

(c)
TOWNSHIP OF BYRAM
NEW JERSEY

*cc: Admin
Plan*

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April 17, 2013

APR 22 2013

TO: Green Township
Andover Township
Andover Borough
Sparta Township
Hopatcong Borough
Stanhope Borough
Mt. Olive Township
Allamuchy Township
Roxbury Township
Sussex County Planning Board

FROM: Doris J. Flynn, RMC, Township Clerk

RE: Land Use Ordinances

Pursuant to the provisions of the Municipal Land Use Law, Chapter 291, enclosed please find a copy of the following proposed ordinance:

AN ORDINANCE AMENDING SECTION 240-29 INOPERABLE MOTOR VEHICLES AND ARTICLE VI PARKING AND LOADING, SECTION 240-37 IN CHAPTER 240 ZONING

Purpose Statement: The purpose of this Ordinance is to amend the Township's existing ordinance that prohibits parking of commercial vehicles in a residential zone. Township residents may need to park certain commercial vehicles in residential zones. This amendment will establish the types of commercial vehicles and the conditions under which said commercial vehicles can be stored in a residential zone.

Notice is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Byram, in the County of Sussex, New Jersey, held on the 16th of April, 2013. Introduced and read by title and passed on the first reading and that said Township Mayor and Council will further consider the Ordinance for second reading and final passage thereof at a meeting to be held on the 7th day of May, 2013, at 7:30 p.m., at the Township of Byram Municipal Building, 10 Mansfield Drive, Stanhope, New Jersey, at which time and place a public hearing will be held thereon by the Township Council and all persons and citizens in interest shall have an opportunity to be heard concerning same. Copies of this ordinance are available at the Clerk's office Monday through Friday from 8:30 am. to 4:30 p.m.

Doris J. Flynn, RMC
Byram Municipal Clerk

**TOWNSHIP OF BYRAM
SUSSEX COUNTY, NEW JERSEY
ORDINANCE NO. 4 – 2013**

AN ORDINANCE AMENDING SECTION 240-29 INOPERABLE MOTOR VEHICLES AND ARTICLE VI PARKING AND LOADING, SECTION 240-37 IN CHAPTER 240 ZONING

Purpose Statement: The purpose of this Ordinance is to amend the Township's existing ordinance that prohibits parking of commercial vehicles in a residential zone. Township residents may need to park certain commercial vehicles in residential zones. This amendment will establish the types of commercial vehicles and the conditions under which said commercial vehicles can be stored in a residential zone.

WHEREAS, The Township's Zoning Officer reviewed the Township's ordinance addressing commercial vehicles in a residential zone and recommends with input from the Mayor and Council amending the existing ordinance to identify the types of commercial vehicles and the conditions under which said commercial vehicles can be kept in a residential zone.

NOW, THEREFORE, BE IT ORDAINED, by the Byram Township Council that certain sections of Chapter 240 of the Township of Byram Ordinances are hereby amended as follows:

Section 1. Section 240-29 Inoperable Motor Vehicles is hereby amended to remove Subsection B in its entirety.

Section 2. ARTICLE VI Parking and Loading, Section 240-37 – Residential Zone Districts, is hereby amended in its entirety to state as follows:

- A. Residential Vehicles - Provision shall be made for two usable off-street parking spaces for each new dwelling unit unless otherwise permitted by the Planning Board. No parking of motor vehicles shall be permitted on residential lawns.
- B. Commercial Vehicles:
 - 1) Only one commercial vehicle (defined as every type of motorized vehicle used for commercial purposes and requiring any type of commercial registration), including a school vehicle Code 18 (vehicle with a seating capacity of 16 or less and displaying registration plates beginning or ending with "S2") and one commercial trailer owned or used by the resident of the premises are permitted per residence, which must be parked in the driveway or garage. On-street parking by these permitted vehicles is prohibited.
 - 2) The permitted registered gross weight of any commercial vehicle shall not be more than 17,500 pounds and/or the length of the truck shall not exceed 21 feet and/or the height of the truck shall not exceed 10 feet.
 - 3) School Vehicles, Code 17, (vehicle with a seating capacity of 17 or more and displaying registration plates beginning or ending with "S1"), are allowed during

the daytime only and must be legally parked pursuant to applicable parking regulations.

- 4) Any commercial vehicle shall not be left idling in the driveway.
- 5) All construction equipment, including but not limited to bulldozers, backhoes, pay loaders, cranes, wood chippers and similar machines are prohibited, except while there is an active construction/open permit unless otherwise stored in a garage or other building on the premises.
- 6) Moving vans, moving trucks and trailers for the resident at which they are moving the possessions to or from for a period not exceeding 48 hours in duration are allowed.
- 7) Tractor-trailers and tractor bodies without trailers are prohibited from being parked or otherwise stored in a residential zone.

Equipment necessary for use on farmland assessed property is allowed, however, the equipment must be stored satisfying the setback requirements for accessory structures.

Section 3. SEVERABILITY

If any provision of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

Section 4. REPEALER

All ordinances or parts of ordinances which are inconsistent with any provisions of this ordinance are hereby repealed as to the extent of such inconsistencies.

Section 5. EFFECTIVE DATE

This ordinance shall take effect 20 days after final adoption and publication as required by law.

BY ORDER OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BYRAM

Introduced: 4/16/13 Adopted:

COUNCIL MEMBER	Councilman Luaces	Councilwoman Rafferty	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion			✓		
2nd				✓	
Yes	✓	✓	✓	✓	✓
No					
Abstain					
Absent					