

ORDINANCE NO. 2009-48

ORDINANCE OF THE BOROUGH OF RED BANK,
COUNTY OF MONMOUTH, NEW JERSEY
AMENDING AND SUPPLEMENTING
CHAPTER VII, "TRAFFIC,"
SECTION 7-3.6, "PARKING TIME LIMITED ON CERTAIN STREETS,"
SCHEDULE IV, "TIME LIMITED PARKING"

WHEREAS, in the matter of Truong v. Red Bank, Docket No. Mon L 3240-08, the Superior Court of the State of New Jersey upheld the Borough's power and authority to create residential parking zones; and

WHEREAS, in the Court's decision the Court ordered the Borough to review its parking ordinances for consistency and clarity; and

WHEREAS, pursuant to Ordinance Nos. 2006-4 and 2007-33 the Borough Council prohibited non-residential parking along portions of Branch Avenue, South Street and East Bergen Place; and

WHEREAS, review of the pertinent Ordinances revealed potential ambiguities with respect to the regulations affecting those aforementioned streets; and

WHEREAS, in order to resolve those ambiguities as well as to clarify that temporary parking for brief periods to accommodate deliveries is permissible; and

WHEREAS, the residential parking restrictions for those aforementioned streets shall remain in full force and effect;

NOW BE IT ORDAINED by the Governing Body of the Borough of Red Bank that Chapter VII of the Revised General Ordinances of the Borough of Red Bank, Monmouth County, "TRAFFIC," Section 7-3.6, "Parking Time Limited on Certain Streets," Schedule IV, "Time Limited Parking," and Section 7-3.9, "Permit Parking in Designated Areas," Schedule XIX, "Residential Parking District Number Two" are hereby amended and supplemented as follows:

SECTION ONE: Schedule IV, "Time Limited Parking," is amended and supplemented as follows: (*strikeouts denote deletions, underlined text denote additions*):

SCHEDULE IV

TIME LIMITED PARKING

In accordance with the provisions of Subsection 7-3.6, no person shall park a vehicle for longer than the time limit shown on any of the following streets or parts of streets.

Name of Street	Side	Time Limit	Hours	Location
<u>Branch Avenue</u>	<u>South</u>	<u>15 minutes</u>	<u>8:00 a.m. to</u> <u>6:00 p.m.</u>	<u>Between</u> <u>Hudson</u> <u>Avenue and</u> <u>South Street</u>
<u>South Street</u>	<u>Both</u>	<u>15 minutes</u>	<u>8:00 a.m. to</u> <u>6:00 p.m.</u>	<u>Between</u> <u>Branch Avenue</u> <u>and Brown</u> <u>Place</u>
<u>East Bergen</u> <u>Place</u>	<u>Both</u>	<u>3 Hours</u>	<u>8:00 a.m. to</u> <u>6:00 p.m.</u>	<u>Between</u> <u>Maple Avenue</u> <u>and Branch</u> <u>Avenue</u>

[All other provisions remain unchanged]

SECTION TWO: Any ordinances or portions thereof which are inconsistent with the

provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.

SECTION THREE: If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION FOUR: This Ordinance shall take effect immediately upon its passage and adoption according to law.

First Reading: September 8, 2009

Final Reading: September 28, 2009