

**TOWN OF WEST NEW YORK  
COUNTY OF HUDSON, STATE OF NEW JERSEY**

**ORDINANCE #20/20**

**AN ORDINANCE AMENDING CHAPTER 277 ARTICLE VII OF THE CODE OF THE  
TOWN OF WEST NEW YORK (“Residential Permit Parking Program”)**

**WHEREAS**, the Mayor and Board of Commissioners of the Town of West New York (“Town”) consider it to be in the best interest of the residents of the Town of West New York to provide for the establishment of a Residential Permit Parking (RPP) Program in order to alleviate the hardship experienced by residents in obtaining an on-street parking space, to preserve the residential quality of neighborhoods and to provide for improvements in air quality, vehicular traffic, and noise pollution; and,

**WHEREAS**, the powers and duties contained in this ordinance shall be performed by the West New York Parking Services Utility of the Town of West New York; and,

**WHEREAS**, it has been determined that a Residential Parking Program will, in fact, serve to alleviate the aforesaid difficulties; and,

**WHEREAS**, the Town on September 4, 2019, did adopt Ordinance #08/19, an ordinance dissolving the Parking Authority of the Town of West New York (“Parking Authority”) pursuant to N.J.S.A. 40A:5A-20 and making adequate provision for the payment of creditors or obliges of the authority and the assumption of the services provided by the Parking Authority; and,

**WHEREAS**, by such Ordinance #08/19, the Parking Authority was dissolved and the Town thereby did assume the operation of the services previously provided by the Parking Authority; and,

**WHEREAS**, the Town on September 4, 2019, did adopt Ordinance #9/19 creating a Parking Utility for the purpose of managing parking operations within the Town, such utility being, for budgetary and accounting purposes, a separate entity, having its own separate accounts and its own separate property, whether it be real, personal or mixed; and,

**WHEREAS**, the Town on October 17, 2019, did further adopt Ordinance #19/19, creating a Parking Services Agency, having oversight over and control of over the Town's parking system that consists of on-street parking and parking within Town lots and garages, as well as equipment owned, leased or otherwise under the control of the Town of West New York, and the enforcement of parking regulations in the Town; and,

**WHEREAS**, as a result, together the West New York Parking Utility and the Parking Services Agency acting together are referred to as the West New York Parking Services Utility; and,

**WHEREAS**, the Town now wishes to update the Town’s residential permit parking program to better reflect present conditions and practices.

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Board of Commissioners of the Town of West New York, County of Hudson, State of New Jersey, that Chapter 277 Article VII of the Code of the Town of West New York is amended to read as follows:

**Section 1.**                    **Purpose of Section**

The Town of West New York is hereby authorized to designate, as herein provided, certain streets and other public areas within the Town of West New York as Residential Permit Parking zones, (“RPP Zones”) in which vehicles displaying valid parking permits, decals, vouchers, or hang tags, (collectively and/or individually known hereinafter “parking permit”, “permits”, and/or “decals”) may stand or be parked, without limitation by parking time restrictions established by this section. Vehicles not displaying a valid parking permit may stand or be parked for a limited time, not to exceed the hourly parking restriction specified and adequately posted by signs.

**Section 2**                    **Designation of RPP Zones**

The Town of West New York, in conjunction with the West New York Parking Services Utility, upon the finding of a need, pursuant to the purposes of this ordinance, may designate an area as an official RPP Zone subject to the approval of the Board of Commissioners, by way of resolution. The Town may designate different RPP Zones and zone classes within the Town.

**Section 3.**                    **Hours of Operation - Residential Permit Parking Zone**

Permit parking hours for Residential Permit Parking Zones shall be **in effect 24 hours a day, 7 days per week. All vehicles which park in a Residential Permit Parking Zone shall have up to a three (3) hour limit to park without a permit**, excluding holidays, on all streets within the Town of West New York. If you plan to remain parked in a non-metered parking space for more than the permitted three (3) hour limit, within a 24-hour time period, you shall be required to obtain a daily Visitor Parking Permit.

The creation of a Residential Parking Zone or Zones shall have no effect upon metered parking spaces within the designated area. Parking metered spaces shall be available to all vehicles with or without a residential parking permit during the hours of operation of such meters.

A Residential Parking Permit shall not exempt a resident when parked in a metered space from purchasing time from the Meter at the established rate.

The West New York Parking Services Utility shall have the right to implement any Rule and/or Regulation in furtherance of the Residential Parking Permit Zone program as established by this Ordinance. Any rules or regulations adopted by resolution of the Board of Commissioners of the Town of West New York shall have the full force and effect of law.

