

ORDINANCE 27-2019

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING
CHAPTER 134 OF THE BOROUGH CODE ENTITLED
“PARKING LOTS”**

WHEREAS, the Borough Council has determined that Chapter 134 of the Madison Borough Code entitled “Parking Lots” should be amended to address parking issues, parking lot permit fees and certain terms and conditions; and,

WHEREAS, the Borough Council has determined to modify the Madison Borough Code, Chapter 134 in such a manner as to determine fees and certain terms and conditions and provide for annual revisions of the fees thereafter by resolution, and,

WHEREAS, the Borough Council has considered the work and recommendations of the Parking Task Force designated to study these issues:

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey as follows:

SECTION 1: Section 134 of the Borough Code entitled “Parking Lots” is hereby amended to read as follows:

§ 134-1. Definitions; interpretation of terms.

Chapter 134: Parking Lots

§ 134-1 Definitions; interpretation of terms.

A. As used in this chapter, the following terms shall have the meanings indicated:

BOROUGH

The Borough of Madison.

CENTER ISLAND

An area, not part of a driveway, between two rows of parking spaces.

MERCHANT/EMPLOYEE VEHICLES

Those vehicles owned by an owner or employee of a Merchant/Employee

establishment of the Borough.

COMMUTER RESIDENT VEHICLES

Those vehicles owned by a resident of the Borough but not an owner or employee of a Merchant/Employee establishment of the Borough.

DIVIDING STRIP

Any strip or area between parking spaces or between parking spaces and the boundaries of a parking area, not part of a driveway or center island.

DRIVEWAY

A space within a parking area maintained for the travel, movement and distribution of vehicles to and from parking spaces.

ENTRANCE

The area between the curblineline of a street and the property line across which a vehicle may be operated in order to gain access to a parking area.

EXIT

The area between the curblineline of a street and the property line across which a vehicle may be operated in order to depart from a parking area into a street.

PARKING AREA

Any area described in this chapter whereon parking of vehicles is permitted, which is either owned or leased by the Borough of Madison or otherwise exclusively under its control or owned by the Madison Housing Authority and for which the Borough has been authorized to enforce parking regulations.

PARKING SPACE

Any space within a parking area marked or otherwise designated for parking a motor vehicle.

RESIDENTIAL TENANT VEHICLES

Tenants of dwelling places authorized by the Borough to obtain parking permits. Tenants of the following buildings are eligible to obtain one Residential Tenant parking permit per dwelling unit unless otherwise noted:

- (1) Dwelling places within the Downtown Historic District.
- (2) Other dwelling places specifically approved by Borough Council

action based on past (grandfathered) necessity. Currently identified grandfathered dwelling places are:

- (a) Dwelling places on the south side of Kings Road from Green Avenue west to 14 Kings Road.
- (b) 42 Cook Avenue.
- (c) 44 Cook Avenue.
- (d) 50 Cook Avenue.
- (e) 30 Central Avenue.
- (f) Apartment building at Green Avenue and Wilmer Street (southwest corner), maximum of 10

WALKWAY

Any portion of a parking area restricted to the exclusive use of pedestrian travel.

B. Interpretation. Whenever a time is stated in this chapter, the same shall mean prevailing time.

§ 134-2 Identification of lots and parking areas.

A. For the purpose of identification in this chapter:

- (1) "Kings Road Lot" shall mean and include a portion of Lot 1 in Block 3802, owned by the Borough bounded on the west by the Public Safety Complex, on the north by Kings Road, on the east by privately owned lots 2 and 4.
- (2) "Prospect Street" Lot shall mean and include the easterly portion of Lot 1 in Block 2803, owned by the Borough, bounded on the north by Kings Road, on the east by Prospect Street, on the south by the Madison Volunteer Ambulance Corp property, on the west by the Maple Avenue Lot.
- (3) "Maple Avenue Lot" shall mean and include the portion of Lot 1 in Block 2803 owned by the Borough, situated on the easterly side of Maple Avenue opposite the Hartley Dodge Memorial bounded on the north by Kings Road, on the east by the Prospect Lot and on the south by lot 2
- (4) "Train Station Lot" shall mean and include the crescent parking lot at the Madison Train Station off Kings Road, known as a portion of Block 2703, Lot 1 on Kings Road between Green Avenue and Prospect Street, which is leased from NJ Transit.
- (5) "Green Avenue Lot" shall mean and include the area owned by the Borough, situated on the northwesterly side of Green Avenue in said Borough, known as Lot 6 of Block 2801, southwest of where Green Avenue intersects Kings Road.
- (6) "Waverly Green Lot" shall mean Lot 17 in Block 2701, owned by the Borough, located on the interior of the Green Village Road, Main Street, Waverly Place

block.

