

December 19, 2023

76-2023

AN ORDINANCE OF THE CITY OF ORANGE TOWNSHIP, COUNTY OF ESSEX, STATE OF NEW JERSEY, CREATING A PARKING AUTHORITY IN ACCORDANCE WITH N.J.S.A. 40:11A-1 ET SEQ.

WHEREAS, the Municipal Council ("Council") of the City of Orange Township, in the County of Essex ("City"), a municipal corporation organized under the laws of the State of New Jersey, desires to create a Parking Authority of the City of Orange Township to manage, operate, maintain and improve certain parking surfaces and facilities located in the City and to undertake the management and operation of on street and off-street parking and the enforcement of ordinances and regulations as to the parking of vehicles in the City; and

WHEREAS, the Parking Authority Law, N.J.S.A. 40:11A-1 et seq., authorizes the Council to create a parking authority to construct, manage and operate off-street parking projects within the City and, subject to the provisions of N.J.S.A. 39:4-202, manage and operate on-street and other parking meters and related facilities, as well as enforce the applicable law, ordinances and regulations as to the parking of vehicles in the City; and

WHEREAS, the Council has determined that the creation of a parking authority in the City will promote free movement of traffic, thereby improving conditions affecting the public safety and welfare therein, as well as provide an additional sources of revenue to the City, thereby reducing the tax burden on property owners; and

WHEREAS, the Local Finance Board, in the Division of Local Government Services, Department of Community Affairs, State of New Jersey, has prior to the date of introduction of this Ordinance, approved the creation of the Authority pursuant to N.J.S.A. 40A:5A-4.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Orange Township, in the County of Essex, New Jersey, as follows:

Section 1. Pursuant to the provisions of Section 5 of the Parking Authority Law, the City hereby creates a public body corporate and politic and political subdivision of the State of New Jersey (the "State") to be known as the "Parking Authority of the City of Orange Township" (the "Authority"). Such Authority shall constitute an agency and instrumentality of the City, and is a "Parking Authority" as contemplated and provided for by the Parking Law and shall have and exercise all of the powers and perform all of the duties provided for by said Parking Law and any other statutes heretofore or hereafter enacted and applicable thereto.

Section 2. (a) Pursuant to the Parking Law, there shall be seven (7) commissioners of the Authority. Five (5) commissioners shall to be appointed by

the City Council of the City and (2) commissioners shall be appointed by the Mayor. Commissioners shall each serve for a term of five (5) years, except that the first appointed five (5) commissioners shall be designated to serve for the following terms: one (1) Commissioner for a term of one (1) year, one (1) Commissioner for a term of two (2) years, one (1) Commissioners for terms of three (3) years, one (1) Commissioner for a term of four (4) years, and one (1) Commissioners for terms of five (5) years, respectively, but thereafter commissioners shall be appointed by the City Council of the City as aforesaid for a term of 5 years, except that all vacancies shall be filled for the unexpired term. The City Council shall also appoint two (2) additional commissioners who shall serve one (1) and two (2) year terms, respectively, from the date of their appointment, but thereafter, the mayor shall appoint the two additional commissioners to terms of five years, except that all vacancies shall be filled for the unexpired term, Upon the creation of the Authority, the City Clerk shall certify a copy of this ordinance creating the Authority and appointing the first commissioners thereof and, thereafter, this ordinance shall be filed with the clerk of the County of Essex, New Jersey (the "County Clerk") and be recorded in records of certificates of incorporation, and the County Clerk shall cause duplicate certified copies of this ordinance to be filed forthwith with the Secretary of State of the State of New Jersey.

(b) Each Commissioner shall hold office for the term of his/her appointment and until his/her successor shall have been appointed and qualified. Any vacancy occurring in the office of a commissioner, from any cause, shall be filled in the same manner as the original appointment, but for the unexpired term.

(c) Any vacancy occurring in the office of a commissioner, from any cause, shall be filled in the same manner as the original appointment, but for the unexpired term.