**Section 4.**                    **Settlement of Zones**

The West New York Parking Utility shall establish RPP Zone(s) within the Town and the regulations within them. The designated boundaries of an RPP Zone shall be approved and adopted by the Mayor and Board of Commissioners, within **ninety (90) days** after designation. Thereafter, the West New York Parking Utility shall issue the appropriate parking permits and cause parking signs to be erected in the designated areas indicating the times and conditions under which parking shall be allowed. A parking permit shall be issued to an applicant, provided proof of eligibility is established. Any parking permit issued, shall be valid throughout the Town, regardless of the RPP Zone for which it is issued.

## **Section 5.**

## **Types of Permits Issued for On-Street Parking**

- a. **Resident Permit** – Parking permits issued to residents for use on their own vehicle in the form of resident parking permits (decal). Resident parking permits may be purchased at a fee established to limit the amount of parking permits per household. The first vehicle in the household will be \$15.00 for a one-year period; the second vehicle \$25.00; the third vehicle \$50.00; and the fourth vehicle and above will be \$100.00 for each permit. Temporary resident permits can also be provided at no cost as provided for herein. Holders of valid residential permits need not pay for overnight parking at any non-reserve municipal parking lot.
- b. **Resident Parking for “Passenger Commercial” vehicles** - Parking permits issued to residents for use on passenger commercial vehicles in the form of resident parking permit (decal). Such permits may be purchased at a fee of \$50.00 for a one-year period. Commercial Vehicles are subject to strict on street parking control. Temporary resident permits may also be provided at no cost as provided for herein. Holders of valid permits need not pay for overnight parking at any non-reserve municipal parking lot.
- c. **Temporary Resident Permit** - A two (2) week temporary residential parking permit may be provided free of charge to new residents in order to provide sufficient time to change the address on their driver’s license and vehicle registration. Residential parking permit holders awaiting registration papers for a newly purchased vehicle, or for vehicles in short term use, such as when a permitted vehicle is in for repairs and resident needs to use a rental, may also take advantage of the temporary residential permit.
- d. **Board of Education Permits** – Parking permits issued to employees of the West New York Board of Education. Board of Education Permits may be purchased for \$40 for one year and it can only be used between 7:00am and 7:00pm, Monday through Saturday.
- e. **Business Professional/Employee Permits** – Parking permits issued to West New York business owners, employees of West New York business, and all other professionals for use on their vehicles in the form of a professional/employee parking permit. Professional/employee permits may be purchased at a fee of \$30.00 for a six-month period or \$60.00 per year. Professional/employee parking permits may only be used for a period of ten (10) hours maximum in a 24-hour period between the hours of 5:00am to 12:00 midnight.
- f. **Government Employee Permit** – Parking permit issued to municipal employees, contractors or consultants of the Town of West New York. Must be requested by the employee, contractor or consultant and authorized by the Municipal Administrator or Deputy Municipal Administrator.
- g. **Visitor Permit** - visitor parking permits available for purchase by residents for use only by their guests in the form of a visitor parking permit. Visitor parking permits are available for purchase on a daily, weekly or monthly basis. The sale or use of such permits for any other purpose shall be void and prohibited.
- h. **Caretaker Permit** – Parking permit issued to a caretaker of a resident and cost \$15.00 p/year. (Documentation from resident’s physician is required indicating the need of a caretaker). Up to one (1) Caretaker parking permit may be issued per resident, for the use of a caretaker of a resident where such resident does not own a vehicle and is otherwise suffering from a serious debilitating injury or illness or the effects of a debilitating illness, such as cancer, Alzheimer’s, dementia, stroke, or

multiple sclerosis. A caretaker is a non-resident who is involved in the care of a resident or a nurse or home health aide, who is providing caretaker or health aide services at the residents' residence for at least eight (8) hours per week, due to the resident's injury or serious debilitating illness. Documentation from resident's physician is required indicating the need of a caretaker. A twelve-month caretaker permit may be purchased at a cost of \$15.00 per year and will be valid for a period of one (1) year from the date and time it is first issued.

i. **Out of State Permits** – Parking permits issued to persons upon presenting proof of residence for use on their own out of state registered vehicles. Out of State Permits may be purchased at a fee of \$50.00 for a three (3) month period.

### **Section 6. Visitor Parking Permits**

A monthly visitor parking permit may be purchased by any resident at a cost of \$50.00 per month and will be valid for a period of one (1) month from the date it is first issued limited to at most two (2) per household at any given time. No more than four (4) monthly permits may be issued to any vehicle per calendar year. A weekly visitor parking permit may be purchased at a cost of \$15.00 per week and will be valid for a period of seven (7) days from the date and time it is first issued. Visitor parking permits are available for purchase by residents for use only by their guests. Proof of residency may be required for such permits. A daily visitor parking permit may be purchased at a cost of \$4.00 per day and will be valid for a period of 24 hours from the date and time it is first issued. Visitor parking permits shall be displayed in the manner and form provided in Section 7 of this Article and provided upon issuance of the visitor parking permit. Information shall also be available online for review.

