

ORDINANCE AMENDING MONTCLAIR CODE CHAPTER 327 - EMERGENCY NO PARKING

**January 19, 2016
(date of introduction)**

Be it **ORDAINED**, by the Township Council of the Township of Montclair, that Montclair Code Chapter 327 is amended as follows:

[The underlined text is added; the text in the right margin is deleted]

Chapter 327: Vehicles and Traffic **Article IV: Emergency No Parking**

§ 327-25 ~~No parking on snow-covered streets; exceptions; snow parking violations and penalties.~~

§ 327-26 ~~No parking during general emergency.~~

§ 327-27 ~~Removal of vehicles.~~

§ 327-28 ~~Effectiveness of article; violations and penalties.~~

§ 327-25 No parking on snow-covered streets; exceptions; snow parking violations and penalties.

A. It is the purpose and intent of this section, in the interests of public safety and the general welfare of the Township, to facilitate snow removal from curb to curb on public streets of the Township as efficiently and expeditiously as possible after a snowfall.

B. Notwithstanding any regulation to the contrary, no person shall park a vehicle upon either side of any public street or allow any portion of a vehicle to extend into the roadway at any time when snow has covered the roadway sufficient to obscure road markings.

C. The above parking prohibition shall remain in effect for a period of 12 hours after the snow has ceased, subject to extension by the Township Manager in the event snow has not been completely cleared.

D. As used in this section, the term "snow" shall mean any precipitation depositing any accumulation on the public streets of the Township, including, without limitation, snow, sleet, hail or ice.

E. Regulatory and warning signs in accordance with N.J.S.A. 39:4-138 shall be erected and maintained at major street entrances to the Township for motor vehicles. Signs for exempt streets shall be posted as applicable. Notice of said parking prohibition shall be deemed adequate when posted on the Township website and available via pre-recorded phone message.

F. The Manager shall have the authority, at his or her discretion, to waive or modify parking regulations, including hourly limits, meter and permit fees and parking prohibitions, at all municipally-owned or controlled parking lots or decks during a declared snow emergency or at such time as storm warnings have been issued by a recognized weather service or a reasonable basis otherwise exists to anticipate an accumulation of snow greater than two inches.

§ 327-26 No parking during general emergency.

A. Upon the declaration of an emergency, there shall be no parking upon streets or parts of streets where temporary emergency no-parking signs are displayed. The Chief of Police, or in his absence the ranking police officer, is authorized to declare an emergency and to direct the posting of said emergency no-parking signs when weather conditions, accidents, fires or public celebrations dictate or require the avoidance of hazards or other conditions which interfere with the free flow of traffic.

B. Notification that the emergency no-parking signs are being or will be posted shall be given to the operator or owner of any vehicle which has been parked prior to the posting of the signs.

§ 327-27 Removal of vehicles.

Any unoccupied vehicle parked or standing in violation of this article shall be deemed a nuisance and a menace to the safe and proper regulation of traffic, and any peace officer may provide for the removal of such vehicle. The owner shall pay the reasonable costs of the removal and storage, which may result from such removal, before regaining possession of the vehicle.

§ 327-28 Effectiveness of article; violations and penalties.

~~A. The effectiveness of this article is contingent upon signs being erected as required by law.~~

~~B.~~ Any person violating the provisions of this section shall, upon conviction thereof, be punished by a fine of \$100 for the first offense, and a ~~minimum~~ fine not to exceed \$500 of ~~\$100~~ for each offense thereafter occurring within 6 months of the previous offense. Each day on which a violation of an ordinance exists shall be considered a separate and distinct violation and shall be subject to imposition of a separate penalty for each day of the violation as the Municipal Court Judge may determine.