

**TOWN OF WEST NEW YORK
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE # 23/20

**AN ORDINANCE AMENDING CHAPTER 277, ARTICLE V OF THE CODE OF THE
TOWN OF WEST NEW YORK**

WHEREAS, the Mayor and Board of Commissioners of the Town of West New York (“Town”) consider it to be in the best interest of the residents of the Town of West New York to provide for the control of Commercial Vehicles that park in Residential Parking Permit Zones in order to alleviate the hardship experienced by residents in obtaining an on-street parking space, to preserve the residential quality of neighborhoods and to provide for improvements in air quality, vehicular traffic, and noise pollution; and

WHEREAS, the powers and duties contained in this ordinance shall be performed by the West New York Parking Services Utility of the Town of West New York; and

WHEREAS, the Town on October 17, 2019, did adopt Ordinance #19/19, creating a Parking Services Agency, having oversight over and control of over the Town's parking system that consists of on-street parking and parking within Town lots and garages, as well as equipment owned, leased or otherwise under the control of the Town of West New York, and the enforcement of parking regulations in the Town; and

WHEREAS, the Town has introduced Ordinance #20/20, “An Ordinance Amending Chapter 277 Article VII of the code of the Town Of West New York” (“Residential Permit Parking Program”) and now wishes to update Article V of Chapter 277 to align with the intent of Ordinance #20/20 and to provide for relief of commercial vehicles parked on the streets and roadways of the Town of West New York.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Board of Commissioners of the Town of West New York, County of Hudson, State of New Jersey, that Chapter 277, Article VII of the Code of the Town of West New York is amended to read as follows:

SECTION ONE

Article V. Commercial Vehicles.

§ 277-16. **Overnight parking prohibited.** It shall be unlawful for the owner or operator to park any truck, truck tractor, trailer, van, omnibus, commercial vehicle, commuter van, van-pooling vehicle, semitrailer, school bus, school vehicle - Type 1, school vehicle - Type 2, motorized home, camper, recreation vehicle, ambulance and hearse, all as defined in N.J.S.A. 39:1-1 et seq., upon any street, avenue, lane, road or other public thoroughfare, public property or park in the Town of West New York, in the County of Hudson, on any day of the week except as allowed by Section 11 of Article VII of this Chapter.

§ 277-17. **Exceptions.**

Section 277-16 shall not apply to:

A. Any vehicle (having four wheels only), of less than 20 feet in length, which bears noncommercial plates.

B. Any vehicle (having four wheels only), of less than 20 feet in length which bears commercial plates and bears a resident commercial vehicle sticker.

(1) The burden of proof shall be on the owner of the commercial vehicle to prove that while the vehicle has commercial plates, it is also used for personal use. This parking permit shall be limited and construed under the guidelines in place in subsection b. Resident Parking for "Passenger Commercial" vehicles of Section 5 of Article VII of this Chapter. Only one commercial vehicle sticker shall be issued per household in West New York. A "household" shall be defined as any group of persons residing at a dwelling address indicated on said sticker. The dwelling address of persons who reside in a multiple dwelling shall be the identified dwelling unit or apartment within the multiple dwelling. Further, the one commercial vehicle must have a vehicle registration listing an address in the Town of West New York.

(2) This limited exception shall not apply to commuter vans, which in any case shall not be permitted to park on public streets. The West New York Parking Services Utility shall be authorized to promulgate regulations, forms and procedure regarding the implementation of the resident parking permit for commercial vehicles. The West New York Parking Services Utility shall charge an application fee for the resident sticker program of \$100.00, which shall be renewed every six (6) months by the applicant for an additional renewal fee of \$50.00.

(3) It shall be the intent of this chapter to limit the amount of commercial vehicles utilizing on street parking, any vehicles that exceed the permitted commercial vehicle regulations and that cause a nuisance to the intent of this chapter or the intent of the Residential Parking Permit program.

C. Vehicles owned and operated by the Town of West New York, the Board of Education or any other municipal, county, state or federal agency or any parochial, elementary or secondary school based in the Town of West New York.

D. Taxicabs based and licensed in the Town of West New York, while said taxicabs are parked for the purposes of conducting their taxicab service.

SECTION TWO

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, which shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any portion thereof.

SECTION THREE

Repealer. All Ordinances or portions thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or portions of ordinances now existing or in effect shall remain in effect unless they are in conflict or inconsistent with any provision of this Ordinance.

SECTION FOUR

Codification - This ordinance shall be part of the Code as though codified and fully set forth therein. The Town Clerk shall have this ordinance and incorporated in the official copies of the Code. The Town Clerk and the Town Attorney be and are hereby authorized and directed to change any heading, chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those headings and numbers and existing provisions of the Code of the Town of West New York and to also codify any fee set forth in this Ordinance in such section of the Code, other than Chapter 277, Sections V of the Code, where such fee may currently be codified in the existing provisions of the Code, as may be deemed appropriate.

SECTION FIVE

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

SUMMARY OF ORDINANCE

This Ordinance amends Chapter 277, Article V to remove the provisions allowing commercial vehicle parking for on street parking.

Introduced: September 2, 2020

Notice

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on **September 2, 2020** and ordered published, and will be further considered before final passage at a public hearing on **September 23, 2020 at 6:30 pm** at the Municipal Building, West New York, NJ. A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, N.J.