Section 3. The Authority shall constitute a public body corporate and politic and a political subdivision of the State with the same territorial boundaries as the boundaries of the City, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate its corporate purposes and the powers, purposes and provisions set forth in the Parking Law, specifically Section 6 of the Parking Law (N.J.S.A. 40:11A-6).

Section 4. No Commissioner may be an officer or employee of the City; provided, however, the City may appoint its traffic engineer or chief of police to serve a commissioner of the Authority. A commissioner shall receive no compensation for his or her services but he or she shall be entitled to the necessary expenses, including traveling expenses incurred in the discharge of his or her duties.

Section 5. (a) A majority of the commissioners shall constitute a quorum of the Authority for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the Authority upon a vote of the majority of the commissioners present, unless in any case the bylaws of the Authority shall require a larger number.

(b) Action may be taken by the Authority upon the affirmative vote of the majority of the Commissioners present, unless in any case the by-laws of the Authority shall require a larger number.

(c) The Authority shall select a chairperson and a vice-chairperson from among its commissioners, and it may employ a secretary, technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. For legal services as it may require, the Authority may call upon any chief law officers of the City, or may employ its own counsel and legal staff. The Authority may delegate to one or more of its agents or employees such powers and duties as it may deem proper.

(d) The Authority shall adopt such by-laws as it deems necessary and appropriate for the conduct of business.

Section 6. No commissioner or employee of the Authority shall acquire any interest direct or indirect in any parking project or in any property included or planned to be included in the project nor shall he or she have any interest direct or indirect in any contract or proposed contract for materials or services to be furnished or used in connection with any parking project. If any commissioner or employee of the Authority owns or controls an interest direct or indirect in any property included or planned to be included in a parking project he or she shall immediately disclose the same in writing to the Authority and such disclosure shall be entered upon the minutes of the Authority. Failure so to disclose such interest shall constitute misconduct in office. Upon such disclosure such commissioner or employee shall not participate in any action by the Authority affecting such property.

Section 7. For inefficiency or neglect of duty or misconduct in office, a commissioner of the Authority may be removed by the City Council of the City, but a commissioner shall be removed only after he or she shall have been given a copy of the charges at least 10 days prior to the hearing thereon and had an opportunity to be heard in person or by counsel. In the event of the removal of any commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the clerk of the City.

Section 8. The Authority may appoint parking enforcement officers. Pursuant to the Parking Law, a parking enforcement officer means a person appointed pursuant to the Parking Law to exercise the power and authority described in paragraph (d) of subsection (3) of section 22 of P.L. 1948, c. 198 (N.J.S.A. 40:11A-22(3)(d)). Parking enforcement officers are not special law enforcement officers within the meaning of P.L. 1985, c. 439 (N.J.S.A. 40A:14-146.8 et al.) and are not members of the police department of the City. Parking enforcement officers are not eligible for membership in the Police and Firemen's Retirement System established pursuant to P.L. 1944, c. 255 (N.J.S.A. 43:16A-1 et seq.). The qualifications, responsibilities and duties of parking enforcement officers shall be as set forth in the Parking Law, specifically Sections 22 and 22.1 of the Parking Law (N.J.S.A. 40:11A-22 and 22.1), and in any by-laws of the Authority.

Section 9. After the effective date of this Ordinance, a certified copy of this Ordinance shall be filed in the office of the Director of the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey. A certified copy of every bond resolution as finally passed shall be filed in the office of the Director of the Division of Local Government in the Department of the Treasury and in addition shall file a certified copy of all bond proceedings with said director.

Section 10. Any ordinance of the City adopted prior to the date of adoption of this Ordinance that is inconsistent herewith is hereby amended, superseded or repealed, as applicable, to the extent of any such inconsistency.

Section 11. This Ordinance shall take effect twenty (20) days after publication after final adoption in accordance with applicable law.

Adopted: January 2, 2024

Joyce L. Lanier
City Clerk

Tency A. Eason
Council President

Approved by:

Dwayne D. Warren, Esq., Mayor

Dated: _____