- (7) "Cook Avenue Lot" shall mean and include the area owned by the Borough, situated on the southwesterly side of Cook Avenue, known as Lot 25 in Block 1502 on the Official Tax Map.
- (8) "Elmer Street Lot" shall mean Lot 14 in Block 1802, owned by the Borough bounded on the north by Elmer Street, and
- (9) "Civic Center Lot" shall mean and include the portions of land improved for parking facilities located and described as follows, Walnut Street, Block 1601, Lot 42.
- (10) "Madison Public Library Lot" shall mean and include the portions of land improved for parking facilities located at Block 3803, Lot 21, bounded on the north by Keep Street and on the southwest by Belmont Avenue.
- (11) "Madison Housing Authority Lots" shall mean and include the portions of land improved for parking facilities located and described as follows:
 - (a) Belmont Avenue, Block 380, Lot 61.
 - (b) Community Place, Block 1601, Lot 23.
 - (c) Park Avenue, Block 1203, Lot 24.
 - (d) John Avenue, Block 1207, Lot 15.
 - (e) Rexford S. Tucker Apartments, Belleau Avenue, Block 0402, Lot 1.
 - (f) 24 Central Avenue, Block 1601, Lot 9.
- (12) "Rear of Hartley Dodge Memorial" shall mean and include the paved area in the rear of the Hartley Dodge Memorial (Municipal Building) between Green Avenue and Maple Avenue.

B. Lot and block designations above referred to are those indicated on the Borough of Madison Official Tax Map.

§ 134-3 General parking restrictions in all lots.

A. No operator of a vehicle shall, at any time, within the areas designated in 134-2 Identification of lots and parking areas stand or park a vehicle:

- (1) In any driveway.
- (2) On a crosswalk or walkway.
- (3) On a center island or dividing strip.
- (4) On any grass area or planted space.
- (5) In any entrance to or exit from any parking area.
- (6) In any space other than within a single space designated for parking by pavement marking or otherwise.
- (7) In any manner other than headed into and facing a center island, when occupying an interior parking space, or facing the outside boundary of the

area, when occupying an exterior parking space.

- (8) In any manner so as to block or impede the progress of any other vehicle, or so as to prevent access by another vehicle to a vacant parking space or exit from a parking space occupied by another vehicle.
- (9) In any space or driveway where parking is prohibited as indicated by a "no-parking" sign or any other marking or sign restricting parking.
- (10) Whenever snow has fallen and the accumulation is such that it covers the streets or highways, the Borough reserves the right to enact emergency parking prohibitions and require that cars be removed from all Borough parking lots in an expedited manner in order. Parking prohibitions will remain in effect until the parking lots have been plowed sufficiently.

B. Handicapped Parking: No vehicle shall be parked in space marked "handicapped parking only," unless such vehicle is a passenger vehicle owned or operated by a handicapped person, such vehicle is equipped with special attachments and devices that the Director of the Division of Motor Vehicles deems necessary to provide for the safe operation thereof by such person and such person is the holder of a current New Jersey driver's license. Vehicles not equipped with special attachments and devices may be parked in spaces designated "handicapped parking only," provided that the owner or operator has exhibited on the vehicle a decal issued by the Borough Police Department permitting such parking. Decals may be issued for those vehicles owned by persons suffering from physical disabilities making it difficult to enter or leave the vehicle or to walk any substantial distance.

C. Allocation of spaces in all lots shall be set annually by resolution of the Borough Council upon recommendation of the Chief of Police.

§ 134-4 Entrances to and exits from certain lots.

Every operator of a vehicle may enter or leave within the areas designated in 134-2 Identification of lots and parking areas by designated entranceways and exits.

§ 134-5 Obedience to directions of police officers.

