

ORDINANCE NO. 16-2015

**BOROUGH OF ROSELAND
COUNTY OF ESSEX, STATE OF NEW JERSEY**

**AN ORDINANCE AMENDING CHAPTER VII ENTITLED
“TRAFFIC”, SECTION 7-40.3 ENTITLED “REGULATIONS
FOR THE MOVEMENT AND THE PARKING OF TRAFFIC ON
ALL OTHER STREETS” ALLOWING ENFORCEMENT OF
TITLE 39 ON AVALON BAY PROPERTY**

WHEREAS, Avalon Bay Communities, Inc. received final site plan approval for Application #12-06 on December 17, 2012 from the Roseland Planning Board to construct 136 residential units in 26 buildings; and

WHEREAS, condition “o” of said site plan approval required that the “Applicant shall grant Title 39 jurisdiction to the Borough of Roseland”; and

WHEREAS, Development Director Yewande O. Fapohunda of AvalonBay Communities, Inc., located at Ballston Tower, 671 N. Glebe Road, Suite 800, Arlington, VA 22203 wrote the Clerk of the Borough of Roseland by e-mail dated October 7, 2015 requesting that the Borough authorize enforcement of the provisions of Title 39 at the Avalon Roseland community; and

WHEREAS, the Borough of Roseland Chief of Police Department reviewed Avalon Bay’s request for Title 39 enforcement; and

WHEREAS, Section 7-40.3 of Chapter VII of the Revised General Ordinances of the Borough of Roseland currently designates locations for Title 39 enforcement on private properties pursuant to the provisions of N.J.S.A. 39:5A-1; and

WHEREAS, the Roseland Chief of Police has recommended to the Mayor and Council that Title 39 be enforced at the AvalonBay Roseland site as conditioned by the Planning Board and requested by the owner;

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Roseland that Section 7-40.3 “Regulations for the Movement and the Parking of Traffic on All Other Streets” of the Revised General Ordinances of the Borough of Roseland, Chapter VII “Traffic” shall be amended as follows:

SECTION I

That section 7-40.3 Regulations for the Movement and the Parking of Traffic on All Other Streets shall be amended to **add** the following:

7-40.3 Regulation for the Movement and the Parking of Traffic on All Other Private Property.

In accordance with the provisions of N.J.S.A. 39:5A- 1, the regulations of Subtitle 1, Title 39 of the Revised Statutes are hereby made applicable to the properties listed below.

- a. *Property* (No Change)
- b. *Property* (No Change)
- c. *Property* (No Change)
- d. *Property* (No Change)
- e. *Property* (No Change)
- f. *Property* (No Change)
- g. *Property* (No Change)
- h. **Property**

Avalon Bay Complex

Regulations:

- 1. **All motor vehicle laws under s ubtitle 1, Title 39:**

| | |
|--------------------------------|-----------------------------|
| <u>Avalon Boulevard</u> | <u>Entire Length</u> |
| <u>Baretta Court</u> | <u>Entire Length</u> |
| <u>Batta Lane</u> | <u>Entire Length</u> |
| <u>Dorchak Drive</u> | <u>Entire Length</u> |
| <u>Liberty Way</u> | <u>Entire Length</u> |

SECTION II

If any section of provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION III

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

This ordinance shall take effect immediately upon passage and publication as provided by law.

DATE OF INTRODUCTION: November 10, 2015

Motion to Introduce by: Councilman Smith

Motion Seconded by: Councilman Jacobs


Introduction Approved: 6-0 Voice Vote


DATE OF ADOPTION: December 15, 2015

Motion to Adopt by: Councilman Vidovich

Motion Seconded by: Councilman Smith

| Record of Council Vote on Final Passage | Aye | Nay | Abstain | Absent |
|---|-----|-----|---------|--------|
| JACOBS, D. | X | | | |
| LEONARD, R | X | | | |
| SMITH, P. | X | | | |
| TOLLI, M. | X | | | |
| TSILIONIS, T. | X | | | |
| VIDOVICH, M. | X | | | |
| DUTHIE, J. (In case of tie) | | | | |



John Duthie, Mayor

Jock H. Watkins, Borough Clerk

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