

ORDINANCE NUMBER 03-2023

FIRST READING/  
INTRODUCTION: February 8, 2023

SECOND READING/  
PUBLIC HEARING/  
ADOPTION: March 8, 2023

**ORDINANCE**

**BOROUGH OF EAST NEWARK  
COUNTY OF HUDSON, STATE OF NEW JERSEY**

**ORDINANCE OF THE BOROUGH OF EAST NEWARK AMENDING  
CHAPTER 7 TITLED "TRAFFIC" SPECIFICALLY BY AMENDING § 7-9 –  
"[RESERVED]" TO CREA E A SECTION TITLED "PAY-BY-APP PARKING"**

**§ 7-9 ~~{Reserved}~~ Pay-by-App.**

**§ 7-9.1 Definitions**

As used in this chapter:

**PAY-BY-APP PARKING**

Shall mean Mobile Payment Applications, hereinafter referred to as "Pay-by-App," used as the form of parking control along with any parking meters and kiosks (if being used as parking control devices) and Pay-by-App shall be deemed to include all forms of parking control to be operated as stated herein.

**§ 7-9.2 Establishment and Operation**

- a. The Borough shall establish the use of a Pay-By-App through whatever agreements are necessary and implement same consistent with the provisions herein and shall provide reasonable notice to Borough residents prior to its implementation and to non-residents after its implementation as may be required.
- b. The Borough shall designate and delineate parking zones within the borders of the Borough and may establish different rates for parking for each zone.
- c. For credit/debit card payments used to pay the fees for parking through the Pay-By-App, the Borough is hereby authorized to charge a convenience fee not to exceed \$.50 per credit/debit card transaction.

~~Strikethroughs~~ are deletions  
Underlines are additions

- d. The Borough is hereby authorized to charge fees to park in the Borough in an amount not to exceed \$2.00 per hour, plus any applicable convenience fees, available in increments established through the Pay-By-App.

#### § 7-9.3 Marking of Spaces; Manner of Parking

The Chief of Police (or his or her respective designee), or the Director of the Department of Public Works (or his or her respective designee), or other authorized Authority as designated by the Mayor is hereby authorized and instructed to have lines or markings painted or placed upon the curb or upon the street, or both, which controls that parking space for the purpose of designating the parking space for which the Pay-By-App is to be used and each vehicle parked adjacent or next to any parking meter shall park within the lines or markings so established.

No person shall park any vehicle across any such line or marking or park the vehicle in such position that the same shall not be entirely within the area so designated by such lines or markings. Only one registered vehicle (and no other vehicle registered or not) is permitted to park in a designated parking space.

#### § 7-9.4 Non-Resident Use of Pay-By-App.

No person who is not a resident of the Borough of East Newark shall park a vehicle other than as herein shown upon any street in the Borough of East Newark without having first deposited the appropriate United States Currency through the Pay-By-App as designated by the Borough.

#### § 7-9.5 Legal Parking Time Limits / Payment for Parking.

The obligation to pay for parking through the Pay-By-App shall extend 24 hours per day, seven days per week, 365 days per year, unless otherwise established by the Borough or through the exercise of emergency powers by the Mayor or the Chief of Police, as may be required. The amount paid through the Pay-By-App shall pay for all times that the vehicle is parked in the Borough. Any lapse in payment for any amount of time that a non-resident vehicle is parked on any street in the Borough shall be considered a violation of this Ordinance.

#### § 7-9.6 Violations and Penalties.


Unless another penalty is expressly provided by New Jersey Statute, any person who shall violate or fail to comply with any of the provisions of this Chapter, or who shall counsel, aid or abet any such shall be an amount determined under this chapter but not exceed the penalties established under § 7-4.1 (a payable fine not to exceed \$100.00 or imprisonment for a term not to exceed five (5) days, either or both penalties may be imposed at the discretion of the court costs). The foregoing payable amount shall have in addition court costs to be imposed.

Adoption – Second Reading

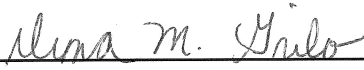
| Council Member | Motion | Second | Ayes | Nays | Abstain | Absent |
|----------------|--------|--------|------|------|---------|--------|
| Diaz           |        | X      | X    |      |         |        |
| Evaristo       | X      |        | X    |      |         |        |
| Graham         |        |        | X    |      |         |        |
| Lucas          |        |        |      |      |         | X      |
| Reis           |        |        | X    |      |         |        |
| Zincavage      |        |        | X    |      |         |        |

CERTIFICATION

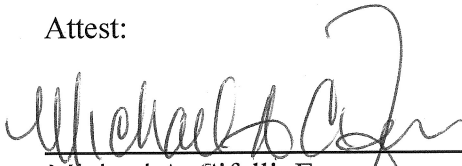
I, Michael A. Cifelli, Esq., Borough Attorney of the Borough of East Newark, County of Hudson, State of New Jersey, do hereby certify that the foregoing is a true copy of a resolution adopted by the Mayor and Borough Council at their regular meeting held on Wednesday, March 08, 2023.

  
\_\_\_\_\_  
Michael A. Cifelli, Esq.  
Borough Attorney

Adopted:

  
\_\_\_\_\_  
Dina M. Grilo, Mayor

Attest:

  
\_\_\_\_\_  
Michael A. Cifelli, Esq.  
Borough Clerk

§ 7-9.7 Residential Parking Permit Holders Exempt.

Pursuant to § 7-8.10, the terms of this Section shall not apply to Residential Parking Permit holders who park in the Borough.

§ 7-9.8 Duty of Police or Parking Enforcement Officer in Case of Overtime Parking.

It shall be the duty of any Police Officer and/or Parking Enforcement Officer employed by the Borough to enforce the provisions of this Ordinance.

**Section 2.**

Severability

If any section or provision of this ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this ordinance.

**Section 3.**

Inconsistent Ordinances

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**Section 4.**

This ordinance shall take effect after its final passage by the Borough Council and approval by the Mayor at the time and manner provided for and required by law.

**Section 5.**

On passage this ordinance shall be codified.




Introduction – First Reading

| Council Member | Motion | Second | Ayes | Nays | Abstain | Absent |
|----------------|--------|--------|------|------|---------|--------|
| Diaz           |        |        | X    |      |         |        |
| Evaristo       | X      |        | X    |      |         |        |
| Graham         |        |        |      |      |         | X      |
| Lucas          |        |        | X    |      |         |        |
| Reis           |        | X      | X    |      |         |        |
| Zincavage      |        |        | X    |      |         |        |

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