

TOWNSHIP OF MAPLEWOOD



ORDINANCE

#2793-15

**AN ORDINANCE
TO AMEND
CHAPTER 137
OF THE CODE
OF THE
TOWNSHIP OF MAPLEWOOD
to be Entitled
"Gasoline Service Stations,
Repair Garages and Convenience
Stores with Fueling Stations and Fueling Stations"**

"Interpretive Statement"

This ordinance will define gasoline service stations, repair garages convenience stores with fueling stations and fueling stations and will permit Gasoline Service Stations and Convenience Stores with fueling stations located within the Highway Business Zone to operate 24 Hours per day.

WHEREAS, the Township of Maplewood ("Township") wishes to allow gasoline service stations and convenience stores with fueling stations to operate on a 24 hour basis, if located within the Highway Business Zone, as defined under the Zoning Code of the Township of Maplewood; and

WHEREAS, allowing the aforesaid operations will provide a service to the residents of the Township.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey that Chapter 137 of the Code of the Township of Maplewood presently entitled "Gasoline Service Stations", be and is hereby amended to read as follows:

FIRST: Chapter 137: Gasoline Service Stations, Repair Garages, Convenience Stores with Fueling Stations and Fueling Stations

Article I: General Provisions

137-1 Definitions

GASOLINE SERVICE STATION

Any building, structure, place or location designated to supply motor vehicles with gasoline, oil, grease and supplies for the inspection, testing and examination and repair thereof, and to maintain gasoline pumps and oil pumps for the purpose of selling gasoline and oil.

REPAIR GARAGE

Any business, service or industry, other than a gasoline service station, which involves the storage, maintenance or repair of motor vehicles.

CONVENIENCE STORE WITH A FUELING STATION

Any building, land area or other premises used for a convenience store, which is a store that stocks a range of everyday items such as groceries, snack food, candy, toiletries, soft drinks, tobacco products and newspapers, with an associated automotive fueling station which involves the retail dispensing or sales of fuels and oil from a container for automobiles, light passenger trucks, and commercial trucks but does not include the installation of tires, batteries and similar vehicular accessories nor the renting, painting, cleaning or detailing, body work, servicing, storage or repair of any vehicles.

FUELING STATION

The dispensing, sale or offering for sale of motor vehicle fuel which is dispensed from fixed fuel pumps into the fuel tanks of motor vehicles.

137-2 Standards of operation; restrictions

The owners or operators of a gasoline service station, a repair garage, a convenience store with fueling station or a fueling station in the township shall comply with the following regulations:

- A. The building and premises on which the business is conducted shall be kept clean, and no refuse shall be permitted to accumulate therein or thereon.
- B. Rest rooms and other toilet facilities shall be kept in a clean and sanitary condition and the fixtures in working order at all times.
- C. At gasoline service stations or repair garages no repair work on vehicles shall be done on the outside of the building except the following:
 1. The repair of tires and tubes.
 2. The recharging and rental of batteries.
 3. Such incidental work as may be necessary in connection with the installation, mounting or adjustment of accessories herein permitted to be sold or in connection with the testing and adjustment of the fuel and electrical systems of motor vehicles.