### **Section 7. Parking Permit Display**

All parking permits must be displayed in such a way that they are readily visible to parking enforcement personnel.

- a. Parking Permit Decals shall be displayed in the lower right (passenger side) of the windshield facing outward.
- b. Hangtag permits shall be hung on the rearview mirrors.
- c. Visitor Parking Permits shall be displayed on the lower right (passenger side) of the vehicle's dashboard in a manner that assures that it can be read from the outside of the vehicle.

The West New York Parking Services Utility may deem it necessary and is hereby authorized to change the location for the display of any parking permit at any time, upon notice to affected permit holders.

### **Section 8. Establishing Residency**

A resident must prove residency and vehicle ownership, or evidence of having a leased or company-owned vehicle, to participate in the Town of West New York RPP Program. The Town of West New York, in conjunction with the West New York Parking Services Utility, shall establish suitable criteria to determine the residence and ownership of each vehicle to be registered to the RPP Program. Each application shall be evidenced by sufficient proof(s) as may be reasonably required by

the West New York Parking Services Utility.

For purposes of this ordinance, a resident shall be defined as, without limitation, a person who: (1) owns a residence; or (2) is a residential tenant within the Town of West New York, and (3) is domiciled in the residence, for a minimum of a period of one-month, per calendar year. In order to purchase or renew a residential permit, residents must provide three forms of identification showing West New York address: (1) valid NJ State driver's license, (2) valid vehicle registration, and (3) valid vehicle's insurance or utility bills, bank statement, rental lease agreement, property tax statement, and any official NJ State or federal ID with West New York address. Resident must be present at the time of permit purchase.

**Section 9.**                      **Permit Parking No Exemption**  
**From Enforcement of State and Town Laws**

a. Any vehicle displaying a valid parking permit as provided for herein shall be permitted to stand or be parked in any RPP Zone without being limited by time restriction requirements established pursuant to this section. However, said vehicle shall not be exempt from parking restrictions or prohibitions established pursuant to Title 39 of the N.J. State Statute or Town Ordinance provisions for Street Sweeping, public safety, and/or handicapped parking zones and other special parking restrictions.

All other vehicles not displaying a valid parking permit shall be the subject of a time limit restriction established for the RPP Zone by the West New York Parking Services Utility, per 24 hour period, within a three (3) block radius from the location and at the time that the vehicle's license plate is first entered and/or documented into the electronic tire chalking program/license plate recognition system that may be in use by the West New York Parking Utility and/or the West New York Police Department.

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

**Section 10.**    **Penalties**

Anyone found guilty in the Town of West New York Municipal Court of parking in a residential parking permit zone without a valid parking permit over the hourly limit, shall be subject to a fine of Sixty-Three (\$63.00) Dollars.

If an unauthorized vehicle is left for a continuous 48-hour period in a resident parking permit zone, it may be immobilized with a vehicle boot and charged with violation of this provision. Any vehicle which has three (3) or more outstanding unpaid summons for violation of the RPP Ordinance, the oldest of which is outstanding more than 40 days, may be immobilized with a vehicle boot. The costs of removing the vehicle boot shall be paid to the Town of West New York prior to removal, at the rate for removal established by resolution of the Town of West New York.

If an unauthorized vehicle remains in a residential parking permit parking zone for 24 hours after booting, it may be towed and impounded. The vehicle owner/operator will be responsible for the costs to remove the boot in addition to the cost of the vehicle tow. The fee for the towing of vehicles shall be the rate established by the Town of West New York.

Prior to the release of any booted or towed vehicle, all outstanding Town of West New York

motor vehicle summonses pertaining to said vehicle shall be satisfied or, if contested, bail shall have been posted.

**Section 11. Non-Residential Service; Contractor and Commercial Vehicles**

The Mayor and Board of Commissioners are aware that residents of the Town regularly require service vehicles and commercial vehicles to park in designated residential areas in order to properly service the residents of West New York. The West New York Parking Services Utility is hereby granted the discretion to exempt certain vehicles which the West New York Parking Services Utility deem necessary to temporarily park within designed RPP areas without appropriate permits for a period not to exceed eight (8) consecutive hours. Residents must call the West New York Parking Services Utility to request permission with 24-48 hours of anticipated notice.

