

**TOWN OF KEARNY
HUDSON COUNTY, NEW JERSEY**

**ORDINANCE ADDING A NEW SECTION 7-40 TO THE TOWN CODE ESTABLISHING
A RESIDENTIAL PERMIT PARKING PROGRAM IN THE TOWN OF KEARNY
2023-(O)-_____**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF KEARNY
that a new section, Section 7-40 is hereby added to the Town Code, to read as follows:

Section 7-40.1. Background & Purposes

A. The governing body of the Town considered it to be in the best interest of the citizens of the Town to establish a Residential Parking Program (the “Program”) in order to alleviate the hardship experienced by residents in obtaining on-street parking, to preserve the residential quality of neighborhoods, and to provide for improvements in air quality, vehicular traffic, and noise pollution. The Program shall be subject to continued modification and adjustment based on experience and circumstances evaluated in the field and may be modified to address different requirements in separate areas of the Town.

B. Based on the Town’s ongoing evaluation of the Program, the Town has determined that it is necessary to (1) include in the Program all aspects of public parking within the Town; (2) include limited commercial permitting; (3) adjust and add certain parking controls; and (4) delegate certain authority to the Parking Utility created by Ordinance 2023 _____ to carry out the purposes and goals of this Ordinance.

Section 7-40.2. Definitions

A. “Courtesy Parking” shall mean the permissible parking of a vehicle, without a valid, registered permit, at one location during a time a permit is otherwise required. The following apply to courtesy parking:

(1) Courtesy parking is only allowed during the times set forth in this Ordinance;

(2) No vehicle may park in excess of the permissible courtesy parking period during any one 24-hour period (12:01 am to 12:00 am) at any one location; and

(3) “One location” as used herein shall mean within 1,500 feet (measured directly) in any direction of the location the vehicle was first parked during any one 24 hour period (12:01 am to 12:00 am).

Section 7-40.3. Parking Permits Required; Exceptions

A. General Rule – Permits Required: Unless otherwise stated herein, a parking permit shall be required to park a vehicle on all streets within the Town from 8 pm to 7 am, 7 days per week, except for Kearny Avenue and Midland Avenue; where permits will be required from 10pm to 7am, 7 days per week.

B. General Rule – Courtesy Parking Period: Unless otherwise stated herein, a courtesy parking period of 2 hours is allowed on all streets within the Town from 7 am to 10 pm.

C. Additional Permit Exceptions Parking permits are not required as follows:

1. During Federal and State of New Jersey designated legal holidays;
2. At parking locations controlled by a parking meter, during such times metered parking is in effect, and when the meters are not in effect, the applicable permit requirements set forth above control; or
3. For vehicles being used to actively render services within the Town, and the vehicle is not parked within the Town for more than eight consecutive hours.

Section 7-40.4. Issuance of Parking Permits, Criteria, Revocation

A. The Parking Utility shall establish rules and regulations for the criteria, evaluation of applications and documentation required for the issuance of parking permits to qualified applicants.

B. At a minimum, the criteria to qualify for a parking permit shall include the following:

1. The applicant must demonstrate their residence, employment or business need within the Town, as applicable to the permit sought; and
2. That the applicant owns, leases, or has been assigned the exclusive use of the vehicle to be permitted.

C. The Parking Utility may also consider whether the applicant for a permit has fabricated, copied, duplicated, reproduced, modified or altered a parking permit within the last 3 years prior to the request for a permit. If the Parking Utility reasonably believes by clear and convincing evidence that the applicant has done so, the permit may be denied.

D. Upon a conviction under Sections 12 or 13 of this Ordinance, the Parking Utility may revoke a permit and deny an applicant a permit for a period up to 3 years following said conviction.

Section 7-40.5. Types of Permits

A. The Parking Utility shall create permits, including zone specific permits, as needed, to meet the needs of the Town residents, businesses, and visitors. Permits to be initially established by the Parking Utility are as follows:

1. Resident Temporary Permit – issued to new residents to allow time for gathering sufficient proof of permanent residency, and application for a Resident Permit.
2. Resident Permit - issued to permanent residents for use on their own registered vehicles.
3. Resident Visitor Permit – An overnight, daily or weekly permit available for purchase by permanent residents or their guests.
4. Business Permit – issued to a business owner or employee, for use on their non-commercial vehicle.
5. Government Permit – issued to government employees.
6. Commercial Permit – Issued to an owner or operator of a commercial vehicle for parking in commercial designated parking areas.
7. Contractor Permit – Issued to commercial vehicles performing services at a location, for an extended duration greater than one eight-hour day.
8. Commercial/Residential Hybrid Permit – issued to vehicles in which the resident certifies that the commercial vehicle is also used as a personal vehicle. This type of permit is limited to one (1) per household.

