

**BOROUGH OF WILDWOOD CREST  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY**

**ORDINANCE NO. 1424**

**ORDINANCE OF THE BOROUGH OF WILDWOOD CREST  
AMENDING AND SUPPLEMENTING CHAPTER 47 PARKING METERS  
OF THE CODE OF THE BOROUGH OF WILDWOOD CREST TO  
CONSOLIDATE PARKING METER ZONES TO A SINGLE PAID  
PARKING ZONE AND TO FURTHER DEFINE AND REGULATE THE  
USE OF WEB-BASED PARKING SYSTEMS**

**WHEREAS**, the Board of Commissioners of the Borough of Wildwood Crest has determined that it is necessary and proper for good government and the economic prosperity of the business community, the convenience and welfare of the Borough, its inhabitants and visitors to update, amend and supplement Chapter 47, Parking Meters, to consolidate multiple parking meter zones into a single paid parking zone and to establish and regulate the use of web-based digital parking systems, applications or software to collect paid parking fees by the Borough.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, New Jersey, as follows:

**Section 1.** Ordinance No. 232, adopted June 23, 1958, Ordinance No. 704, adopted August 9, 1989, Ordinance No. 1008, adopted May 3, 2006, Ordinance No.1048, adopted November 6, 2007, Ordinance No. 1059, adopted March 19, 2008, Ordinance No. 1069, adopted February 25, 2009, Ordinance No. 1136, adopted January 25, 2012, Ordinance No. 1167, adopted May 8, 2013, Ordinance No. 1181, adopted December 11, 2013, Ordinance No. 1224, adopted October 21, 2015, Ordinance No. 1238, adopted May 25, 2016, and Ordinance No. 1390, adopted December 28, 2022, that has been codified in the Code of the Borough of Wildwood Crest as Chapter 47, are hereby amended and supplemented as set forth herein.

**Section 2.** Chapter 47, Parking Meters is hereby amended and supplemented as follows: (added language is underlined, deleted language is ~~stricken~~)

**Chapter 47**

**PARKING METERS PAID PARKING ZONES**

**§ 47-1 Hours and periods of operation.**

The hours and periods of operation for paid parking zones ~~parking meters~~ within the Borough of Wildwood Crest shall be as determined by resolution of the Board of Commissioners. Such hours and periods of operation shall be posted as required by state law.

**§ 47-2 Zones established.**

The following locations are hereby designated paid parking ~~parking meter~~ zones within which the Director of Public Safety shall cause parking meters, or other such equipment the purpose of which is to collect a fee, to be installed and shall cause paid parking ~~meter~~ spaces to be designated as hereinafter provided.

**Zone 1**

Atlantic Avenue from Cresse to Jefferson Avenues and east of Atlantic Avenue to the beach Bulkhead

~~Atlantic Avenue: From Cresse to Crocus Avenue and east to the bulkhead~~ Both sides of

~~the street~~

~~Zone 2~~

~~East of Atlantic Avenue: From Crocus Avenue to Primrose Avenue to the bulkhead—  
Both sides of the street~~

~~Zone 3~~

~~Atlantic Avenue: From primrose to Rambler and east to the bulkhead—Both sides~~

~~Zone 4~~

~~East of Atlantic Avenue: From Rambler to Farragut, to the bulkhead—Both sides~~

~~Zone 5~~

~~Atlantic Avenue: From Farragut to Jefferson, and east to the bulkhead—Both sides~~

~~Zone 6—Crest Pier Parking Lot~~

~~Southeasterly 100 feet of block of 21.03, as delineated on the Official Tax Map of  
Wildwood Crest, duly filed, and bounded by Ocean Avenue, Crocus Avenue and Heather  
Avenue~~

~~3 Handicap spots~~

~~The remaining spots will be metered—The entire parking lot~~

~~Zone 7—500 E. Block of Wisteria Avenue~~

~~Parking Lot located on Block 42.02 and Lot #5.01 as delineated on the Official Tax Map  
of Wildwood Crest, and bounded by Wisteria Avenue, Columbine Avenue and Ocean  
Avenue~~

