TOWNSHIP OF FAIRFIELD
ORDINANCE #2019-22

AN ORDINANCE ADDING CHAPTER 11, SECTION 5
TO THE TOWNSHIP CODE OF THE TOWNSHIP OF FAIRFIELD ENTITLED
“PROHIBITION OF UNNECESSARY KEEPING OF COMMERCIAL VEHICLES”

WHEREAS, the municipalities of the State of New Jersey are authorized to enact appropriate measures to maintain the character of properties within municipal boundaries; and

WHEREAS, the Township of Fairfield finds it necessary to address the keeping of commercial vehicles and equipment in the Township when same extends beyond the period within which the vehicles and equipment are actively used for approved construction; and

WHEREAS, it is the desire of the Governing Body to add Chapter 11, Section 5 to expand upon the Township’s Property Maintenance Regulations; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Council of the Township of Fairfield, County of Essex, State of New Jersey, as follows:

SECTION 1. Chapter 11, Section 5, of the Township Code of the Township of Fairfield entitled “Prohibition of Unnecessary Keeping of Commercial Vehicles” shall be added to read in its entirety as follows:

11-5 PROHIBITION OF UNNECESSARY KEEPING OF COMMERCIAL VEHICLES.

11-5.1 Purpose.

The Township Council has determined that a prohibition of the keeping of commercial vehicles and equipment within the Township of Fairfield beyond the period within which the vehicles and equipment are actively used for approved construction will help maintain the character of properties within the Township and promote the health, safety and welfare of the public.
11-5.2 Definitions.

As used in this section:

*Commercial vehicles and equipment* shall mean all vehicles and equipment generally used for commercial purposes or displaying commercial license plates, and shall include, but shall not be limited to, the following:

a. Tri-axle trucks.
b. Cement mixers.
c. Any tractors, backhoes, bulldozers, excavating equipment or other equipment normally associated with commercial activities.
d. Dump trucks, box trucks and panel trucks.
e. Lifts, scissor lifts, cherry pickers or any trucks or other vehicles containing the same.
f. Any trucks or other vehicles which contain flashing, display or other type signs used to give warning or information to motorists approaching construction sites or to advertise a product.
g. Any asphalt rollers, graders or other vehicles used for leveling ground or placing or removing asphalt.
h. Any trucks used primarily for plowing or spreading of salt, sand, chemicals or fertilizers.
i. Any chipper, wood spreader, or similar vehicle or equipment.
j. Tow trucks.

11-5.3 Prohibition of Unnecessary Keeping of Commercial Vehicles.

a. The keeping of commercial vehicles and equipment on properties shall only be permitted so long as they are being actively used for construction, demolition, or landscaping on a property for which Township approval has been granted.
b. There shall be a rebuttable presumption that commercial vehicles and equipment that meet any of the following criteria are not being actively used and that the keeping thereof shall be unnecessary and in violation of this section:
   1. Commercial vehicles and equipment that have been located on a property for more than two (2) weeks; or
   2. Commercial vehicles and equipment that have not been used for two (2) or more days; or
   3. Commercial vehicles and equipment that are located on a property in a manner that violates the terms of any Township approval; or
   4. Duplicate commercial vehicles and equipment located on the same property where not all such commercial vehicles and equipment are reasonably necessary for the approved scope of work.
c. Both the property owner and the owner or operator of commercial vehicles and equipment shall be responsible for ensuring compliance with the provisions of this section.
d. Nothing contained in this section shall be construed to prevent public utility companies from performing construction, installation, operation and maintenance of public utilities.

*Ord #2019-22 pg.2*
11-5.4 Exception to Prohibition.

Notwithstanding the prohibition set forth in Section 5.3, the following exceptions shall apply:

a. Two commercial vehicles limited to cars, pick-up trucks, vans, panel vans, and other vehicles with dimensions that are less than or equal to 21 feet in length, 8 feet in width, and 9 feet in height shall be permitted to park on a property or in the street adjacent to a property occupied by the owner or operator of the vehicle.

b. The keeping of commercial vehicles and equipment shall be permitted on properties that have been approved for such use by the Township.

c. The keeping of commercial vehicles and equipment shall be permitted if stored in a manner that is approved in writing in advance by the Township Administrator.

11-5.5 Violations.

Any violation of the provisions of this article shall constitute a violation punishable as provided in Chapter 1, Section 1-5, General Penalty, of the Code of the Township of Fairfield.

SECTION 2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this ordinance shall be deemed to be valid and effective.

SECTION 4. This ordinance shall take effect thirty (30) days after final passage, approval and publication as required by law.

JAMES GASPARINI
Mayor

ATTEST:

DENISE D. CAFONE
Municipal Clerk
NOTICE

Notice is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Fairfield, County of Essex, State of New Jersey, held on August 26, 2019 introduced and read by title and passed first reading and that said Governing Body will further consider the same for second reading and final passage thereof at a meeting that is to be held on September 24, 2019 at 7:00 p.m.; at the Municipal Building, 230 Fairfield Road, Fairfield, New Jersey, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens of interest shall have an opportunity to be heard concerning same.

DENISE D. CAFONE
Municipal Clerk

INTRODUCTION OF ORDINANCE
ORDINANCE #2019-22 ~ AN ORDINANCE ADDING CHAPTER 11, SECTION 5 TO THE TOWNSHIP CODE OF THE TOWNSHIP OF FAIRFIELD ENTITLED “PROHIBITION OF UNNECESSARY KEEPING OF COMMERCIAL VEHICLES”

INTRODUCED BY: Councilman LaForgia
SECONDED BY: Councilman McGlynn
PUBLISHED: August 29, 2019

<table>
<thead>
<tr>
<th>GOVERNING BODY</th>
<th>AYES</th>
<th>NAYS</th>
<th>ABSTAIN</th>
<th>ABSENT</th>
<th>NOT VOTING</th>
</tr>
</thead>
<tbody>
<tr>
<td>COUNCIL PRESIDENT THOMAS J. MORGAN</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>COUNCILMAN JOSEPH CIFELLI</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COUNCILMAN JOHN LAFORGIA</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COUNCILMAN MICHAEL B. MCGLYNN</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MAYOR JAMES GASPARINI</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2ND READING AND PUBLIC HEARING: SEPTEMBER 24, 2019

INTRODUCED BY: Councilman Cifelli
SECONDED BY: Councilman McGlynn
PUBLISHED: October 3, 2019

<table>
<thead>
<tr>
<th>GOVERNING BODY</th>
<th>AYES</th>
<th>NAYS</th>
<th>ABSTAIN</th>
<th>ABSENT</th>
<th>NOT VOTING</th>
</tr>
</thead>
<tbody>
<tr>
<td>COUNCIL PRESIDENT THOMAS J. MORGAN</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COUNCILMAN JOSEPH CIFELLI</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COUNCILMAN JOHN LAFORGIA</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COUNCILMAN MICHAEL B. MCGLYNN</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MAYOR JAMES GASPARINI</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Ord #2019-22 pg.4