Every operator of a vehicle shall, when entering or leaving any parking area subject to this chapter, or any parking space therein, or while operating, standing or parking such vehicle within any such parking area, at all times obey any direction or signal given by a police officer of the Borough.

§ 134-6 Use regulations for individual lots.

A. Kings Road Lot. Parking hours and areas designated as follows:

- (1) Monday through Friday, Commuter Resident Vehicles may be parked from 4:30 a.m. to 2:00 a.m. provided that said vehicles must display a parking permit by hanging it on the vehicle's rear view mirror. The parking permit shall be obtained pursuant to §134-9.
- (2) Merchant/Employee Permit Vehicles. All spaces shall be allocated for Merchant/Employee parking, Monday through Saturday, between 9:30 a.m. and 2:00 a.m.; the lot is reserved for vehicles owned by persons who own or are

employed by a Merchant/Employee establishment in the Borough of Madison. The vehicle must display a parking permit by hanging it on the vehicle's rear view mirror. The permit shall be obtained pursuant to § 134-9.

- (3) Paid Daily Parking Spaces. Monday through Friday, any vehicle may be parked in a space designated as Paid Daily Parking Space. The owner of the vehicle must remit the required fee, for each twelve hour period, as specified by Borough Council resolution and posted at the payment kiosk and/or on the mobile application.
- (4) Residential Tenant Vehicles: Vehicles must be owned by a resident of a dwelling place as defined in § 134-1A. The vehicle must display a parking permit by hanging it on the vehicle's rear view mirror. The permit shall be obtained pursuant to § 134-9. Residential Tenant parking is available Monday through Saturday, between 9:00 p.m. and 8:00 a.m. and all day Sunday.
- (5) Monday through Friday after 4:00 p.m. and all day Saturday and Sunday the lot may be used by the general public.

B. Prospect Street Lot. Parking hours and limitations designated as follows:

- (1) Monday through Friday, Commuter Resident Vehicles, as defined below, from 4:30 a.m. to 2:00 a.m. on those days.
- (2) Commuter Resident Vehicles. Vehicles are those owned by a resident of the Borough but not an owner or employee of a commercial establishment in the Borough. The vehicle must display a parking permit by hanging it on the vehicle's rear view mirror. The parking permit shall be obtained pursuant to § 134-9.
- (3) Merchant/Employee Permit Vehicles. All spaces other shall be allocated for Merchant/Employee parking, Monday through Sunday, between 9:30 a.m. and 2:00 a.m. for vehicles owned by persons who own or are employed by a commercial establishment in the Borough of Madison. The vehicle must display a parking permit by hanging it on the vehicle's rear view mirror. The permit shall be obtained pursuant to § 134-9.
- (4) Residential Tenant Vehicles: Vehicles must be owned by a resident of a dwelling place a defined in § 134-1A. The vehicle must display a parking permit by hanging it on the vehicle's rear view mirror. The permit shall be obtained pursuant to § 134-9. Residential Tenant parking is available Monday through Saturday, between 9:00 p.m. and 8:00 a.m. and all day Sunday.
- (5) Monday through Friday after 4:00 p.m. and all day Saturday and Sunday the lot may be used by the general public.

C. Maple Avenue Lot. Parking hours and limitations designated as follows:

- (1) Parking is reserved for parking of vehicles owned by the Borough of Madison or owned by an officer, employee or person in the service of the Borough. Appropriate Borough identification shall be displayed by hanging it on the vehicle's rear view mirror.
- (2) Twenty marked spaces designated for commuter parking by permit only. Monday through Friday, Commuter Resident Vehicles, as defined below, from 4:30 a.m. to 12:00 a.m. on those days.

- (3) Residential Tenant Vehicles: Vehicles must be owned by a resident of a dwelling place as defined in § 134-1A. The vehicle must display a parking permit by hanging it on the vehicle's rear view mirror. The permit shall be obtained pursuant to § 134-9. Residential Tenant parking is available Monday through Saturday, between 6:00 p.m. and 8:00 a.m. and all day Sunday.
- (4) Monday through Friday after 4:00 p.m. and all day Saturday and Sunday the lot may be used by the general public.

