

Ordinance #2017-20

AN ORDINANCE BY THE MUNICIPALITY OF PRINCETON ACCEPTING “TITLE 39 JURISDICTION” OVER THE GRIGGS CORNER PARKING YARD AND AMENDING CHAPTER 19, ARTICLE XI, “PARKING” OF THE CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974.

WHEREAS, Title 39 of the New Jersey Revised Statutes at N.J.S.A. 39:5A-1 states that upon the filing of a written request with the municipal clerk by a person or corporation, the provisions of Title 39, subtitle 1 (Motor Vehicle and Traffic Laws) shall “in the discretion of the municipal authorities vested with the police powers in the locality within which the property . . . is situate” be made applicable to that person or corporation’s semi-public property; and

WHEREAS, Title 39 at N.J.S.A. 39:5A-2 further provides that any such request may subsequently be rescinded in writing, and that upon the filing of such written rescission with the municipal clerk, the provisions of Title 39 shall cease to be applicable to the property effective the following January 1; and

WHEREAS, Princeton by lease agreement previously operated the Griggs Corner Parking Yard as a municipal parking yard; and

WHEREAS, said lease agreement has terminated, and the Griggs Corner Parking Yard is now privately operated; and

WHEREAS, although privately owned and operated, the Griggs Corner Parking Yard continues to be accessible to and used by the general public; and

WHEREAS, the operator of the Griggs Corner Parking Yard, Park-In Garage Systems, LLC, has submitted a written “Application to Have NJ Motor Vehicle Statutes Made Applicable

to Private Property” pursuant to N.J.S.A. 39:5A-1; and

WHEREAS, the Council believes that it would in the interests of the public and the municipality to approve the request and make the provisions of subtitle 1 of Title 39 applicable to the Griggs Corner Parking Yard as set forth in detail hereinbelow, by adding a new section (section 19-38) to Article XI in Chapter 19 of the former Borough of Princeton ordinances; and

WHEREAS, in recognition that the Griggs Corner Parking Yard is no longer controlled or operated by Princeton as a municipal parking yard, it is also necessary to delete certain provisions relating thereto from Article XI of Chapter 19 of the former Borough ordinances;

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

Section 1. New section 19-38 added to Borough Code. Article XI, Parking, in Chapter 19 of the “Code of the Borough of Princeton, New Jersey, 1974” (“Borough Code”) is hereby amended by adding thereto a new section 19-38, which shall read as follows:

Sec. 19-38. Griggs Corner Parking Yard.

(a) Findings and purpose.

The operator of the Griggs Corner Parking Yard in Princeton has filed a written consent with the council that the provisions of subtitle 1, chapter 39 of the Revised Statutes of New Jersey, be made applicable to the Griggs Corner Parking Yard within said municipality. The council hereby finds that extending title 39 jurisdiction as requested is appropriate in order to promote the public health, safety and welfare and said title 39 jurisdiction is hereby extended to the said parking yard pursuant to N.J.S.A. 39:5A-1 *et seq.*

(b) Parking Yard defined.

As used in this section, reference to the “Griggs Corner Parking Yard” or “parking yard” shall refer to Lot 54 and Lot 55 in Block 20.04 on the Princeton Municipal Tax Map.

(c) Parking meters; signage; payment methods.

(1) Parking meters shall be installed adjacent to the individually-marked parking space that they are intended to regulate and shall be so placed as to show by signal that such space is or is not legally occupied.

(2) Each parking meter shall, by proper legend, indicate the legal parking time, required parking fee and accepted method of payment to be inserted in such meter. Each meter shall, when operated in the proper manner, indicate on its face the duration of the period of legal parking time and, on the expiration of such period, shall indicate illegal or overtime parking. The parking yard meters shall not be required to be programmed with a minimum ten-minute grace period prior to displaying an over-time signal, provided that signage warning the public of same is installed in the parking yard or on the individual meters.

(3) The operator of every vehicle parked within the parking yard shall, upon entering the respective parking space, immediately deposit or cause to be deposited in the meter regulating the use of such space the required fee in accordance with the schedules set forth by signage in the parking yard. Such vehicle may remain parked in such space for only as long as the parking meter does not display an illegal or over-time signal or for a period of time not to exceed what is authorized by the signage, whichever is less. Such over-parked vehicle shall be issued additional summonses for each additional authorized time period which is overextended.

(4) Signage shall be installed in the parking yard for purposes of advising the public of the time limitations, applicable parking fees and accepted payment methods (*i.e.*, coins, credit card, etc.). If smart cards are not an accepted payment methods, same shall also be prominently posted.

(5) No person shall deposit or cause to be deposited any slug, device or substitute for a proper coin of the United States in any parking meter.

(6) No person shall deface, injure, tamper with, open, willfully break, destroy or impair the usefulness of any parking meter.

(7) No person shall deposit or cause to be deposited in a meter any payment for the purpose of extending the parking time beyond the total lawful parking time limit in accordance with the schedules set forth at said parking yard. Such over-parked vehicle shall be issued additional summonses for each additional authorized time period which is overextended. This provision is directed at preventing what is commonly termed "meter feeding" and is enacted to provide for the convenience of legal "turn-over parking" within the municipality.

(d) Parking within parking spaces.