**Section 12. Counterfeiting Permit - Penalty**

It shall be unlawful and a violation of this section for a person to copy, produce, or otherwise bring into existence a facsimile or counterfeit or altered parking permit. It shall further be unlawful and a violation of this section for a person to knowingly use or display an altered, facsimile or counterfeit parking permit in order to evade time limitations on parking applicable in a RPP Zone. Any individual committing the aforementioned act shall be subject to a penalty of no less than two hundred and fifty (\$250.00) Dollars, but in no case more than five hundred (\$500.00) dollars, for each violation and/or imprisonment for not more than five days for each such violation. Such penalties for said violations are to be imposed by the Town of West New York Municipal Court. Permits are not transferable for use by any vehicle other than the one registered with the parking permit.

**Section 13 Enforcement**

The provisions of this section shall be enforced by the West New York Parking Services Utility and the West New York Police Department.

**Section 14. Application and Implementation of the Residential Parking Permit Program**

a. Streets under the direct jurisdiction of the State of New Jersey if named herein are named for purposes of boundary descriptions only and the "Resident Permit Parking Program" designation shall not apply to such street.

b. "Resident Permit Parking only" shall not apply to any parking space where there is a parking meter during the hours of operation of such meter.

c. All of the streets within the Town of West New York are hereby ordained to be included within the Town of West New York RPP Program.

d. All of the streets in the area known as the Controlled Waterfront Development shall be subject to enforcement pending an Memorandum of Agreement with the redeveloper.

For the purpose of adding additional streets to, or deleting any streets from the RPP Program, a resolution of the Board of Commissioners of the Town of West New York, certified by the Town

Municipal Clerk, shall be sufficient evidence to add or delete the designates street(s) to or from the “Schedule of Residential Permit Parking Only Street” maintained by the Town Municipal Clerk’s Office as referenced in Section 14 of this Ordinance.

**Section 15. Fines for Violation and Penalties for Improper Transfer of Parking Permits**

If any parking permit issued as provided for in this ordinance is used on any other vehicle or are used for a parking use other than that which it was specifically issued, a. fine of \$59.00 shall be levied and the permit revoked for one year.

**Section 16. Violations of Permit Program for Improper Use; Display and Incorrect Parking Zone**

It shall be a violation of the RPP Program to improperly use or display parking permits in a manner other than as is specified by this Ordinance or the Rules and Regulations for the RPP Program as established by the Town or use a valid parking permit in an unauthorized RPP Zone. The fine for such violation shall be **\$63.00** unless a greater fine has been provided for in this Ordinance. Violations of the RPP Program shall be cited as follows:

**a. Improper Use of Visitor, Business, or Contractor Parking Permit**

- (1) Attempt to reuse permit
- (2) Altered permit
- (3) Failure to designate time and/or date when using valid permit
- (4) Other

**b. Invalid Zone for Parking Permit**

Failure to park in RPP zone for which permit was issued.

**c. Improper Display of Daily, Monthly, or Annual Parking Permit**

Failure to display daily, monthly, or annual parking permits properly affixed and in the appropriate vehicle locations as specified in this Ordinance.

**d. Failure to Display Residential Parking Permit**

Failure to display a valid residential parking permit when parked in an RPP zone over the hourly parking restriction established by the Town of West New York, during a 24 hour period.

**e. Improper Use of RPP Permit**

- (1) Unauthorized transfer of a parking permit to a vehicle by someone other than the resident.
- (2) Transfer by resident to another vehicle owned by resident without Town authorization.
- (3) Failure to obey Rules and Regulations duly adopted by resolution of the Town in accordance with the authority vested herein.

### **Section 17. Rules**

The Board of Commissioners and/or the West New York Parking Services Utility may adopt and enforce rules to enforce the terms of this Ordinance to the extent such rules are not inconsistent herewith.

### **Section 18. 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 18. Consistency**

All ordinances or parts of ordinances and the Town of West New York regulations inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

### **Section 20. Effective Date**

This ordinance shall take effect immediately upon passage and publication as required by law.

### **Section 21. Codification**

**Codification.** The Town Clerk shall have this Ordinance incorporated in the official copies of the Code of the Town of West New York. The Town Clerk and the Town Attorney be and are hereby authorized and directed to correct any typographical error in this Ordinance and change any heading, chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those headings and numbers and existing provisions of the Code of the Town of West New York, or as they may otherwise deem appropriate, even if the headings, chapter numbers, article numbers and section numbers thus modified are otherwise provided for in this Ordinance.

### **Summary of Ordinance**

This Ordinance amends Chapter 277 of the Code of the Town of West New York establishes formal residential parking procedures and transitions Parking Authority to Parking Utility.

**Introduced: September 2, 2020**

### **Notice**

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on **September 2, 2020** and ordered published, and will be further considered before final passage at a public hearing on **September 23, 2020 at 6:30 pm** at the Municipal Building, West New York, NJ. A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, N.J.