

**ORDINANCE NO. 2014-22**

**AN ORDINANCE MAKING THE PROVISIONS OF SUBTITLE I  
OF TITLE 39 PURSUANT TO N.J.S.A. 39:5A-1 OF THE REVISED  
STATUTES OF NEW JERSEY APPLICABLE TO WALGREENS  
(BLOCK 120, LOT 53.09)**

Councilman Murphy offered the following ordinance and moved its adoption on final reading:

**WHEREAS**, Lolich Red Bank, LLC is the record owner of certain real property commonly known as "Walgreens" and designated as Block 120, Lot 53.09 on the Borough of Red Bank Tax Map, in the Borough of Red Bank, County of Monmouth and the State of New Jersey (herein referred to as the "Property"); and

**WHEREAS**, Walgreens Property was the subject of certain development application(s) to the Planning Board of the Borough of Red Bank (P10629); and

**WHEREAS**, Lolich Red Bank, LLC has filed a written request dated September 16, 2014 pursuant to N.J.S.A. 39:5A-1 with the Borough of Red Bank's Director of Planning and Zoning for the application of the provisions of Subtitle I of Title 39 of the Revised Statutes of New Jersey to the semi public roads, streets, driveways and parking areas which are opened to or used by the public, tenants and/or employees at Walgreens; and

**WHEREAS**, the Mayor and Borough Council, having considered same, now wish to make the provisions of Subtitle I of Title 39 of the Revised Statutes of New Jersey applicable to the Property.

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the Council of the Borough of Red Bank, that Lolich Red Bank, LLC has filed a written consent dated September 16, 2014 with the Borough of Red Bank that the provisions of Subtitle I of Title 39 of the Revised Statutes of New Jersey be made applicable to the semi-public roads, streets, driveways and parking areas which are opened to and used by the public, tenants and/or employees at "Walgreens" (Block 120, Lot 53.09, located in the Borough of Red Bank, County of Monmouth and the following regulations shall be enforceable:

- A. Pursuant to the authority vested in the Borough of Red Bank pursuant to N.J.S.A. 39:5A-1 and pursuant to a request by Lolich Red Bank, LLC dated September 16, 2014 the Borough Council does hereby ordains that the subject premises Block 120, Lot 53.09 in the Borough of Red Bank shall have all their semi-public or private roads, streets driveways, access isles and parking areas subject to subtitle I of Title 39 of the Revised Statues of New Jersey.
- B. General Parking.
  - 1. All vehicles must park in designated areas and between the lines provided.
  - 2. Handicapped Parking. All stalls shall be 12 feet wide as shown on the site plan on file in the Office of the Borough Clerk and signed with the R7-8 and R7-8P (Reserved Parking Sign and Penalty Plate), in the designated parking areas for persons who have been issued the Handicapped Parking Permits by the Division of Motor Vehicles.
- C. Speed Limits
  - 1. The speed limit for both directions of traffic in the parking lot(s) shall be 15 miles per hour
  - 2. