

ORDINANCE NO. 08-2023

AN ORDINANCE OF THE TOWNSHIP OF EAST HANOVER, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE CHAPTER 155 "VEHICLES AND TRAFFIC" ARTICLE VII "REGULATION OF SEMI-PUBLIC PLACES" SECTION §155-17 "PROVISIONS APPLICABLE TO CERTAIN PREMISES"

WHEREAS, in addition to the powers conferred to a municipality under section 39:4-197 of the Revised Statutes, the governing body of every municipality may make, amend, repeal and enforce ordinances to regulate vehicular and pedestrian traffic and the parking of vehicles in parking yards and parking places, which are open to the public or to which the public is invited, whether maintained or operated separately or in conjunction with any business or enterprise pursuant to N.J.S.A. 40:48-2.46; and

WHEREAS, N.J.S.A. 39:4-197(1) and (3) further provide, *inter alia*, that a municipality may pass, without the approval of the Commissioner of Transportation, and consistent with the current standards prescribed by the Manual on Uniform Traffic Control Devices for Streets and Highways, ordinances altering speed limitations as provided in R.S.39:4-98, ordinances designating one-way streets, ordinances regulating the entrances to and exits from parking yards and parking places which are open to the public or to which the public is invited, and ordinances designating restricted parking spaces for use by handicapped persons who have been issued special vehicle identification cards by the New Jersey Motor Vehicle Commission pursuant to the provisions of P.L.1949, c.280 and section 1 of P.L.1977, c.202; and

WHEREAS, QuickChek Corporation, LLC has submitted an application to the Township Council of the Township of East Hanover requesting that the provisions of Title 39, Subtitle 1 of the Revised Statutes be made applicable to the semi-public roadways, driveways, parking areas and other areas used for vehicular traffic on the property identified as Block 100, Lot 33 on the Tax Map of the Township of East Hanover, more commonly known as 235 Route 10, East Hanover; and

WHEREAS, the Township Engineer has reviewed the application and has recommended that Subtitle 1 of Title 39 be made applicable as provided herein; and

WHEREAS, Chapter 155 of the Township of East Hanover Municipal Code titled "Vehicles and Traffic" need to be amended and supplemented accordingly.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Township Council that:

SECTION 1. Chapter 155 of the Township of East Hanover Municipal Code titled "Vehicles and Traffic", Article VII "Regulation of Semi-Public Places", §155-17"Provisions Applicable to Certain Premises", Subsection B "Certain Premises Regulated" shall be amended and supplemented to include the following:

- (12) There is hereby created, ratified and adopted a new subsection of the Township Code of the Township of East Hanover, entitled "Applicability of Subtitle 1 of Title 39 of the Revised Statutes of the State of New Jersey to the premises located at as Block 100, Lot 33 on the Tax Map of the Township of East Hanover, more commonly

known as 235 Route 10 in the Township of East Hanover, County of Morris, State of New Jersey.

- (a) Applicability. Subtitle 1 of Title 39 of the Revised Statutes of the State of New Jersey be and are hereby applicable to the premises located at as Block 100, Lot 33 on the Tax Map of the Township of East Hanover, more commonly known as 235 Route 10 in the Township of East Hanover, County of Morris, State of New Jersey.
- (b) Enforcement. Enforcement of Subtitle 1 of Title 39 of the Revised Statutes of the State of New Jersey, as well as all regulations set forth in this subsection, shall be enforced by the Township of East Hanover Police Department.
- (c) Violations and penalties. Unless another penalty is expressly provided by New Jersey statute, every person convicted of a violation of any provision of this subsection, or any supplement thereto, shall be punished by a fine of not more than \$1,000 and/or imprisonment for a term not exceeding 15 days, or both.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

SECTION 3. If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.

SECTION 4. This Ordinance shall be a part of the Code of the Township of East Hanover as though codified and fully set forth therein. The Township Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Township Clerk and the Township Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Township of East Hanover in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

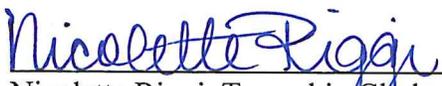
SECTION 5. This Ordinance shall take effect twenty days after final passage by Council and approval by the Mayor in the manner prescribed by law at N.J.S.A. 40:69A-181.

Introduced: August 7, 2023

Adopted: September 5, 2023

ATTEST:

TOWNSHIP OF EAST HANOVER


Nicolette Riggi, Township Clerk


Joseph Pannullo, Mayor

I, Nicolette J. Riggi, RMC, Township Clerk of the Township of East Hanover, County of Morris, do hereby certify the foregoing to be a true copy of an Ordinance adopted by the Township Council at a duly convened meeting held on September 5, 2023.


Nicolette J. Riggi, RMC, Township Clerk