

ORDINANCE NO. 27-2022

ORDINANCE OF THE BOROUGH OF MADISON AMENDING AND SUPPLEMENTING CHAPTER 185 OF THE MADISON BOROUGH CODE ENTITLED VEHICLES AND TRAFFIC TO CORRECT INCONSISTENCIES, ESTABLISH ELECTRIC VEHICLE PARKING PARAMETERS, STREET PARKING ENHANCED VIOLATION SCALE AND DESIGNATING ADDITIONAL 15-MINUTE PARKING SPACES, AND AMENDING CHAPTER 195 OF THE MADISON BOROUGH CODE ENTITLED LAND DEVELOPMENT, TO CORRECT A CITATION

WHEREAS, the Police Department, Parking Enforcement Officer and Director of Business Development of the Borough of Madison have conducted a comprehensive review of the Borough's Vehicle and Traffic Ordinance and have made recommendations to amend and supplement same; and

WHEREAS, the recommendations include corrections to remediate errors and inconsistencies in the Vehicle and Traffic Ordinance; and

WHEREAS, the removal of errors and discrepancies will allow for the uniform application of the Vehicle and Traffic Ordinance as written in the text of the General Ordinances and will provide certainty in the regulation of vehicles and traffic within the Borough; and

WHEREAS, the recommendations also include the memorialization of Electric Vehicle ("EV") parking parameters and violation fees for EV-charging only parking spaces; and

WHEREAS, pursuant to P.L. 2021, c.171 (July 9, 2021), the Borough adopted Ordinance No. 42-2021, which established standards for Electric Vehicle Supply/Service Equipment and Make-Ready parking spaces; and

WHEREAS, the introduction of parameters for EV-charging only parking will promote the goals of P.L. 2021, c.171 and Ordinance No. 42-2021, encourage greater ownership and use of EVs and provide certainty in the regulation of EVs within the Borough; and

WHEREAS, the recommendations further include the memorialization of escalating violation scales for street parking, the addition of 15-minute parking spaces for convenience, and a de minimis change to the Land Development Ordinance to correct a citation to the Vehicle and Traffic Ordinance; and

WHEREAS, the Borough Council of the Borough of Madison has determined that it is in the best interests of the Borough to update and correct vehicle and traffic requirements within the Borough of Madison.

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

Section 1. The aforementioned recitals are incorporated in their entirety, as if restated herein.

Section 2. Chapter 185-4 of the Borough Code, entitled "Vehicles and Traffic", subsection 185-4, entitled "Penalties", shall hereby be amended and supplemented, as follows:

§ 185-4 Penalties.

A. Penalties for specific violations shall be as follows:

Section Violated	Fine
§ 185-6 (parking prohibited, all times)	\$32
§ 185-6.1 (truck/van prohibited parking)	\$32
§ 185-8 (stopping/standing prohibited)	\$32
§ 185-9 (parking limited time)	**\$30**
§ 185-9B subsequent violation, 4 violations within 365 days	**\$45**
§ 185-9C subsequent violation, 5 or more violations within 365 days	**\$100**
§ 185-10 (trucks over 4 tons excluded)	\$47
§ 185-15 (no parking, commercial loading zone)	\$51
§ 185-16 {(no parking, taxi stand)} **(public electric vehicle charging parking)**	{\$51} **\$30**
§ 185-16B subsequent violation, 4 violations within 365 days	**\$45**
§ 185-16C subsequent violation, 5 or more violations within 365 days	**\$100**
§ 185-17 (no parking, bus stop)	\$51
§ 185-21 (no parking, posted)	\$32
§ 185-29 (no parking, designated streets and no parking this side)	\$32
§ 185-30 (no parking, 2:00 a.m. to 6:00 a.m.)	\$32
§ 185-30B (parking time limited)	**\$32**
§ 185-32 {(no parking/standing, specified time)} **(overtime parking)**	{\$32} **\$30**
§ 185-32B subsequent violation, 4 violations within 365 days	**\$45**
§ 185-32C subsequent violation, 5 or more violations within 365 days	**\$100**

B. No change.

****C. In addition to the imposition of the above or any other penalty that may be imposed by law for the violation of the provisions of this Chapter, the Borough may provide for the removal of any vehicle that 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 resulting from such removal before regaining possession of the vehicle.****

Section 3. Chapter 185-16 of the Borough Code, entitled "Vehicles and Traffic", subsection 185-16, (Reserved), shall hereby be amended and supplemented, in its entirety, as follows:

§ 185-16 Public Parking Spaces for Charging Electric Vehicles.