D. Train Station Lot. Parking hours and limitations designated as follows:

- (1) Train Station Lot all spaces are available for Paid Daily Parking Monday through Saturday. The owner of the vehicle must remit the required fee for each twelve-hour period, as specified by Borough Council resolution and posted at the payment kiosk and/or on the mobile application. Overnight parking is not permitted.
- (2) On Sunday, the lot may be used by the general public.

E. Green Avenue Lot. Parking hours and limitations designated as follows:

- (1) Residential Tenant Vehicles: Vehicles must be owned by a resident of a dwelling place as defined in § 134-1A. The vehicle must display a parking permit by hanging it on the vehicle's rear view mirror. The permit shall be obtained pursuant to § 134-9. Residential

Tenant parking is available Monday through Saturday, between 6:00 p.m. and 8:00 a.m. and all day Sunday.

- (2) Merchant/Employee Permit Vehicles. All spaces shall be allocated for Merchant/Employee parking, Monday through Saturday, between 7:00 a.m. and 2:00 a.m.; the lot is reserved for vehicles owned by persons who own or are employed by a Merchant/Employee establishment in the Borough of Madison. The vehicle must display a parking permit by hanging it on the vehicle's rear view mirror. The permit shall be obtained pursuant to § 134-9.

F. Waverly Green Lot. Parking hours and limitations designated as follows:

- (1) Public parking. Parking is limited to two hours in spaces not specifically designated for Borough vehicles only, except that no public parking is permitted between the hours of 2:00 a.m. and 6:00 a.m. on Monday through Saturday.

G. Cook Avenue Lot. Parking hours and limitations designated as follows:

- (1) Two-hour spaces. Parking is limited to two hours in all spaces not otherwise designated for Merchant/Employee Permit parking.
- (2) Merchant/Employee Permit Vehicles. All spaces shall be allocated for Merchant/Employee parking, Monday through Saturday, between 7:00 a.m. and 2:00 a.m.; the lot is reserved for vehicles owned by persons who own or are employed by a Merchant/Employee establishment in the Borough of Madison. The vehicle must display a parking permit by hanging it on the vehicle's rear view

mirror. The permit shall be obtained pursuant to § 134-9.

- (3) Residential Tenant Vehicles: Vehicles must be owned by a resident of a dwelling place as defined in § 134-1A. The vehicle must display a parking permit by hanging it on the vehicle's rear view mirror. The permit shall be obtained pursuant to § 134-9. Residential Tenant parking is available Monday through Saturday, between 9:00 p.m. and 8:00 a.m. and all day Sunday.

H. Elmer Street Lot. Parking hours and limitations designated as follows:

- (1) Two-hour spaces. Parking is limited to two hours in all spaces not otherwise designated for Merchant/Employee permit parking.
- (2) Merchant/Employee Permit Vehicles. All spaces shall be allocated for Merchant/Employee parking, Monday through Saturday, between 7:00 a.m. and 2:00 a.m.; the lot is reserved for vehicles owned by persons who own or are employed by a Merchant/Employee establishment in the Borough of Madison. The vehicle must display a parking permit by hanging it on the vehicle's rear view mirror. The permit shall be obtained pursuant to § 134-9.
- (3) Residential Tenant Vehicles: Vehicles must be owned by a resident of a dwelling place as defined in § 134-1A. The vehicle must display a parking permit by hanging it on the vehicle's rear view mirror. The permit shall be obtained pursuant to § 134-9. Residential Tenant parking is available Monday through Saturday, between 9:00 p.m. and 8:00 a.m. and all day Sunday.

I. Civic Center Lot. Parking hours and limitations designated as follows:

- (1) Parking is reserved for parking of vehicles owned by the Borough of Madison or owned by an officer, employee or person in the service of the Borough and all visitors to any Borough Department or Commercial Tenant housed in the Madison Civic Center. Appropriate Borough identification shall be displayed by hanging it on the vehicle's rear view mirror.
- (2) Monday through Friday after 4:00 p.m. and all day Saturday and Sunday the lot may be used by the general public, except that no public parking is permitted between the hours of 2:00 a.m. and 6:00 a.m. on Monday through Saturday.

J. Madison Public Library Lot. Parking hours and limitations designated as follows:

- (1) Parking for Patrons is allowed at any time, except between the hours of 3:00 a.m. and 7:00 a.m.
- (2) Housing Authority Parking for residents of Belmont Avenue, Block 380, Lot 61.