Section 7-40.6. Permit Display & License Plate Recognition

Any permit issued by the Parking Utility must be displayed on or within the vehicle as required by the Parking Utility administration. Operators, owners, and lessees of vehicles shall also be required to follow any rules, regulations or administrative directives enabling the Parking Utility to utilize license plate recognition technology.

Section 7-40.7. Fees

The fees for parking permits under this Ordinance shall be set by the Mayor and Council.

Section 7-40.8. Regulations and Suspension of Enforcement

- A. The Parking Utility is hereby authorized to adopt rules and regulations to:
1. Effectuate the purposes of this Ordinance;
 2. Add or delete types of permits as the need of the Town residents, businesses, and visitors change and evolve; provided, however that fees for permits shall be established by the Mayor and Council.
- B. Parking Utility rules and regulations shall be enforceable pursuant to this Ordinance provided:
1. They have been duly adopted by resolution of the Mayor and Council
 2. They have been submitted to the Town Administrator, and there has been no objection from the Town Administrator within 30 days of submission; and
 3. They are consistent with the purposes and parameters of this Ordinance.
- C. The Parking Utility may administratively suspend enforcement of this Ordinance, in whole or in part, for reasons that include, but are not limited to, weather conditions, holidays not recognized as legal holidays, or special events.

Section 7-40.9. Enforcement

The provisions of this Ordinance shall be enforced by the Parking Utility.

Section 7-40.10. Permit Parking: No Exemption from Enforcement of State Law and Town Ordinance

- A. Any permitted vehicle shall not be exempt from parking restrictions or prohibitions

established pursuant to Title 39 of the N.J. State Statutes or any Town Ordinance.

B. A permit shall not guarantee or reserve to the holder thereof an on-street parking space.

Section 7-40.11. Fine and Penalty for Parking Without a Permit & Improper Use, Display and Expired Permits

A. The following actions are unlawful under this Ordinance, and the registered owner, owners, or lessees of the vehicle and the person committing the unlawful act are subject to the fine of \$50 for each day said violation occurs:

1. Parking without a permit in violation of the provisions of this Ordinance;
2. Use of an expired permit;
3. Improperly displaying a permit contrary to Section 6 of this Ordinance;
4. Failing to designate a date when using a valid daily permit: and
5. Obstruction or covering of a vehicle license plate.

Section 7-40.12. Fine and Penalty For Improper Use/Transfer Of Permits

It shall be unlawful and a violation of this Ordinance if any parking permit issued for a specific vehicle or use is used on any other vehicle or is used for a parking use other than that which it was specifically issued. The registered owners or lessees of the parked vehicle, the registered owners or lessees of the vehicle for which the permit was issued and any person committing a violation of this Section shall be subject to a fine of \$65.

Section 7-40.13. Fine and Penalty for the Fabrication, Modification or Duplication of a Parking Permit

Any person who fabricates, copies, duplicates, reproduces, modifies, or alters a parking permit, or allows another person to fabricate, copy, duplicate, reproduce, modify, or alter a parking permit shall be

subject to a fine of no less than \$250, nor more than \$1,000.00 for each such violation. The owners or lessees of a vehicle having a fabricated, copied, duplicated, reproduced, modified or altered parking permit displayed shall be subject to a fine of no less than \$250, nor more than \$1,000.00 for each such violation. A mandatory court appearance is required for an alleged violation of this Section.

Section 7-40.14. Severability

If any article, section, sub-section, sentence, clause, or phrase of this Ordinance is for any reason deemed to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 7-40.15. Repealer

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed upon the effective date of this ordaining to the extent of the inconsistency thereof. The foregoing shall not void any summons or fine issued prior to the effective date of this Ordaining.

Section 7-40.16. Effective Date

- A. This Ordinance shall become effective upon the later of the following:
 - 1. Twenty (20) days after final adoption; and
 - 2. Adoption of a resolution by the Parking Utility providing for the implementation of this Ordinance.
- B. This Ordinance may be implemented by the Mayor and Council, in whole or in part, in lieu of implementation by the Parking Utility pursuant to Section 7-40.16(A)(2).