~~2 Handicap parking spaces~~

~~The remaining spots will be metered—the entire parking lot~~

~~Zone 8—6301 Ocean Avenue~~

~~North side parking lot located at Block 42.04, Lot 1, as delineated on the Official Tax  
Map of Wildwood Crest~~

~~One handicap parking space~~

~~Eight metered parking spaces~~

### **§ 47-3 Purchase, operation and maintenance.**

The Director of Public Safety is hereby directed to provide for the installation, regulation, control, operation and use of the parking meters, kiosks, web-based or digital parking systems/applications or software, the purpose of which is to collect a fee provided for in this ordinance and to maintain said equipment and systems meters in good workable condition, and the Mayor and Borough Clerk are hereby invested with power and authority to enter into a contract, after approval of the terms and conditions thereof by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, for the purchase, use and installation of parking meters, kiosks, web-based or digital parking systems/applications or software the payment for such equipment or systems meters and installation to be provided for solely from receipts, funds and revenues obtained from the operation of said equipment or systems parking meters, without in any manner obligating the borough to pay for the same from any other source; and the Mayor and Borough Clerk are further authorized and empowered to enter into a contract or contracts, after approval of the terms and conditions thereof by the Borough of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, for such protection and maintenance of said equipment parking meters as may be necessary to maintain the same in good operating condition and to pay for such parts, protection and maintenance exclusively from the receipts, funds and revenues received from the operation of said parking meters.

### **§ 47-4 Placement.**

Parking meters installed in the paid parking meter zones established as provided in § 47-2 hereof shall be placed upon the curb immediately adjacent to the individual parking places hereinafter described. When a paid parking zone, area thereof, or parking space is

controlled by a fee collection device, such as a kiosk-style device or web-based or digital parking system/application or software, such device, if any, or signage, shall clearly designate the zone, area thereof, or the individual parking spaces as being subject to and controlled by such fee collection device, digital parking system/application or software. Each parking meter shall be placed or set in such manner as to show or display by a signal that the parking space adjacent to such meter is or is not legally in use.

**§ 47-5 Parking spaces to be marked; use.**

The Director of Public Safety shall have lines or markings painted or placed upon the curb and/or upon the street adjacent to each paid parking space meter for the purpose of designating the parking space ~~for which said meter is to be used, and each vehicle parked adjacent or next to any parking meter shall park within the lines or markings so established.~~ It shall be unlawful and a violation of this ordinance to park any vehicle across any such line or marking or to park said vehicle in such position that the same shall not be entirely within the area so designated by such lines or markings.

**§ 47-6 Reserved. Parallel and diagonal parking.**

~~When a parking space in any parking meter zone is parallel to the adjacent curb or sidewalk, any vehicle parked in such parking space shall be parked so that the foremost part of such vehicle shall be nearest to the parking meter; when a parking space in any parking meter zone is diagonal to the curb or sidewalk, any vehicle parked in such parking space shall be parked with the foremost part of such vehicle nearest to such meter.~~

**§ 47-7 Payment for paid parking space. Coin to be deposited.**

When any vehicle shall be parked in any paid parking space adjacent to which a parking meter is located, in accordance with the provisions of this chapter, the operator thereof shall, upon entering the said parking space, immediately ~~deposit or cause to be deposited by the operator of said vehicle in said parking meter such proper coin of the United States as is required for such parking meter and as is designated by directions on the meter, causing the meter to be operated, or shall make payment by coin or appropriate credit card payment through the use of the posted instructions on such meter or fee collection device or sign,~~ and failure to make such payment shall constitute a breach of this ordinance and shall subject such person to the penalty prescribed in Section 47-13 hereof. All parking meters, kiosk-style devices or such other web-based or digital parking system/application or software, regardless of the type, style, or payment method must be operated according to the legend and/or directions for any particular device. Any vehicle occupying a space for which paid parking is required under this chapter beyond the expiration of the parking time indicated in accordance with the legend and/or directions shall be considered illegally or overtime parked.

**§ 47-8 Paid parking charge. Parking meter charge.**

Rate per hour: Not to exceed \$1.50

Seasonal permit: All zones \$250

The Borough shall not be responsible for lost or stolen permits issued pursuant to this chapter, and no replacement permit shall be issued and no refund of any charge or fee shall be made by the Borough.