K. Madison Housing Authority Lots. Parking hours and limitations designated as follows:

- (1) Parking is restricted to vehicles displaying a valid parking permit hanging on the vehicle's rear view mirror, which permit shall have been issued pursuant to § 134-9E, except that this restriction shall not apply to any parking spaces which may be designated and marked for visitors' parking by the Madison Housing Authority.
- (2) The Madison Housing Authority Lot located at 24 Central Avenue, Block 1601,

Lot 9 will have eight (8) parking spaces designated for Merchant/Employee Permit Vehicles. All spaces shall be allocated for Merchant/Employee parking, Monday through Saturday, between 7:00 a.m. and 2:00 a.m.; these spaces are reserved for vehicles owned by persons who own or are employed by a Merchant/Employee establishment in the Borough of Madison. The vehicle must display a parking permit by hanging it on the vehicle's rear view mirror. The permit shall be obtained pursuant to § 134-9. These spaces will also be available for Residential Tenant Vehicles: Vehicles must be owned by a resident of a dwelling place as defined in § 134-1A. The vehicle must display a parking permit by hanging it on the vehicle's rear view mirror. The permit shall be obtained pursuant to § 134-9. Residential Tenant parking is available Monday through Saturday, between 9:00 p.m. and 8:00 a.m. and all day Sunday.

L. Rear of Hartley Dodge Memorial:

- (1) Parking is reserved for parking of vehicles owned by the Borough of Madison or owned by an officer, employee or person in the service of the Borough. Appropriate Borough identification shall be displayed by hanging it on the vehicle's rear view mirror.
- (2) Specific temporary exceptions may be granted by the governing body on a case-by-case basis.

§ 134-7 Merchant/Employee Permit Designated Street Parking Zones

The locations listed below are hereby designated as Merchant/Employee Permit Street Parking Zones. Vehicles with Merchant/Employee Permits may park in these areas without regard to posted parking time limits. The vehicle must display a parking permit by hanging it on the vehicle's rear view mirror. The permit shall be obtained pursuant to § 134-9.

| # of Spaces | Name of Street | Side | Location | Applicable Days and Hours |
|--------------------|-----------------------|-------------|---|--|
| 1 4 | Kings Road | Both | From Maple Avenue to Prospect Street | 6:00 a.m. - 2:00 a.m., Monday through Friday |
| 1 5 | Kings Road | North | 15 most westerly spaces between Green Village Road and Madison Avenue | 6:00 a.m. - 2:00 a.m., Monday through Friday |
| 8 | Maple Avenue | Both | From Kings Road to the Hartley Dodge Memorial Driveway | 6:00 a.m. - 2:00 a.m., Monday through Friday |

| | | | | |
|--------|---------------|-------|---|--|
| 1 5 | Green Avenue | West | From Kings Road to Wilmer Street | 6:00 a.m. - 2:00 a.m., Monday through Friday |
| 2 3 | Chapel Street | North | From Greenwood Avenue to Central Avenue | 6:00 a.m. - 2:00 a.m., Monday through Friday |
| 1 8 | Cook Avenue | North | From Central Avenue to Community Place | 6:00 a.m. - 2:00 a.m., Monday through Friday |

§ 134-8 Unlawful overtime parking.

A. It shall be unlawful and an offense for any person to permit a vehicle registered in his name to remain in any parking space while the payment kiosk and/or mobile application indicates that the time for which the privilege granted to park in said space has expired.

B. It shall be unlawful and an offense for any person to permit a vehicle registered in his name to remain parked in violation of the two-hour time limits set forth in § 134-6G and H. Each additional and consecutive two-hour period in which a vehicle remains parked in violation of the applicable time limit shall constitute a separate and independent offense.

§ 134-9 Parking permits.

A. Applications for parking permits shall be made to the Chief of Police on forms supplied by the Police Department. Permits are issued to individuals not vehicles, thereby enabling permit holders to transfer said permits from vehicle to vehicle provided the vehicles are registered with the Police Department.

