

ORDINANCE 2015- 09

AN ORDINANCE TO AMEND AND SUPPLEMENT THE GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER 9 TRAFFIC BY ADDING SECTION 9-3.10 PERMITTING CERTAIN PARKING IN FRONT OF PRIVATE DRIVEWAY PURSUANT TO N.J.S.A. 39:4-138.3

BE IT ORDAINED by the Mayor and Council of the Borough of Bradley Beach, County of Monmouth and State of New Jersey as follows:

Section 1. Permitted Parking in front of Private Driveways pursuant to N.J.S.A. 39:4-138.3. Notwithstanding the provisions of N.J.S.A. 39:4-138 to the contrary, parking of motor vehicles in front of private driveways shall be permitted in the following instances, provided however, that such parking is entirely within and parallel to the street, is not otherwise prohibited and does not interfere with the safe and normal flow of traffic:

- a. Whenever both the motor vehicle and driveway involved are owned by the same person;
- b. Whenever the motor vehicle is owned by a member of the same household as the owner of the private driveway; or
- c. Whenever the owner of the private driveway authorizes the parking of a motor vehicle in front of the private driveway.

Section 2. Permits

The Borough, upon presentation of a proper application, to be designed, provided and received by the Police Chief, shall provide a permit to allow parking in accordance with Section 1 herein, provided there is not statute or ordinance otherwise prohibiting such parking, and further providing there is no other reason to prohibit such issuance involving the safety of the travelers of the road in question or the general community.

The permit shall identify the location of the driveway in front of which the parking of a motor vehicle is permitted. The permit shall only be issued to the owner of the private driveway or a member of the same household as the owner of the private driveway.

The permit shall be 5 ½ inches by 8 ½ inches in size, shall bear an appropriate certification of authenticity and shall be displayed prominently within the vehicle when it is parked so as to be seen from the middle of the street, on top of the dashboard by the left front passenger seat. The permit shall have inscribed upon it in indelible ink the address for which it will be used, and the address of the driveway for which the permit will allow parking.

Section 3. Limitations

An owner of a private driveway shall be eligible to apply for no more than one permit for his own motor vehicles or for use by other parties authorized by the owner to park in front of the private driveway.

Section 4. Fees

The Borough shall charge a \$25.00 fee in connection with the application for issuance of the permit. A fee of \$10.00 will be required for replacement of any lost permit.

Section 5. Violations

In the event a motor vehicle is parked in front of a private driveway in which a properly obtained and applicable permit is not displayed, the owner of the motor vehicle shall be subject to the penalties set forth by state law for violation of N.J.S.A. 39:3-138

BE IT FURTHER ORDAINED THAT all other ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed, to the extent of such inconsistency.

Severability. If any portion of this ordinance or the application thereof to any person or circumstance shall for any reason be adjudged by a court of competent jurisdiction to be invalid or unenforceable, that portion shall be deemed severed from, and shall not impair the validity or enforceability of, the balance of this ordinance.

Gender and Number. As used in this ordinance, wherever necessary or appropriate, one gender shall be deemed to include and mean either of the other two, and singular number shall include the plural and vice versa.

Paragraph Headings. The paragraph headings appearing in this ordinance are inserted only as a matter of convenience and are neither a part of the substantive provisions, or in any way define, limit or describe the scope or intent of this ordinance.

BE IT FURTHER ORDAINED THAT this ordinance shall take effect upon final adoption and publication according to law.

MARY ANN SOLINSKI, RMC, CMC
Borough Clerk

GARY ENGELSTAD
Mayor

Introduced: June 9, 2015
Date of Hearing and Adoption: July 14, 2015

Date and Place of Publication: _____