No person shall park a vehicle in the parking yard at any time except within a parking space marked on the pavement.

(e) Limitation on parking.

From time to time the entire parking lot, portions thereof or individual

parking spaces may be closed for public use by its operator. Any such closure shall be clearly identified by the operator through conspicuously posted signage at the entrance to the lot and/or on the impacted meters, as necessary. No member of the public shall be permitted to park in the parking yard or in its spaces when the yard or spaces are clearly marked as closed.

(f) Handicapped parking spaces.

(1) Pursuant to N.J.S.A. 40:48-2.46, the one parking space designated as a handicapped parking space within the parking yard is hereby designated as restricted parking spaces for use by persons who have been issued special vehicle identification cards for handicapped parking pursuant to N.J.S.A. 39:4-205 by the Division of Motor Vehicles. No other person shall be permitted to park in said space.

(2) Any person parking a motor vehicle in a restricted parking space without a special vehicle identification card shall be liable to a fine of two hundred fifty dollars for the first offense and, for subsequent offenses, a fine of at least two hundred fifty dollars and up to ninety days community service on such terms and in such form as the court shall deem appropriate, or any combination thereof.

(g) Tow-away.

Any vehicle parked or standing in violation of the parking regulations established in this section may be removed by towing the vehicle at the owner's or operator's expense.

(h) Traffic to stay on driveway; keeping to right.

All vehicular traffic in the parking yard shall stay within driveways or within aisles or ways giving access to parking spaces, except when using parking space. The driver of a vehicle shall drive it on the right half of the driveway as closely as possible to the right-hand edge of the driveway unless it is impracticable to travel on that side of the driveway, and except when overtaking and passing another vehicle.

(i) Enforcement and penalty.

(1) The provisions of this section shall be enforced by the Princeton Police Department and/or the Princeton Parking Enforcement Officers.

(2) The penalty provisions of section 19-7 of the "Code of the Borough of Princeton, New Jersey, 1974" shall apply to any violations of the provisions of this section.

(3) In the event of a claim of a meter malfunction (*e.g.*, meter not accepting payment, time running down too quickly), and upon the request of the Princeton Prosecutor or Princeton Police Department, the operator of the

Griggs Corner Parking Yard shall forthwith provide a diagnostic report or other evidence satisfactory to the Princeton Prosecutor (including, if necessary, court testimony), demonstrating that said meter is functioning correctly.

(j) Termination.

(1) By Princeton. Consistent with N.J.S.A. 39:5A-1, the Princeton Mayor and Council retain the discretion at any time to rescind by ordinance the provisions of this section 19-38 on notice to the operator of the Griggs Corner Parking Yard, and said rescission shall become effective on January 1 of the year following the passage of such rescinding ordinance.

(2) By the operator. Consistent with N.J.S.A. 39:5A-2, in the event the operator of the Griggs Corner Parking Yard files a written rescission with the Princeton Clerk, then the provisions of this section 19-38 shall cease to be applicable effective January 1 of the year following the filing of said written rescission.

Section 2. Borough Code amended to remove references to “Griggs Corner Yard” from section 19-25. Sections 19-25(a)(1) and -25(b)(2) of Article XI, Chapter 19 of the Borough Code are hereby amended to delete therefrom all references to the “Griggs Corner Parking Yard,” and shall read as follows:

Sec. 19-25. Metered parking yards.

(a) Designated.

(1) The following areas in the municipality are hereby designated as municipal metered parking yards:

Park Place East Yard;

Park Place West Yard;

Princeton Station Lot;

Princeton Station Retail Lot;

Trinity Yard;

Tulane Street East Yard;

Tulane Street West Yard;

University Place Yard.

(b) Parking time limited to two hours.

(1) No person shall park any vehicle within the following two hour parking zones for a period longer than two hours between the hours of 8:00 A.M. and 8:00 P.M. Monday through Saturday, and between the hours of 1:00 P.M. and 8:00 P.M., Sunday, except where excluded on Sundays.

a. Type three meters.

Park Place East Yard	All spaces (Sundays excluded)
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Tulane Street West Yard	All spaces.
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Tulane Street East Yard	Four spaces.
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Section 3. Borough Code amended to remove references to “Griggs Corner Yard” from section 19-30. Section 19-30(c) of Article XI, Chapter 19 of the Borough Code is hereby amended to delete therefrom all references to the “Griggs Corner Yard,” and shall read as follows:

Sec. 19-30. Handicapped parking.

(c) Spaces designated.

(2) Parking yards.

Park Place West Yard, two spaces as designated by the borough engineer.

Maclean Street Yard, two spaces as designated by the borough engineer.

Princeton Station Lot	Five spaces
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Princeton Station Retail Lot	Four spaces
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Section 4. Repealer. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed to the extent of such inconsistency.

Section 5. Severability. 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 portion thereof.

Section 6. Effective date. This Ordinance shall take effect upon its final adoption and publication as provided for by law.

I, Kathleen Brzezynski, Municipal Clerk of Princeton, County of Mercer, State of New Jersey, do hereby certify that the foregoing is a true copy of an ordinance adopted by the Mayor and Council of Princeton at its meeting held May 22, 2017.



Kathleen Brzezynski
Municipal Clerk