A. As defined in § 195-35.1(B) and for the purposes of this Chapter, the following phrases and words shall have the meanings indicated:

ELECTRIC VEHICLE: Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

B. For the purposes of this Chapter, the following phrases and words shall have the meanings indicated:

PUBLIC ELECTRIC CHARGING STATION(S)/SPACE(S): Any public parking station, space or stall designated by the Borough as a public charging station/space for electric vehicles.

C. Use of public electric charging spaces shall be limited and restricted as follows:

- (1) It shall be unlawful for any person to park or leave standing a vehicle in a public electric charging space unless the vehicle is an electric vehicle and is connected for electric charging purposes;
- (2) Nonelectric vehicles are prohibited from parking in public electric charging spaces; and
- (3) Electric vehicles are authorized to park in public electric charging spaces only during the time the vehicles are connected for electric charging purposes. When the vehicle is no longer charging, the owner or operator of the vehicle shall be required to remove the vehicle from the public electric charging space.

D. The following fees shall apply for the use of parking spaces identified as public electric charging spaces:

- (1) For the first two hours of charging, \$1 per hour.
- (2) For hours 3 and 4, \$3 per hour.
- (3) For every hour after the 4th hour, \$25 per hour.

E. Designation of public electric charging spaces for electric vehicle parking and charging [set forth in §185-39].

F. Violations and penalties; removal of vehicles [set forth in §185-4 Penalties].

Section 4. Chapter 185-32 of the Borough Code, entitled “Vehicles and Traffic”, subsection 185-32, entitled “Schedule IV: Time-Limit Parking”, shall hereby be amended and supplemented, as follows:

§ 185-32 Schedule IV: Time-Limit Parking.

In accordance with the provisions of § 185-9, no person shall park a vehicle for longer than the time limit shown during the hours of 8:00 a.m. to 7:00 p.m. ~~{of}~~ ****on**** any day upon the following streets or part of streets; provided, however, that with respect to all locations subject to a one-hour time limit, a two-hour time limit shall apply between the hours of 4:00 p.m. and 7:00 p.m.:

Name of Street	Side	Time Limit	Location
Alexander Avenue	No change	No change	No change
. . .			
Kings Road	South	{90 mins.} **2 hours**	From Madison Avenue to a point 110 feet westerly of

			the westerly curbline of Prospect Street
Kings Road	No change	No change	No change
Lincoln Place	No change	No change	No change
Lincoln Place [Added 5-13-1985 by Ord. No. 12-85]	North	15mins.	From a point 435 feet north of the west side line of Prospect Street to a point 195 feet south of the east side line of Waverly Place, in front of the Post Office
Lincoln Place	No change	No change	No change
{Lincoln Place}	{South}	{10 mins.}	{From a point 304 feet east of the intersection of Waverly Place to a point 3,440 feet east of the intersection of Waverly Place}
Lincoln Place	**North**	**15 minutes**	**Single space: closest to Waverly Place [westbound direction of travel]**
Locust Street	No change	No change	No change
Main Street	No change	No change	No change
Main Street	No change	No change	No change
Main Street	{South} **North**	15 mins.	{Single space: west end adjacent to loading zone} **Single space: Adjacent to Emergency Vehicle Parking Space in front of 60 Main Street [westbound direction of travel]**
Main Street	South	15 mins.	{Single space: east end adjacent to loading zone} **Single space: Adjacent to loading zone in front of 29 Main Street [eastbound direction of travel]**
Maple Avenue	No change	No change	No change
Morris Place	No change	No change	No change
Park Avenue	No change	No change	No change
{Park Avenue}	{East}	{15 mins., from 8:00 a.m. to 6:00 p.m.}	{From a point 81 feet south of the intersection of Community Place/Park Avenue to a point 77 feet north of the intersection of Park Avenue/Madison Avenue}
Park Avenue	**North**	**15 minutes**	**Single space: second space east of Community

