

Ordinance 23-17

BOROUGH OF POMPTON LAKES

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7, "TRAFFIC", SECTION 7-44.1, "POND HOLE PARKING LOT REGULATIONS", OF THE MUNICIPAL CODE OF THE BOROUGH OF POMPTON LAKES

WHEREAS, on December 7, 2022, the Borough of Pompton Lakes adopted Ordinance 22-20, amending Chapter 7, "Traffic," Section 7-44.1, "Pond Hole Parking Lot Regulations," to establish revised parking lot regulations; and

WHEREAS, the Borough of Pompton Lakes desires to amend Ordinance 22-20 to address Pay Kiosk parking fees; and

WHEREAS, pursuant to N.J.S.A. 40:48-1, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this State or Federal Government, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

BE IT HEREBY ORDAINED by the Borough Council of the Borough of Pompton Lakes in the County of Passaic and the State of New Jersey as follows:

SECTION 1. The foregoing whereas clause is incorporate herein by reference and made a part hereof.

SECTION 2. Ordinance 22-20 establishing Chapter 7, "Traffic," Section 7-44.1, "Pond Hole Parking Lot Regulations," is hereby amended and supplemented as follows:

Note: Additions are shown in **bold and underlined** and deletions are shown as ~~strikethrough~~.

§ 7-44.1 Pond Hole Parking Lot Regulations.

A. Lot No. 28, Block 6300, as shown on the Tax Assessment Map of the Borough of Pompton Lakes and commonly known as the "Pond Hole Parking Lot" will hereby include the following designations as shown on the amended site plans which are on file in the office of the Municipal Clerk.

1. Metered parking
2. Permit parking
3. Reserved parking
4. Aisles and roadways
5. Handicap parking

B. No person shall park any vehicle or permit any vehicle to stop or stand or to be parked on the premises known and designated as the "Pond Hole Parking Lot" except in accordance with the designations and within the areas as shown on the amended site plans which are made part of this subsection; except that the following restrictions shall apply to all parking spaces within the Pond Hole Parking Lot:

1. No vehicle shall be parked in the Pond Hole Parking Lot between the hours of 3:00 a.m. and 5:00 a.m. except for vehicles displaying an appropriate parking sticker or permit.
2. Parking in the Pond Hole Parking Lot is hereby restricted to a ten-hour maximum time limit for all vehicles during the hours of 5:00 a.m. to 3:00 a.m. the following day unless the vehicle has a parking permit allowing a longer parking duration or has a parking permit that restricts parking durations to less than 10 hours.
3. Metered Parking Spaces may be time limited and such time limits shall be conveyed

to parking lot users via conspicuously placed signs installed as directed by the Chief of Police or Borough of Pompton Lakes.

C. Whenever snow has fallen and the accumulation is such that it covers the premises known as the "Pond Hole Parking Lot," the Chief of Police or, in his absence, the ranking officer, is authorized to declare an emergency and to direct the posting of temporary signs and/or barricades designed to enable the safe and efficient clearing of snow and ice from parking lot surfaces. Any business or individual in possession of any parking permit for the Pond Hole Parking Lot shall provide phone and/or email contact information that the Chief of Police or Borough of Pompton Lakes may employ to convey special parking instructions during snow or other emergency events. When weather conditions, accidents, fires or public celebrations dictate or require the avoidance of hazards or other conditions which interfere with the maintenance of the parking lot, notification that emergency parking procedures have been enacted shall be given to any business or individual in possession of any parking permit for the Pond Hole Parking Lot or the operator or owner of any vehicle which has been parked prior to the enactment of emergency procedures or posting of the signs. Any unoccupied vehicle parked or standing in violation of this subsection shall be deemed a nuisance, and any Police Officer may provide for the removal of such vehicle. The owner shall pay the reasonable costs of removal and storage which may result from such removal before gaining possession of such vehicle.

D. No person shall park or permit any vehicle to be parked in any designated aisle or roadway.

E. All moving vehicles within said parking lot shall be operated in accordance with the following provisions:

1. Maximum speed limit: 10 miles per hour.
2. Vehicles shall proceed in the direction of travel designated by pavement markings on the parking lot surface and/or posted signs.
3. All vehicles shall park within the marked areas of a parking stall.
4. Vehicles travelling within the parking lot or from one area of the parking lot to another area shall be limited to parking aisles or roadways only and shall not travel across or through painted parking stalls or cross-hatched areas.

F. Parking stalls shall be painted upon the paved surface of the parking lot and regulatory signs shall be installed to reasonably notify users of the parking lot of these regulations.

G. Parking Permits shall be designated by appropriate identification tags or stickers, the form and location of which shall be prescribed by the Chief of Police or Borough of Pompton Lakes, and issued in accordance with procedures hereinafter set forth:

1. The Chief of Police or Borough of Pompton Lakes shall determine the number of parking permits which can be issued, marking appropriate allowance for turnover of use, seasonal variations or changes in parking patterns so that the maximum number of permits may be issued.
2. Permits shall be issued on a first-come first-served basis and shall be classified as follows:
 - a. Student (S) Permits which shall be valid only on school days between the hours of 7:00 a.m. and 4:00 p.m.
 - b. Employee (E) Permits which shall be valid at all times between the hours of 5:00 a.m. and 3:00 a.m. the following day.
 - c. Resident (R) Permits which shall be valid at all times.
3. The fees to purchase Parking Permits shall be:
 - a. Made available to Student(s) by choosing one of the following options:
 1. \$150.00 for the entire calendar school year for each Student (S) Permit purchased. The calendar school year shall be defined as the period of time commencing on September 1 until June 30; or
 2. \$50.00 per trimester for a Student (S) Permit. The first trimester shall be defined by the period of time between September 1 and the start of the Christmas/Holiday Break; the second trimester shall be

defined by the period of time between January 1 and the start of Spring Break; and the third trimester shall be defined by the period of time between the end of Spring Break and June 30.

- b.** \$50.00 per month for an Employee (E) Permit which shall be valid between the first and last day of the month purchased.
- c.** \$100.00 per month for a Resident (R) Permit which shall be valid between the first and last day of the month purchased.

4. The following valid documents must be provided in order to purchase a Parking Permit:

- a.** For a Student (S) Permit: Vehicle Registration of the vehicle that will display the Parking Permit; Student ID; Driver's License of the student named on the Student ID.
- b.** For an Employee (E) Permit: Vehicle Registration of the vehicle that will display the Parking Permit; Copy of a recent Pay Stub (with sensitive information redacted) from a business located on the east side of Wanaque Avenue or a property bordering the Pond Hole Parking Lot; Driver License of the employee named on the Pay Stub.
- c.** For a Resident (R) Permit: Vehicle Registration of the vehicle that will display the Parking Permit; a recent Utility or Tax Bill having an address located within 400' of the Pond Hole Parking Lot and matching the address on the Vehicle Registration, Driver License of the permit holder.
- d.** Student (S) Permits being renewed need to be re-purchased each trimester with the required accompanying documentation using procedures determined by the Chief of Police or Borough of Pompton Lakes.
- e.** Employee (E) Permits may be automatically renewed each month however, recent Pay Stubs must be re-submitted at least every three (3) months to verify continued employment within the boundaries described in Section G.4.b.
- f.** Resident (R) Permits may be automatically renewed each month however, recent Utility or Tax Bills must be re-submitted at least every three (3) months to verify continued residency within the boundaries described in Section G.4.c.
- g.** Parking Permits will not be automatically renewed for any month or trimester when the accompanying Driver License or Vehicle Registration is set to expire.

5. The number of Parking Permits issued shall be limited as follows: however, the Chief of Police or Borough of Pompton Lakes may, from time to time, make modifications to these limitations in accordance with Paragraph 1. of this section.

- a.** Student (S) Permits issued shall be initially limited to a maximum of 35.
- b.** Employee (E) Permits issued shall be initially limited to a maximum of 50.
- c.** Resident (R) Permits issued shall be initially limited to a maximum of 150.

6. The Chief of Police or Borough of Pompton Lakes may issue Employee (E) Permits to businesses located on properties that border the Pond Hole Parking Lot using guidelines, rules and regulations that differ from Sections 2 through 5 above.

7. Any time the maximum number of Parking Permits in any category has been reached, the Chief of Police or Borough of Pompton Lakes may establish a waiting list for such permits in accordance with the following:

- a.** If or when certain categories of Parking Permits become over-subscribed, customers may request to be placed on a waiting list to be contacted in the event a Parking Permit(s) becomes available. In the event a Parking Permit becomes available, the longest listed individual on the waiting list will be contacted to purchase the permit. If that individual refuses to purchase the permit they will be removed from the waiting list and the next longest listed individual will be contacted for the same purpose, and so forth.

H. The Pond Hole Parking Lot shall be available to public parkers without a parking permit on a first-come first-served basis subject to availability.

- 1.** The Pond Hold Parking Lot will contain parking Pay Kiosks that will, upon deposit of ~~United States currency or~~ **valid credit card, Google Pay, Apple Pay or other contactless payment** dispense “Paid” parking stubs for use by non-permitted public parkers who must display such stubs on their vehicle dashboard as proof of purchase of parking time. The fee for parking time shall be ~~50¢ per hour~~ **minimum \$1.00 for two hours and .50 per hour thereafter.** ~~and the minimum purchase for credit card.~~
- 2.** It shall be unlawful for non-permitted public parkers to cause their vehicle to be parked in a Pond Hole Parking Lot parking space without displaying a valid, non-expired, “Paid” parking stub on the vehicle’s dashboard.
- 3.** It shall be unlawful for non-permitted public parkers to cause their vehicle to be parked in a Pond Hole Parking Lot parking space if a “Paid” parking stub displayed on the vehicle’s dashboard is invalid due to expiration.
- 4.** “Paid” parking stubs are valid for use and display in one (1) vehicle only and it shall be unlawful to transfer a still-valid “Paid” parking stub to another individual or vehicle after the stub has been displayed.
- 5.** Non-permitted public parkers are subject to all rules and regulations posted on signs within the Pond Hole Parking Lot, posted or displayed on the parking Pay Kiosks, and printed on the parking stubs. It shall be unlawful for non-permitted public parkers to violate any of these rules and regulations.

