

**ORDINANCE NO.: 10 - 19**

**AN ORDINANCE OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE BOROUGH CODE CHAPTER 169, VEHICLES AND TRAFFIC, SECTION C. REGULATION OF THE MOVEMENT AND PARKING OF TRAFFIC ON ALL OTHER PRIVATE PROPERTY BE SUPPLEMENTED TO ADD A NEW ITEM 3. SHADOW WOODS (TOWNHOME/SINGLE FAMILY SITE)**

**WHEREAS**, the owner is Seasons Associates, LLC; and Shadow Woods Condominium Association, Inc. is the property managers of certain real property commonly referred to as Shadow Woods located in Block 61, Lot 42.03 on the official tax map of the Borough of Mount Arlington, County of Morris, State of New Jersey; and

**WHEREAS**, Seasons Associates, LLC obtained a preliminary and final site plan approval to construct sixty (60) townhomes and ten (10) single family homes, memorialized in the Borough Land Use Board Resolution on June 24, 2015, a copy of which, including all conditions set forth therein, is incorporated as if same were set forth at length herein; and

**WHEREAS**, General Note 70 on Sheet 2 of 34 of the plans titled "AMENDED PRELIMINARY AND FINAL SITE PLANS FOR SHADOW WOODS, BLOCK 61, LOT 42.03; BLOCK 72, LOTS 1.01 & 1.02; BLOCK 72.01, LOT 3; BLOCK 82, LOTS 1.01-1.04; BLOCK 83, LOTS 9, 15.01 & 15.02; BLOCK 83.01, LOT 1, BOROUGH OF MOUNT ARLINGTON, MORRIS COUNTY, NEW JERSEY, TAX MAP SHEETS 20 & 21", prepared by Omland Engineering Associates, dated March 2, 2015, last revised August 10, 2015, consisting of thirty-four (34) sheets (Omland Plans), a copy of which, including all conditions set forth therein, is incorporated as if same were set forth at length herein, required the applicant/owner to enter into a Title 39 Agreement with the Borough to insure the orderly flow of traffic, to enforce traffic control measures and be subject to enforcement pursuant to the motor vehicle provisions of N.J.S.A. Title 39; and

**WHEREAS**, on April 25, 2019, Stephen A. Santola, Esq., Executive Vice President and General Counsel for Woodmont Properties, provided a letter from Michael Pesce, PCAM, the President of Associa Community Management Corporation, on behalf of the Shadow Woods Condominium Association, Inc. to the Borough Clerk providing the consent of Seasons Associates, LLC and directing the within Ordinance be prepared for the police enforcement of the New Jersey Motor Vehicle Statutes on the property pursuant to N.J.S.A. 39:5A-1, a copy of which is incorporated as if same were set forth at length herein; and

**WHEREAS**, the applicant, Seasons Associates, LLC; Shadow Woods Condominium Association, Inc., the property managers; and the Borough of Mount Arlington Planning Board

determined that hazardous conditions could exist without the incorporation of standard traffic control devices into the approval of the development of the property which require the adoption of traffic regulations permitting the enforcement of said traffic control devices; and

**WHEREAS**, Seasons Associates, LLC and the Borough of Mount Arlington Planning Board agreed that applicants will erect the appropriate traffic control devices on the property, and same would be maintained by the property manager, or its successor in interest; and

**WHEREAS**, the Borough of Mount Arlington Planning Board and the Borough Engineer reviewed the Borough of Mount Arlington Code and recommends that Chapter 169 Vehicles and Traffic, Section §169-37. Control for the movement and the parking of traffic on public and private property, be supplemented and/or amended so as to authorize the enforcement of the traffic control devices as depicted on the plans approved via the aforesaid resolution of the Borough of Mount Arlington Planning Board; and

**WHEREAS**, the Mayor and Council for the Borough of Mount Arlington has reviewed the recommendations of the Borough of Mount Arlington Land Use Board and the Borough Engineer and believes that this traffic regulation is necessary in order to protect the health, safety and welfare of its residents, as well as the safety of the public at large; and therefore desires to amend and supplement the Township Code to amend Chapter 169 Vehicles and Traffic to include traffic control devices on Shadow Woods (Townhome/Single Family Site) within Block 62, Lot 42.03, as more specifically set forth below.

**BE IT ORDAINED**, by the Mayor and Township Council of the Borough of Mount Arlington, County of Morris, and the State of New Jersey, that Chapter 169 Vehicles and Traffic, Section C. Regulation of the movement and parking of traffic on all other private property be supplemented to add a new Item 3. Shadow Woods (Townhome/Single Family Site) to read as follows:

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C. Regulation of the movement and 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 applicable to the properties listed below.

- (3) Shadow Woods (Townhome/Single Family Site).
  - (a) Parking: All vehicles must park only in designated areas and between the painted lines.
  - (b) Handicapped Parking: All stalls shall be as shown on Sheet 9 of 34 of the Omland Plan on file with the Borough Clerk and signed with R7-8 (reserved parking sign and penalty plate), in the designated parking areas for persons who have been issued a handicapped

parking permit by the Division of Motor Vehicles or a temporary handicapped placard by the Chief of Police.

- (c) Stop intersections. The intersections described are hereby designated as Stop Intersections. Stop Signs shall be installed as provided therein

<b>Intersection</b>	<b>Stop Sign(s) on</b>
Woodland Way and Shadetree Lane	Shadetree Lane
Woodland Way and Trailwood Drive	Trailwood Drive

- (d) Speed limits. The speed limits for both directions of traffic in all parking lots and on streets shall be as indicated.

<b>Name of Street</b>	<b>Speed Limit</b>	<b>Location</b>
All streets	25 mph	Entire length

- (e) Tow away. Any vehicle parked or standing in violation of this chapter or as to obstruct or impede the normal flow of traffic or any vehicle blocking any entrances or exits, loading zones, oil fills, or any grass area or any pedestrian walkway or otherwise presents a safety or traffic hazard in any way will be deemed a nuisance and menace to the safe and proper regulation of traffic. Any Mount Arlington police officer may provide for the removal of such vehicle found in violation. The vehicle owner shall bear all reasonable costs for towing and storage before regaining possession of the vehicle.

- (f) Restricted parking. No person shall stop or stand a vehicle any time upon any of the streets or parts of streets designated.

<b>Name of Street</b>	<b>Side(s)</b>	<b>Hours</b>	<b>Location</b>
All streets	Both	All	Entire length

- (g) Signs, posts and other materials. All signs, posts, or other necessary materials shall be installed and paid for by the property manager, or its successor in interest and they shall meet State and Federal specifications and the current Manual on Traffic Control Devices.

- (h) Fines and penalties. Unless another penalty is expressly provided by New Jersey State Statute, every person convicted of a violation of this section or any supplement thereto shall be liable to a penalty of not more than two-hundred dollars (\$200.00) or imprisonment for a term not exceeding fifteen (15) days, or both.

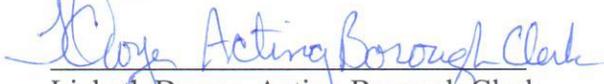
**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

**SECTION 3.** If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.

**SECTION 4.** This Ordinance shall take effect upon final publication as provided by law.

**I HEREBY CERTIFY** this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, adopted on May 7, 2019 and will be further considered after a Public Hearing held on June 11, 2019 at the Municipal Building at 7:00 P.M.

ATTEST:

  
Lizbeth Dwyer, Acting Borough Clerk

BOROUGH OF MOUNT ARLINGTON

  
Michael Stanzilis, Mayor