

ORDINANCE NO 10-17

**AN ORDINANCE MAKING THE PROVISIONS OF
SUBTITLE ONE OF TITLE 39 WITH VARIOUS TRAFFIC
REGULATIONS APPLICABLE TO 1149 ROUTE NJ 23
SOUTHBOUND AND REGULATING THE USE OF SAID
ROADWAYS, STREETS, DRIVEWAYS AND PARKING
LOTS BY MOTOR VEHICLES**

WHEREAS, pursuant to N.J.S.A. 39:5A-1, upon the filing of written request by a person, the board of directors or the board of trustees of a corporation with the clerk of a municipality, the provision of subtitle 1 of Title 39 of the Revised Statutes, Motor Vehicles and Traffic Laws, shall be made applicable to the roads within a private development; and

WHEREAS, Kinnelon Route 23, LLC had filed a written request with the Clerk of the Borough of Kinnelon ("Borough") that the provisions of Subtitle One of Title 39 of the revised Statutes of New Jersey to be made applicable to the semi-public roads, streets, driveways and parking lots at 1149 Route NJ 23 Southbound located in the Borough of Kinnelon County of Morris; and

WHEREAS, the Borough Mayor and Council, with the approval of the New Jersey Department of Transportation, desires to accept the enforcement of the provision of Subtitle One of Title 39 of the Revised Statutes at 1149 Route NJ 23 Southbound in the Borough of Kinnelon; and

WHEREAS, Chapter 84, Vehicles and Traffic, §84-4.1, Application of provisions to semipublic areas, of the Code of the Borough of Kinnelon, New Jersey, shall be supplemented to include the specific provisions applicable to 1149 route NJ 23 southbound in the Borough of Kinnelon,

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Kinnelon, County of Morris, State of New Jersey, as follows:

SECTION ONE. Chapter 84, Vehicles and Traffic §84-4.1, application of provisions to semipublic areas, of the Code of the Borough of Kinnelon, New Jersey, shall be supplemented to add subsection J, which shall read as follows:

J. 1149 Route NJ 23 Southbound. Pursuant to the written consent of Kinnelon Route 23, LLC the provisions of Subtitle 1 of Title 39 of the New Jersey Statutes and, unless otherwise provided herein, all pertinent municipal ordinances are applicable to the semi-public road, streets, driveways and parking lots at 1149 Route NJ 23 Southbound located in the Borough of Kinnelon, County of Morris, as approved by Kinnelon Planning Board, Application No. 817; and the following regulations shall be enforceable:

1. General Parking.

- A. All vehicles must park in designated areas and between the lines provided.
- B. No person shall stop or stand a vehicle upon any of the streets or parts of streets described below, except in area covered by other parking restrictions.

Name of Street	Sides	Hours	Location
All Roads and Aisles	Both	All	As indicated on site plan

C. Handicapped parking. All stalls shall be twelve (12) foot wide and signed with the R7-8 and R7-8P (Reserved Parking Sign and Penalty Plate), in the designated parking areas for person who have been issued the Handicapped Parking Permit by the Division of Motor Vehicles.

2. Reserved Parking.

All vehicles that are granted specialty parking in this section such as; police vehicles, ambulances, teachers, etc., must be properly identified.

3. One Way Streets.

The following described streets or parts of streets are hereby designated as One-Way Streets in the direction indicated.

Name of Street	Direction	Limits
Entrance "A"	West	Entire length
Exit "A"	East	Entire length

4. Speed Limits.

A. The speed limit for both directions of traffic in parking (lots) shall be 15 M.P.H.

B. The speed limit for both directions of travel on the following roadways are:

Name of Street	M.P.H.	Limits
All Roads and Aisles	15	Entire length

C. Regulatory and warning signs shall be erected and maintained to effect the above designated speed limits authorized by the Department of Transportation

5. Tow-Away Zones.

Any vehicle parked or standing as to obstruct or impede a normal flow of traffic, block entrances or exit ways, loading zones, oil fills, any grassy area pedestrian walkway, or present, in any way, a safety or traffic hazard, may be removed by towing the vehicle at the owner's or operator's expense.

6. Loading Zone (s).

The locations described are hereby designated as Loading Zones. No person shall park a vehicle in said location during the times indicated, other than for the loading or unloading of goods and materials.

Name of Street Sides	Sides	Hours	Location
Road "A"	West (3 Locations)	All	As indicated on site plan

7. All signs, posted, or other necessary materials must be installed and paid for by Kinnelon Route 23, LLC. All signing shall conform to the current Manual of Uniform Traffic Control Devices, pursuant to N.J.S.A. 39:4-198 and N.J.S.A. 39:4-183.27.
8. Violations and Penalties.

Unless another penalty is expressly provided for the New Jersey Statute, all municipal ordinances, including §84-2 (Violations and penalties), shall be fully applicable to the semipublic areas at 1149 Route NJ 23 Southbound.

SECTION TWO. A certified copy of the adopted Ordinance must be forwarded to the Department of Transportation for approval by the Commissioner of Transportation before same is effective.

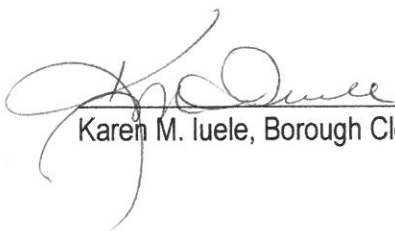
SECTION THREE. All Ordinances of the Borough of Kinnelon which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

SECTION FOUR. If any section, subsection clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portion of the Ordinance.

SECTION FIVE. This Ordinance shall take effect immediately upon final passage, approval and publication as provided by law.

ATTEST:

BOROUGH OF KINNELON



Karen M. Luele, Borough Clerk



Robert W. Collins, Mayor

CERTIFICATION

I, Karen M. Luele, Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at the regular meeting of the Borough held on October 19, 2017 and adopted by the Governing Body at a regular meeting of the Borough held on November 16, 2017.

APPLICATION TO HAVE N.J. MOTOR VEHICLE
STATUTES MADE APPLICABLE TO PRIVATE PROPERTY

From: Kinnelon Route 23, LLC
(Owner of Property)

Date: July 28, 2017

7248 Morgan Road
Liverpool, New York 13088

TO: Borough of Kinnelon
(Municipality)

130 Kinnelon Road
Kinnelon, New Jersey 07405

Subject: Application to have motor vehicle statutes made applicable to:

1149 Route 23 South, Kinnelon, New Jersey 07405

(List Location)

By authority of N.J.S.A. 39:5A-1, application is hereby made by:

Kinnelon Route 23, LLC

(Property Owners)

Requesting that the provisions of Subtitle J, Title 39, of the Revised Statutes shall be made applicable to the semi-public roadways, driveways, parking areas and other areas used for vehicular traffic on the property shown on the enclosed map or site-plan and known as:

Raymour & Flanigan Kinnelon Showroom

(Name of Development)


Authorized Signature

Scott Milnamow