**§ 47-9 Parking limits.**

~~Upon placing such meter in operation, as aforesaid, the A paid parking space may be lawfully occupied by such vehicle for the period indicated on the meter, sign, or as indicated in accordance with the legend and/or directions for each \$0.25 payment made, for a duration not to exceed eight hours.~~

**§ 47-10 Towing of unlawfully parked vehicles. Use of slugs prohibited.**

~~It shall be unlawful and a violation of the provisions of this ordinance to deposit or cause to be deposited in any parking meter, any slug, device of metallic substitute or any other substitute for a proper coin of the United States.~~

Any vehicle unlawfully parked within any paid parking space may be towed by the Police Department and impounded at the owner's expense and there held until the penalty provided for is paid and until the further sum to cover the costs of towing plus any reasonable storage charges incurred in storing the vehicle shall also be paid.

**§ 47-11 Reserved. ~~Injuring or tampering prohibited.~~**

~~It shall be unlawful and a violation of the provisions of this ordinance for any person to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this ordinance.~~

**§ 47-12 Enforcement. ~~Duties of Police Department.~~**

It shall be the duty of the Police Department of the borough, to enforce this chapter pursuant to the provisions of the Parking Offenses Adjudication Act, N.J.S.A. 39:4-139.2, as amended. ~~acting in accordance with instructions issued by the Director of Public Safety, to report:~~

- A. ~~—The number of each parking meter which indicates that the vehicle occupying the parking space adjacent to such parking meter is or has been parked in violation of any of the provisions of this ordinance.~~
- B. ~~—The state license number of such vehicle.~~
- C. ~~—Any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.~~

**§ 47-13 Violations and penalties.**

Any person who shall violate any of the provisions of this ordinance and any person who aids, abets or assists therein, shall, upon conviction thereof by the Municipal Court Judge, be subject to a fine of any amount not exceeding \$100, for each offense or violation, or be imprisoned for a term not exceeding 15 days, in the County Jail or in any place provided by the municipality for the detention of prisoners, or both.

**§ 47-14 Use of paid parking-meter receipts.**

The fees coins required to be paid for paid parking spaces ~~deposited in parking meters~~ as provided herein are hereby levied and assessed as fees to provide for the proper regulation and control of traffic upon the public streets, and also the cost of supervision and regulating the parking of vehicles in the paid parking meter zones created hereby, and to cover the cost of the purchase, supervision, protection, inspection, installation, operation, maintenance, control and use of the parking meters, or such other kiosk-style device, web-based or digital parking system/application or software described herein.

**§ 47-15 Reserved. ~~Severability.~~**

~~If any section, part of section, sentence, clause or phrase of this ordinance shall be held to be unconstitutional or invalid, the remaining provisions hereof shall nevertheless remain in full force and effect.~~

**§ 47-16 Reserved. ~~Inconsistent ordinances repealed.~~**

~~All ordinances or parts of ordinances in conflict with the provisions of this ordinance be and the same are hereby repealed.~~

**§ 47-17 Reserved. ~~When effective.~~**



~~This ordinance shall take effect immediately upon its final passage and publication.~~

**Section 3.** The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

**Section 4.** All other ordinances in conflict with or inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

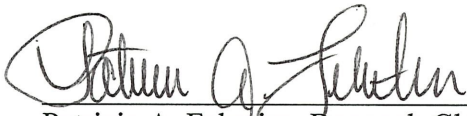
**Section 5.** If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this ordinance, but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

**Section 6.** This ordinance shall become effective twenty (20) days after final passage and advertisement thereof as required by law.

Dated: March 6, 2024



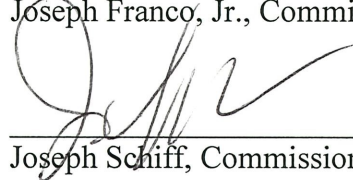
Don Cabrera, Mayor



Patricia A. Feketics, Borough Clerk



Joseph Franco, Jr., Commissioner



Joseph Schiff, Commissioner

Introduced: February 21, 2023

Adopted: March 6, 2024