

Ordinance #2020-1252
An Ordinance Amending
The Land Use Code Of The Borough Of Manville
At Section §31-406.1 “Off-Street Parking And Driveways”

Statement of Purpose

The purpose of this Ordinance is to regulate off-street-parking on residential lots in the Borough of Manville, by amending Manville Land Use Code §31-406.1 “Off-street Parking and Driveways” §31-406.2 “Commercial Vehicles and Trailers in Residential Districts” and, as applicable, Amending Ordinance No. 1983-582 and Ordinance No. 2006-1038.

WHEREAS, the Borough Council has determined that in the interest of the health and safety of residents of the Borough of Manville, it is necessary to establish uniform standards and guidelines for off-street-parking on residential lots in the Borough of Manville;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Manville in the County of Somerset, New Jersey, as follows:

SECTION 1: Sections Amended: §31-406.1 “Off-street Parking and Driveways” of the Land Use Code of the Borough of Manville is amended, in pertinent part, to now read as follows:

406.1(b) The curb opening for a driveway shall be no more than 22 feet wide.

406.1(c)(1) The width of a driveway shall be no more than 22 feet extending from the side of the dwelling portion (excluding the garage) of the residence nearest to the driveway, to the nearest side line of the lot. It is the intent of this section that:

(i) where a dwelling has an attached single-car garage, an 11-foot-wide driveway may be located directly in front of the garage, and up to an 11-foot-wide additional paved area may be added between that driveway and the nearest side lot line, subject to all required sideline setbacks in the Land Use Code;

(ii) where a dwelling has an attached two-car-wide garage, a 22-foot-wide driveway may be located directly in front of the double garage door or doors, subject to all required sideline setbacks in the Land Use Code;

(iii) where a dwelling does not have any garage on the lot, an 11-foot-wide driveway may be located directly in front of the residence, and up to an 11-foot-wide additional paved area may be added between that driveway and the nearest side lot line, subject to all required sideline setbacks in the Land Use Code;

(iv) under no circumstances shall a driveway or paved area in front of the dwelling portion of a residence be greater in width than 11 feet.

406.1(c)(2) A driveway may extend along the side of a residence, but no driveway may extend further than the back wall of the enclosed living area (i.e., excluding porches or decks) of the residence, unless a permitted or pre-existing free-standing garage is located farther back on the lot, in which case the driveway may extend to the door of such garage.

406.1(d) There shall be no parking in the front yard, side yard, or rear yard of any residential lot, except on the driveway thereof, provided, however, in the event of an emergency, parking shall be permitted, on telephoned or emailed notice to the Borough

Clerk giving notice of the emergency, on any portion of the front yard for a period of time not to exceed 24 hours.

406.1(e) No curb opening shall be constructed or enlarged and no driveway shall be constructed or enlarged without the owner of the premises obtaining a permit therefor. Application for a permit shall be made to the Zoning Officer along with a survey upon which the proposed curb opening and/or driveway is superimposed and a non-refundable permit fee of \$10 paid. The Zoning Officer shall refer the matter to the Borough Engineer for a determination that the proposed improvement conforms to the Land Use Ordinance of the Borough of Manville and to the principles of sound engineering practice. Upon the approval of the Borough Engineer and a determination by the Zoning Officer that the proposed improvement meets all zoning requirements, a permit shall be issued by the Zoning Officer.

406.1(f) [NEW SECTION] Not more than one currently Unregistered, Uninspected, Inoperable, or Junk vehicle shall be parked on any portion of any private property, other than in a garage or paved driveway area not visible from the street, in any residential zone, and such vehicle shall not at any time be in a state of major disrepairs or disassembly, nor shall it at any time undergo major overhaul, including body work or paint, in a residential neighborhood.

Definitions: for purposes of this section, (a) Unregistered vehicle shall mean a vehicle not currently registered with the with the New Jersey Motor Vehicle Commission (NJMVC); Uninspected vehicle shall mean a vehicle not bearing a current Inspection sticker from the NJMVC; Inoperable vehicle shall mean any vehicle which can not be started upon request of a Borough enforcement officer, or which for any reason will not run, for example: no battery, flat tire or tires, or no wheels, or if the owner is unable to or refuses to start such vehicle; and Junk vehicle shall refer to any vehicle in either rusted, wrecked, dismantled, partly dismantled, inoperative or abandoned condition.

