

ORDINANCE 2023-10

**Ordinance Amending Section 85-27.1 of the Code of the Borough of Washington, entitled
“Schedule VA: Resident Off-Street Permit Parking”**

WHEREAS, the Borough of Washington Land Use Board (the “Board”) granted Preliminary and Final Site Plan Approval to permit the development of a fast-food restaurant on property designated as Block 95, Lots 1 and 31 on the Tax Maps of the Borough of Washington, Warren County, New Jersey (the “Property”) by Resolution for Application No.: 4-2019 dated November 18, 2019 (the “Resolution”); and

WHEREAS, the Resolution requires, as a condition of approval, that ten (10) parking spaces, as shown on the site plan, be reserved for Borough resident parking (24hrs/7days a week) pursuant to a permit to be issued by the Borough; and

WHEREAS, the Borough Council adopted Ordinance No. 2022-04 on June 14 2022 permitting public parking on the Property, but such ordinance did not require the issuance of a permit; and

WHEREAS, the Borough Council desires to amend its ordinances to require the issuance of resident parking permits for the Borough resident parking spaces in the parking lot located on the Property; and

WHEREAS, the Borough Council desires to further amend its ordinances to require the issuance of resident parking permits for the ten (10) Borough resident parking spaces for South Lincoln Avenue; and

Section 1. Section 85-27.1 of the Code of the Borough of Washington, entitled “Schedule VA: Resident Off-Street Permit Parking” shall be amended as follows (deletions noted with strikethrough ~~has~~ and additions noted in bold italic *thus*):

Schedule VA: Resident Permit Parking.

- E. No vehicle, except as duly licensed pursuant to subsection ~~7-12A.2~~ *(E)* hereof, or exempt as hereafter set forth, shall be parked between the hours specified, on the days specified, upon any of the street or parts of streets described.

Name of Street	Side	Hours	Days	Location	<i>Restrictions</i>
South Lincoln Avenue	East	All	Monday through Sunday	From Monroe Street to Willow Avenue	<i>All permit holders must reside on South Lincoln Avenue</i>

~~B. Public overnight parking shall be permitted in the following private parking lots without the need for issuance of a permit. Vehicles shall not be parked for longer than 48 hours. No commercial vehicles shall be permitted to park in the public parking spaces designated below. Whenever a snow emergency exists pursuant to Article IX of the Borough Code no vehicle shall~~

~~be parked in the public parking spaces designated below. The above parking prohibition shall remain in effect until after the snow has ceased and the designated parking spaces have been plowed and/or treated sufficiently. The owner of the property on which the public parking spaces are located is permitted to remove or have removed all vehicles parked in violation of the restrictions set forth above in subsection (B) hereof, including removing any vehicle parked after snow has fallen and the accumulation is such that it covers the street.~~

Public parking shall be permitted in the following private parking lots by persons duly licensed pursuant to subsection (E) hereof.

Location of Lot	Location of Spaces within Lot	Restrictions
41 West Washington Avenue (corner of West Washington Avenue and South Lincoln Avenue)	Ten (10) spaces as delineated by signs and / or pavement markings.	<p>1. No commercial vehicles shall be permitted to park in the ten (10) spaced delineated for public parking.</p> <p>2. All permit holders must reside on South Lincoln Avenue (“Resident”)</p>

C. The following vehicles shall be exempt from the requirements of subsection (A) hereof: contractors’, service and delivery vehicles bearing the name and address of a commercial business during the time they are rendering service to a residence on any of the restricted streets; public utility vehicles bearing the name and address of the utility during the time they are rendering service; and police, fire and medical emergency vehicles while parking in the line of duty.

D. In addition to all other fines and penalties **authorized by the Borough Code or New Jersey Statute**, a vehicle parked in violation of this section shall be subject to towing, the cost of which to be paid for by the owner or operator of the vehicle before such vehicles shall be released.

E. **Residents Only** ~~vehicles~~ without available off-street public parking **shall be given first priority for a parking permit.** ~~be eligible for parking permits. If every resident without available off-street public parking has been issued a parking permit then the remaining parking permits may be issued to any Resident.~~ The definition of “available off-street public parking” shall include having reasonable access to a Borough-owned parking (**other than 41 West Washington Lot**) lot within 200 feet of a residence.