			Place [westbound direction of travel]**
Prospect Street	No change	No change	No change
Waverly Place	No change	No change	No change
** Waverly Place **	**East**	**15 minutes**	**Single space: closest to Main Street [northbound direction of travel]**
Wilmer Street	South	2 hrs.	Entire length
Woodside Road	Both	2 hrs.	Entire length

Section 5. Chapter 185-39 of the Borough Code, entitled “Vehicles and Traffic”, subsection 185-39, (Reserved), shall hereby be amended and supplemented, in its entirety, as follows:

§ 185-39 Schedule XI: Public Electric Charging Parking Spaces.

In accordance with the provisions of § 185-16, the following described locations are hereby designated by the Borough as public electric charging stations/spaces:

Street	Address/Location	Applicable Days and Hours
Kings Road Parking Lot	62 Kings Road	24 hours a day / 365 days a year. Subject to inclement weather [§185-20]
Prospect Street Parking Lot	Prospect Street (Block 2803, Lot 1)	24 hours a day / 365 days a year. Subject to inclement weather [§185-20]
Green Avenue Parking Lot	Green Avenue (Block 2801, Lot 6)	24 hours a day / 365 days a year. Subject to inclement weather [§185-20]
Elmer Street Parking Lot	1 Elmer Street	24 hours a day / 365 days a year. Subject to inclement weather [§185-20]
Cook Avenue Parking Lot	Cook Avenue (Block 1502, Lot 25)	24 hours a day / 365 days a year. Subject to inclement weather [§185-20]
Madison Community Arts Center	10 Kings Road	24 hours a day / 365 days a year. Subject to inclement weather [§185-20]
Memorial Park Parking Lot	Rosedale Avenue [Ice Skating Rink]	24 hours a day / 365 days a year. Subject to inclement weather [§185-20]
Madison Community Pool Parking Lot	105 Rosedale Avenue	24 hours a day / 365 days a year. Subject to inclement weather [§185-20]
Madison Public Library Parking Lot	39 Keep Street	24 hours a day / 365 days a year. Subject to inclement weather [§185-20]
Madison Recreation Complex	184 Ridgedale Avenue	24 hours a day / 365 days a year. Subject to inclement weather [§185-20]

Section 6. Chapter 195 of the Borough Code, entitled “Land Development”, subsection 195-35.1, entitled “Electric vehicle supply/service equipment” shall hereby be amended and supplemented, as follows:

§ 195-35.1 Electric vehicle supply/service equipment.

- A. No change.
- B. No change.
- C. No change.
- D. No change.
- E. No change.
- F. Reasonable standards for all new EVSE and Make-Ready parking spaces.
 - (1) No change.
 - (2) No change.
 - (3) EVSE parking:
 - (a) No change.
 - (b) No change.
 - (c) Public parking. Pursuant to N.J.S.A. 40:48-2, publicly accessible EVSE parking spaces shall be monitored by the municipality's Police Department and enforced in the same manner as any other parking. It shall be a violation of this section to park or stand a nonelectric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any nonelectric vehicle parked or standing in an EVSE parking space or any electric vehicle parked and not connected to the EVSE shall be subject to fine and/or impoundment of the offending vehicle as described in the general penalty provisions of this Municipal Code or ~~{§ 134-40}~~ ****§185-16****. Signage indicating the penalties for violations shall comply with Subsection F(5) below. Any vehicle parked in such a space shall make the appropriate payment for the space and observe the time limit for the underlying parking area, if applicable.
 - (d) No change.
 - (4) No change.
 - (5) No change.
 - (6) No change.

Section 7. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Borough of Madison Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance that are inconsistent with the Borough Master Plan and recommendations concerning any inconsistencies and any other matter as deemed appropriate.

Section 8. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be judged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision, and the remainder of this Ordinance shall be deemed valid and effective.

Section 9. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 10. This Ordinance shall take effect according to law.

ADOPTED AND APPROVED

ROBERT H. CONLEY, MAYOR

Attest:

ELIZABETH OSBORNE, Borough Clerk