SECTION 2: Sections Not Amended: All other sections of the Land Use Code of the Borough of Manville pertaining to Off-Street Parking in residential areas that are not amended by this Ordinance shall remain unchanged and in full force and effect, including, without limitation and only for purposes of reference, the existing subsection §31-406.1(a); sections §31-406.2 “Commercial Vehicles and Trailers in Residential Districts”; and section §31-801.1 “406.2 “Off-Street Parking for Residential Uses”, all of which shall remain in full force and affect, except as amended herein.

SECTION 3: Notice of Violation; Deadlines to Remediate; Penalties

(a) In addition to other penalties provided by State law, any person in violation of subsection §31-406.1(d) shall be subject to a penalty \$50.00 per day for each day the violation continues past 24 hours.

(b) In addition to other penalties provided by State law, if any property is found by the Borough Zoning Officer or Borough Engineer to be in violation of subsections §31-406.1(a), (b), (c) or (e), the owner of record of the property shall be sent via regular and certified mail a Notice of Violation, to be sent by the Borough Clerk, Borough Zoning Officer, or Borough Engineer, which shall clearly describe the violation and the remedial action needed for compliance, and which shall provide seven (7) calendar days from the date of mailing of said Notice of Violation, for the violation be brought into compliance. Any person who fails to remediate such violation within that seven (7) calendar day period, shall be subject to the penalties set forth below. If a seller of a property fails to comply with

this or any section of this Ordinance, the seller and the new owner after the sale will be jointly and severally responsible for said compliance and all resulting penalties. If such violation continues beyond the seven(7) day time limit provided for remediation in the Notice of Violation served by the Borough, then each day said violation continues, and each day in which a Notice of Violation continues to be unabated shall constitute an additional \$50 per day penalty until the violation(s) has been abated.

(c) All such \$50 per day penalties provided for herein, shall be and remain a Lien attaching to the property, the same as all other taxes and municipal charges upon real estate under the laws of the State of New Jersey, for the collection of taxes and other municipal liens upon real estate.

SECTION 4: Penalties for Continuing Violations and Repeat Offenders. Upon any continuing unremediated violation or repeated violation of any section of this Ordinance, the Borough reserves the right to bring charges against the Violator in Municipal Court, asking the Court to impose any penalties authorized by N.J.S.A. 40:49-5, including but not limited to one or more of the following: imprisonment in the County Jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding 90 days; or by a fine not exceeding \$2,000.00; or by a period of community service not exceeding 90 days. The court before which any person is convicted of violating any ordinance of a municipality shall have power to impose any fine, term of imprisonment, or period of community service not less than the minimum and not exceeding the maximum set forth in this Ordinance.

SECTION 5: Repealer. All other Ordinances or other local requirements that are inconsistent or in conflict with this ordinance are hereby repealed to the extent of any inconsistency or conflict, and the provisions of this ordinance shall apply.

SECTION 6: Severability. In the event that any provision of this Ordinance, or the application of thereof to any person or circumstance is adjudged invalid, such adjudication of invalidity shall not affect the validity of the remaining provisions same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION 7: Purpose of Captions. The captions contained in this Ordinance have been inserted only for the purpose of facilitation reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION 8: Effective Date: This Ordinance shall take effect February 1, 2021, after adoption, passage, and publication according to law.

Borough of Manville,



Richard M. Onderko, Mayor


ORDINANCE #2020-1252

FIRST READING:

ROLL CALL

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		MAGNANI	✓			
	✓	LUKAC	✓			
		MAEDER	✓			
		PETROCK	✓			
✓		SZABO	✓			
		ZAMORSKI	✓			
		MAYOR ONDERKO				

INTRODUCED this 23rd day of November , 2020


Attest: 
 Wendy Barras, Borough Clerk

SECOND READING:

ROLL CALL

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		MAGNANI	✓			
	✓	LUKAC	✓			
		MAEDER	✓			
		PETROCK	✓			
✓		SZABO	✓			
		ZAMORSKI				✓
		MAYOR ONDERKO				

[ADOPTED] [DEFEATED] this 14th day of December, 2020

Attest: 
 Wendy Barras, Borough Clerk