F. A permit providing for on-street parking pursuant to Subsections (A) **and (B)** may be obtained by application to the ~~Borough Clerk~~ **Zoning Officer** by any resident of ~~There shall be no fee for such permit.~~ **The fee for such application shall be \$10 annually.** Such application must be accompanied by **the following:**

(1) Proof of residence. *Such proof may be in the form of a current driver's license; The Zoning Officer may accept an alternate document as proof of residency within his / her discretion.*

(2) *Copies of applicant's driver's license and vehicle registration.*

(2) *Proof of automobile insurance in compliance with statutory minimum required amounts of coverage*

(3) *Executed release and hold harmless agreement in a form on file with the Borough Clerk's office.*

G. *Permits issued pursuant to this Section shall be issued annually and shall* ~~Property owner permits shall be issued for a period of no greater than three years, tenant permits shall be issued for a period of no greater than one year, and all permits shall expire on December 31 of the appropriate year or shall automatically terminate upon permit holder no longer meeting the requirements pursuant to Subsections E and F herein.~~ ~~termination of residence.~~

~~A permit is not required for off street parking pursuant to Subsection (B).~~

GH. Residents shall be entitled to receive one resident permit per household for a vehicle that is principally garaged or parked at the residence address, which fact shall be certified to by the resident at the time of application.

HI. Resident permits shall be affixed to the vehicle to which they are issued, so as to be clearly visible and unobscured at the location hereafter set forth. Visitor permits shall be displayed in such location but need not be affixed to the visitor vehicle. On vehicles with a rear window, the permit shall be placed on the inside surface at the lower left corner of the rear window. On vehicles without a rear window, the permit shall be placed on the inside surface of the rearmost left-hand side window at the lower right-hand corner of same.

IJ. All persons parking pursuant to permit shall comply with all applicable parking and traffic rules and regulations.

JK. It shall be a violation of this section to photocopy, otherwise reproduce, or in any way create a facsimile or counterfeit permit. It shall be a violation hereof to display or otherwise use a permit known to be counterfeit. It shall be a violation hereof to furnish false information or fraudulent documents in connection with an application for a permit. It shall be a violation to use or allow anyone to use a valid permit in violation of this section. Any person violating the provisions hereof shall be subject to a fine not to exceed \$300 and/or imprisonment for not more than 10 days.

L. *Other Requirements and Restrictions of Permit Holders*

(1) *Only one permit per vehicle and one permit per household shall be issued.*

(2) *The applicant / permit holder must be the registered owner of the vehicle.*

Parking permits are not transferable to other operators or vehicles.

(3) *Parking permits must be affixed to the rear window of the vehicle and readily visible.*

(4) *All vehicles for which a permit has been issued must be properly maintained, insured, and registered.*

(5) *Repairs of any type to a vehicle are prohibited in the subject parking lot and affected street.*

(6) *Parking permits are the property of the Borough of Washington. Permit holders that no longer require parking shall return their permit to the Borough.*

(7) *Parking spaces in the subject parking lots are properly marked. If a designated parking space is not available, the permit holder may not occupy another spot that is not properly designated.*

(8) *During snow emergencies, no vehicle may be parked on Borough streets until the snow has ceased and the streets have been plowed and/or treated sufficiently and to the extent that parking will not interfere with the normal flow of traffic. Permit holders parked in a parking lot shall be responsible for moving their vehicle appropriately following snow emergencies to allow for proper snow removal in the parking lot.*

M. Suspension or Revocation of Permit; Towing; Hearing

A. *Any parking license issued hereunder may be suspended or revoked by the Borough, acting through the Zoning Officer or Borough Police Officers, for any of the following reasons:*

(1) *The permit holder has knowingly made any false and materially incorrect statement in the application.*

(2) *The permit holder knowingly violates or knowingly permits or countenances the violation of any provision of this Section.*

(3) *The permit is being abused or manipulated by a permit holder or the permit holder is violating the policies of the assigned lot*

(4) *The permitted vehicle creates a hazardous condition (leaking fluid, etc.)*

B. *No suspension or revocation of any permit issued hereunder shall be made until a ten-day written notice of suspension or revocation has been given to the permit holder personally or by mailing the same by certified mail, return receipt requested, addressed to the permit holder at the address noted in the original application for the permit and a reasonable opportunity to be heard thereon afforded. The hearing shall be held before and conducted by the Borough Council. Such suspension or revocation shall apply to the permit holder and the residence noted in the application. Any revocation shall render the permit holder ineligible to receive any other permit under this Section for a period of one year from*

the effective date thereof and may, in the discretion of the Borough Council, render the licensed premises ineligible for any future license under said article.

C. Vehicles parked in violation of this Section will be subject to towing at the owner's expense. Any vehicle creating a hazardous condition (leaking fluid, etc.) will be towed at the owner's expense.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. This Ordinance shall take effect upon final passage and publication according to law.

Adopted: June 20, 2023