I. It shall be unlawful to utilize any portion of the Pond Hole Parking Lot, including but not limited to parking spaces, driveways, traffic lanes and planting areas, for the purpose of storing or causing to be stored commercial and/or private vehicles or for the purpose of using said public parking spaces or general areas for the storage, maintenance, washing, painting, repairing, loading or unloading of vehicles or for the conduct of private business, regardless of time limits posted and fees paid, within the subject areas, which practice denies or unduly limits the use of the parking facilities to the general parking public for whom they are intended. Nothing herein shall be construed to prohibit necessary and minimal emergency repairs which are required to render a car operational so that it can be moved from any parking space.

J. The Pond Hole Parking Lot includes parking spaces for handicapped persons in accordance with law and it shall be unlawful to park in any space designated for handicapped persons unless the appropriate handicapped parking credentials are displayed. The prohibition against parking in a space designated for handicapped persons without the appropriate credentials shall be enforced by Law Enforcement personnel in accordance with New Jersey State and Federal law.

K. It shall be unlawful to damage or tamper with parking control equipment or to deposit therein anything other than U.S. currency, credit cards, or parking stubs and slips. It shall be unlawful to deface, injure, tamper with, willfully break, destroy or impair the usefulness of, or to open without lawful authority, parking control equipment installed in the Pond Hole Parking Lot.

L It shall be unlawful to deface or alter in any way “Paid” Parking Stubs or Parking Permits issued by the Borough of Pompton Lakes. It shall be unlawful to produce or duplicate “Paid” Parking Stubs or Borough-issued Parking Permits. It shall be unlawful to attempt the use of any defaced, altered, duplicated, counterfeit, or unlawfully produced “Paid” Parking Stub or Parking Permit.

M. Loitering in or upon any parking areas, garages, facilities, or lots owned or operated by the Borough of Pompton Lakes which obstructs the free passage of pedestrians or vehicles, or obstructs, molests, or interferes with any person lawfully upon such Borough property shall be prohibited. No person shall be prosecuted for loitering upon such Borough property unless the violator shall first disobey a Police Officer’s or Parking Enforcement Officer’s direction to cease loitering and disburse, move on, or exit the property.

N. The Chief of Police or Borough of Pompton Lakes shall publish notice in the official newspaper of the Borough and prominently post notice in locations deemed by him to give adequate notice to the public of the acceptance of applications for parking permits.

O. The Chief of Police or Borough of Pompton Lakes is authorized to establish permit issuing procedures: to allow a person to whom a permit has been issued to substitute a vehicle; designed to improve or maximize the efficiency and/or utilization of the Pond Hole Parking Lot; to discourage abuse or misuse of parking permits; to discourage or alter the emergence of unhealthy parking patterns or practices; to prioritize permit issuance for Pompton Lakes residents or other user groups; to improve safety and security, or; for any reason or reasons that would better serve the interests of Pond Hole Parking Lot users, local businesses, Borough residents and/or the Borough of Pompton Lakes.

P. Parking violations within the Pond Hole Parking Lot will be issued in accordance with law and the following fine schedule which shall be subject to change.

1. Overtime Parking / Parking Without Payment - \$35
2. Unlawful Extension / Parking Beyond Posted Time Limits / Parking During Restricted Time Periods / Unlawful Transfer Of Paid Parking Stub - \$45
3. Improper Placement of Vehicle - \$55
4. Handicap Violations – In accordance with Federal and New Jersey statutes.

Q. Whenever any words and phrases are used in this subsection, the meaning respectively ascribed to them in Subtitle 1 of Title 39 of the Revised Statutes of New Jersey shall be deemed to apply to such words and phrases used herein.

R. The provisions of this subsection imposing regulations shall not relieve any person of the duty to observe any more restrictive provisions set forth in Title 39 of the Revised Statutes of the State of New Jersey.

SECTION 3. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

SECTION 4. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

SECTION 5. This Amending Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the regular meeting of the Mayor and Borough Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey held in the Municipal Building on the 10th day of May, 2023, and the same came up for final passage at the regular meeting of the Mayor and Borough Council held on the 24th day of May, 2023, at which time, after persons interested were given the opportunity to be heard concerning said Ordinance, the same was passed and will be in full force and effect in the Borough of Pompton Lakes after approval by the Mayor or in accordance with law.

Approved:

Michael Serra, Mayor

Elizabeth Brandsness, Borough Clerk