



CITY OF PLAINFIELD

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To: Abby Levenson, Acting Business Administrator & Personnel Director

From: David Minchello, Corporation Counsel

Date: September 30, 2020

Subject: **An Ordinance to Amend and Supplement Chapter 2, Article 9.
Department of Public Works, to Include Section 17 "Division of the
Parking Utility"**

N/A

CITY OF PLAINFIELD

MC 2020-21

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 2, ARTICLE 9. DEPARTMENT OF PUBLIC WORKS, TO INCLUDE SECTION 17 “DIVISION OF THE PARKING UTILITY”

Deletions are ~~striked out~~.

Additions are in *bold italics*.

WHEREAS, the City of Plainfield has undertaken a review and analysis of parking procedures within the City of Plainfield; and

WHEREAS, pursuant to statute, a municipality is permitted to operate municipal utilities; and

WHEREAS, pursuant to N.J.S.A. 40A:1-1, a municipal public utility is defined as any enterprise from which a municipality anticipates it will receive fees, rents or other charges; and

WHEREAS, a municipal utility is required for accounting and budgetary purposes, to be treated as a separate distinct entity pursuant to N.J.S.A. 40A:4-62; and

WHEREAS, the City of Plainfield, after a careful examination and analysis, has determined that it is in the best interest of the residents of the City to create a parking utility encompassing its parking operations to accurately and properly budget and account for the expenses and revenues relating thereto in a manner which is permitted by statute and which is separate and distinct from the usual operations of municipal government; and

WHEREAS, the City of Plainfield, after a review and analysis has determined that an amendment to Chapter 2, Article 9, is in the best interest of the City; Now, therefore,

BE IT, ENACTED, by the Council of the City of Plainfield that Chapter 2, Article 9. Department of Public Works is hereby amended and supplemented as follows:

§ 2:9-1. Creation of the Division of the Parking Utility.

§ 2:9-17A Establishment; Control.

There shall be within the Department of Public Works a Division of Parking Utility (the “Division” or the “Utility”). The head of the Division shall be the Superintendent of the Parking Utility. Under the direction and supervision of the Superintendent, the Division shall have the duties and responsibilities set forth herein.

§ 2:9-17B Purpose.

The purpose of the Division of Parking shall be to provide municipal parking services through the parking utility, by delivering parking services with the responsibility of managing, planning, and operating all aspects and functions which include but are not limited to the collection and repair of on- and off- street parking services. The function of parking enforcement shall be within the Department of Public Works.

§ 2:9-18 DIVISION OF THE PARKING UTILITY

§ 2:9-18A Purpose.

It is the purpose of this Chapter to empower the City, through the Division of Parking Utility, to perform all such reasonable and necessary functions in connection with providing parking services as afforded to the City by the provisions of N.J.S.A. 40A:5A-20 et seq., without limitation, and the collection of fees therefor. The provision of this Chapter is subject to the ability of the City to provide parking service to the extent permitted by the law, and in

accordance with the terms and condition of any existing contracts which are legally binding upon the City. The Division of Parking Utility shall serve the City.

§ 2:9-18B Definitions.

As used in this Chapter:

(a) “Parking Utility” shall mean the parking utility of the City operated by the Division acting pursuant to the direction of the City through its elected and appointed officials, and performing all functions pertaining to the collection, storage, and distribution of adequate parking services heretofore performed by the City of Plainfield, and as may hereafter be necessary in connection with any additional facilities hereafter constituting part of the City’s Parking Services.

(b) “Superintendent” shall mean the duly appointed head of the “Division of Parking Utility.”

(c) “Customer” shall mean the party contracting for parking service and/or any owner, agent, or occupant responsible for the payment of the fees specified herein.

(d) “Parking Services” shall mean delivering parking services with the responsibility of managing, planning, enforcing and operating all aspects and functions which include but are not limited to the collection and repair of on- and off- street parking services.

§ 2:9-18C Authorization to Adopt Rules and Procedures.

The Department of Public Works is empowered to adopt rules and regulations proper and necessary to enable the Division to perform the purposes enumerated herein. These rules and regulations shall be placed on file in the Office of the City Clerk.