B. Fees.

- (1) When making application for a permit, the vehicle owner requesting the same shall show proof that the applicant qualifies for a permit as defined in § 134-1.
- (2) When making application for a permit, the vehicle owner requesting the same shall pay to the Borough the following fee for each permit as follows:
 - (a) Commuter (Resident Only) Vehicles: \$425
 - (b) Merchant/Employee Permit Vehicles: \$100 per year. Six permits for \$500.
 - (c) Residential Tenant Permit Vehicles: \$150 year.
- (3) Fees for Commuter (Resident Only) Vehicles and Residential Tenant Vehicles shall increase by \$25.00 beginning on January 1, 2020 and shall increase every year thereafter by \$25.00 of each year on January 1 ending on December 31, 2024

- (4) The replacement fee for a lost or damaged permit shall be lesser of 50% or the prorated balance of the annual permit fee.
- (5) The fee for Daily Parking Spaces in Kings Road Lot shall be \$7 for each twelve-hour period. This fee shall be posted at any payment kiosk or mobile application.
- (6) Train Station Parking Lot. The fee for parking in the Train Station Lot shall be \$7 for each twelve-hour period. This fee shall be posted at any payment kiosk or mobile application.

C. Parking permission is subject to the following conditions:

- (1) Permits shall be and remain in effect until the end of the year during which the same are issued, unless surrendered or revoked prior thereto.
- (2) The issuance of a permit shall not obligate the Borough to furnish parking facilities to the holder of said permit.

D. Permission to park may be revoked for any of the following reasons:

- (1) Falsely representing the ownership of a vehicle or the residence of the owner.
- (2) The commission by the holder of a parking permit of any unlawful act prohibited by the laws of the State of New Jersey or any act in violation of the provisions of this chapter or contrary to any regulations of the Borough pertaining to the use and occupation of any parking area while entering, parking in or leaving such parking area.
- (3) Withdrawal of use of facilities or discontinuance of operation thereof by the Borough in the area for which the permit was issued.

E. Parking permits for Madison Housing Authority Lots.

- (1) Parking permits for the Madison Housing Authority Lots shall be governed exclusively by the provisions of this Subsection E, notwithstanding the other provisions of this § 134-9.
- (2) Application for parking permits for the Madison Housing Authority Lots shall be obtained from and processed by the Madison Housing Authority.
- (3) Permits shall be issued only to tenants of the Madison Housing Authority.

§ 134-10 Violations and penalties; removal of vehicles.

A. Penalties for specific violations shall be as follows:

| Section Violated | Fine |
|--|-------------|
| 134-3 Improper Parking | \$45.00 |
| 134-6 Overtime Parking/No Permit [municipal lots] | \$30.00 |
| 134-6b Subsequent Violation [3-4 violations within 365 days] | \$45.00 |

| | | |
|-----------|---|----------|
| 134-6c | Subsequent Violation [5 or more violations within 365 days] | \$100.00 |
| 134-6(1) | Parking without Paying [municipal lots] | \$ 30.00 |
| 134-6(1)b | Subsequent Violation [3-4 violations within 365 days] | \$ 45.00 |
| 134-6(1)c | Subsequent Violation [5 or more violations within 365 days] | \$100.00 |
| 134-6J | Handicapped Parking Violation (mandatory court appearance) | |
| 134-8 | | \$30.00 |
| 134-9E | | \$22.00 |

B. Unless another penalty is expressly provided by statute or is specifically provided in this or some other section of this chapter, every person convicted of a violation of a provision of this chapter or any supplement thereto shall be liable to a penalty of not more than \$50 or imprisonment for a term not exceeding 15 days, or both; every person convicted of committing subsequent violation of § 134- 6J shall be liable to a penalty of at least \$250 and up to 90 days' community service on such terms and in such form as the court shall deem appropriate, or any combination thereof.

C. In addition to the imposition of the above or any other penalty which may be imposed by law for the violation of the provisions of this chapter, the Borough may provide for the removal of any vehicle which is allowed to stand or be parked in any parking area subject to this chapter, where such standing or parking is contrary to any of the provisions of this chapter. The owner shall pay the reasonable costs of the removal and storage which may result from such removal before regaining possession of the vehicle.

SECTION 2: This Ordinance shall take effect as provided by law.

ADOPTED AND APPROVED

 ROBERT H. CONLEY, Mayor

Attest:

 ELIZABETH OSBORNE, Borough Clerk