4. The adjustment of brakes.
- D. At convenience stores with fueling stations no repair work on vehicles shall be done in the open except the following:
1. Pouring oil, transmission fluid, power steering fluid, and window washer fluid from a container directly into a vehicle and dispersing air.
- E. No merchandise shall be displayed or kept for sale outside the building except petroleum products and automobile accessories reasonably connected with or necessary for the sale or lawful operation of motor vehicles.
- F. No oil shall be stored or displayed in tanks or other receptacles outside of the building except for immediate use in servicing vehicles. Such oil shall be kept in jars or cans neatly racked or stacked, and no jar or can shall be in excess of eight-quart capacity. Nothing herein shall be construed to permit the storage or handling of flammable liquids in violation of the Fire Prevention Ordinance of the Township of Maplewood.[1]
- G. At gasoline service stations or repair garages only one (1) neat and attractive identification pylon or similar type sign and one (1) neat and attractive portable A-frame or similar type sign advertising the business conducted on the premises shall be permitted in addition to the usual identification signs affixed to the building on the premises. Such A-frame or similar type sign shall not exceed three (3) feet in width or four (4) feet in height, and the supporting frame shall not exceed five (5) feet in height. Where the premises abuts upon two (2) or more streets, one (1) additional such pylon or similar type sign and one additional such A-frame or similar type sign shall be permitted at each street frontage. Signs shall be placed so as not to obstruct drivers' vision. Advertising or identification signs painted on the face of the building and the use of strings of pennants, flags or similar decorations, whirling displays, cards and flickering, rotating, flashing or colored lights on the premises are expressly prohibited. The lighting sources on the premises shall be so erected and maintained that no disturbing glare will be visible at any time to adjacent property owners or to motorists using the public streets.
- H. At convenience stores with fueling stations and fueling stations signage shall be in compliance with Chapter 271: Zoning and Development Regulations; Section 271-56: Signs and street graphics.
- I. Any case or rack for the display of petroleum products and automobile accessories reasonably connected with or necessary for the safe or lawful operation of motor vehicles hereinafter erected or placed outside of the building shall be constructed of metal and may not exceed seven (7) feet in height.
- J. At gasoline service stations or repair garages no parking of commercial vehicles shall be permitted on the premises except such temporary parking as may be necessary in connection with the servicing of such vehicles. No outdoor parking of any vehicles shall be permitted on the premises between the hours of 10:00 p.m. and 6:00 a.m., except such vehicles as are required to remain on the premises for further servicing or repair.
- K. At gasoline service stations or repair garages no motor vehicles shall be sold or displayed for sale on the premises unless the owner or operator of the premises holds a license to do so issued pursuant to the provisions of the statutes of the State of New Jersey and the ordinances of the township.
- L. At convenience stores with fueling stations or fueling stations no motor vehicles shall be sold or displayed for sale on the premises.

137-3 Towing vehicles

A. No towing service is to be operated from a gasoline service station or repair garage other than that customary with those facilities and with a storage limitation of one (1) towing vehicle.

B. No towing service is to be operated from a convenience store with a fueling station or a fueling station.

Article II: Hours of Operation

137-4 Definitions

As used in this Article, the following terms shall have the meanings indicated:

GASOLINE SERVICE STATION

Any building, structure, place or location designated primarily to supply motor vehicles with gasoline, oil, grease and supplies for the inspection, testing and examination and repair thereof, and to maintain gasoline pumps and oil pumps for the purpose of selling gasoline and oil.

CONVENIENCE STORE WITH A FUELING STATION

Any building, land area or other premises used for a convenience store, which is a store that stocks a range of everyday items such as groceries, snack food, candy, toiletries, soft drinks, tobacco products and newspapers, with an associated automotive fueling station which involves the retail dispensing or sales of fuels and oil from a container for automobiles, light passenger trucks, and commercial trucks but does not include the installation of tires, batteries and similar vehicular accessories nor the renting, painting, cleaning or detailing, body work, servicing, storage or repair of any vehicles.

137-5 Hours of operation

Except for gasoline service stations and convenience stores with fueling stations that are located within the Highway Business Zone, it shall be unlawful for any gasoline service station to be operated between the hours of 11:00 p.m. and 6:00 a.m. of the following morning.

Any gasoline service station and convenience store with fueling station operating between 11:00 p.m. and 6:00 a.m. must:

1. Have a security plan in place that is pre-approved by the Maplewood Chief of Police, which includes an emergency phone number for the owner or manager of the facility.
2. Take all steps necessary to insure that ambient noise and light is not a disturbance to adjacent residential properties.
3. Comply with Township noise ordinance.

137-6 Violations and penalties

Any person who violates any provision of this Article shall, upon conviction thereof, be subject to a fine not to exceed five hundred dollars (\$500.) for each violation.

SECOND: Severability

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

THIRD: Repeal of Prior Ordinances

Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any such inconsistencies.

FOURTH: Effective Date

This Ordinance shall take effect after final passage and publication and as provided by law.

PUBLIC NOTICE is hereby given that the foregoing proposed Ordinance was introduced and read by title at a meeting of the Township Committee of the Township of Maplewood, held on July 21, 2015, and that the Township Committee met again on August 18, 2015, at the Municipal Building, 574 Valley Street, Maplewood, New Jersey, at which time and place the Township Committee held a hearing and proceeded to consider the said Ordinance on final reading and final passage.

ELIZABETH J. FRITZEN, R.M.C.
Township Clerk