§ 2:9-18D Reservation of Powers.

To the extent not specifically set forth herein, the City Council of the City of Plainfield specifically reserves unto itself all those certain powers, rights, and responsibilities as set forth as length in N.J.S.A. 40A:5A-20, which provision may be deemed by the City necessary for the operation of the Parking Utility.

§ 2:9-18E Right of Access.

The City, through the Division or otherwise, shall have a right of access to any customer’s premises, and to equipment and property of the City at reasonable times, for the purpose of delivering parking services with the responsibility of managing, planning, enforcement and operating all aspects and functions, which include but are not limited to the collection and repair of on- and off- street parking services.

§ 2:9-18F Violations and Penalties.

Any person, firm, or corporation violating the provisions of this Chapter or any succeeding ordinances or resolutions pertaining to the subject matter of this Chapter, which might be enacted or adopted, shall be punished in accordance with the fines and penalties established by the City of Plainfield.

§ 2:9-18G Tampering with Parking Utility.

No person or persons shall in any matter, without permission, tamper or interfere with the parking services of the City.

§ 2:9-18H Complaints.

Complaints concerning the character of the services furnished, or the reading of meters or bills rendered, shall be made in the Division in writing. A record of all such written complains will be maintained by the Division to show the names and addresses of the complainants, dates, nature of the complaints, and the action taken thereon.

§ 2:9-18I Parking Utility Fund.

All future revenue and the accounting therefore from the Parking Utility shall be on a dedicated utility basis. All monies derived from the operation of said Parking Utility and any other monies applicable to its support shall be separated and kept in a distinct fund, which shall be known as the "Parking Utility Fund." All disbursements for the operation and maintenance of the Parking Utility shall be taken from the Parking Utility Fund.

§ 2:9-18J Budget.

The dedicated budget of the Parking Utility shall include appropriations for operating expenses, capital improvements, debt services and/or the portion of all other deferred charges and statutory expenses as may be required or allowed.

§ 2:9-18K Parking Fees and Fines.

(a) The fees and fines established by the City of Plainfield shall continue in full force and effect until such time as the City Council establishes a new schedule, or charges and fees for parking and incidental services. The fees and fines established by the City of Plainfield are on file in the Office of the City Clerk.

(b) The City Council shall, from time to time, establish a schedule of charges and fees for parking and incidental services to be provided by the Parking Utility.

BE IT, FURTHER ENACTED, by the Council of the City of Plainfield, that:

1. Severability. If any provision of this Ordinance shall be held invalid, or contrary to the law, then such provision of the Ordinance shall be deemed separable from the remaining provisions of this Ordinance and shall not affect the validity of the other provisions of the Ordinance.

2. Effective Date. This Ordinance shall take effect twenty (20) days following action or inaction by the Mayor, as provided by law or on an override of a mayoral veto by the council, whichever is applicable in accordance with law, unless a resolution is adopted pursuant to N.J.S.A. 69A-181(b) declaring an emergency and providing that this ordinance shall take effect at an earlier date.

3. Publication. A notice of the action shall be published in the official newspaper authorized to publish legal notice for the City as required by law.

4. Repeal of All Inconsistent Ordinances. All Ordinances or parts of Ordinances inconsistent herewith are repealed to the extent of such inconsistency.

ADOPTED BY THE MUNICIPAL COUNCIL

November 9, 2020



Abubakar Jalloh, R.M.C.
Municipal Clerk

CLERK'S CERTIFICATION

I, Abubakar Jalloh, City Clerk of the City of Plainfield do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Plainfield City Council.

✓ Vote Record - Ordinance MC 2020-21						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted						
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Tabled						
<input type="checkbox"/> Repealed						
<input type="checkbox"/> Failed						
<input type="checkbox"/> Vetoed						
<input type="checkbox"/> Consensus						
	Charles McRae	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Joylette Mills-Ransome	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Steve Hockaday	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Elton Armady	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ashley Davis	Second	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Sean McKenna	Voter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Barry N. Goode	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>