Said appeal shall be in writing and shall be considered solely on written submissions, unless the Parking Authority Board of Commissioners requests oral testimony or argument.

C. After having obtained a residential parking permit for a commercial vehicle pursuant to this Section, no person shall do any of

the following without first having returned their residential parking permit to the Parking Authority:

1. Change, modify or alter their permitted vehicle so that it no longer would qualify for a residential parking permit under this Section;
or
2. Use their permitted vehicle, or allow the use of their permitted vehicle, for the transportation of persons for hire, for compensation or profit, or for the transportation of property, materials, cargo, equipment or for any other commercial or business related purpose.

D. The Parking Authority may revoke a residential parking permit issued for a commercial vehicle for any violation of Section 5.C. An administrative decision to revoke a residential parking permit may be appealed to the Parking Authority Board of Commissioners pursuant to the same procedures set forth in Section 5.B. Provided an appeal is filed within seven (7) business days of the revocation, the revocation will be considered stayed pending the conclusion of the appeal to the Parking Authority Board of Commissioners.

E. The determination of whether a commercial vehicle qualifies for a residential parking permit, or whether a residential parking permit should be revoked, shall be within the exclusive discretion of the Parking Authority, based on the criteria set forth in this Section.

Section 6. Enforcement

The Parking Authority shall have and exercise the power and perform the duties associated with the management, operation and enforcement of this Ordinance. The North Bergen Police Department shall also enforce the provisions of this Ordinance.

Section 7: Penalties and Fines

A. Owners of Commercial vehicles parked in violation of this Ordinance shall be subject to a fine of not less than \$115.00, nor more than \$500.00 for each violation.

B. Any person violating Section 5.C of this Ordinance shall be subject to a fine of \$500.00 for each violation.

C. Any person who falsely represents himself, herself, or their vehicle as eligible for a residential parking permit, or who furnishes false information on an application for such a permit, shall be subject to a fine of \$500.00 for each violation.

D. Any person holding a residential parking permit, issued pursuant to this Ordinance, who permits or allows the use or display of such parking permit on any motor vehicle, other than that for which the permit was issued, shall be subject to a fine of \$500.00 for each violation.

E. Any person who copies, reproduces or otherwise brings into existence, a facsimile or counterfeit residential parking permit, or allows another person to copy, reproduce or otherwise bring into existence a facsimile or counterfeit residential parking permit shall be subject to a fine of \$500.00 for each such violation.

Section 8: Severability

If any part or parts of this Ordinance are for any reason held to be invalid, such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 9: Consistency

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed as to the inconsistency thereof.

Section 10: Repealer

This Ordinance supersedes, replaces and repeals Ordinance No. 302-16, except to the extent any summonses or complaints were issued under Ordinance No. 215-14 prior to the effective date of this Ordinance.

Section 11: Effective Date:

This Ordinance shall take effect immediately upon passage and publication as required by law.

Introduced: October 26 , 2016

Published: October 19 & November 14, 2016

Adopted: November 9, 2016

Attest: Erin Barillas
Township Clerk

<u>Comm. Cabrera</u>	<u>YES</u>
<u>Comm. Marengo</u>	<u>YES</u>
<u>Comm. Gargiulo</u>	<u>YES</u>
<u>Comm. Pascual</u>	<u>YES</u>
<u>President Sacco</u>	<u>YES</u>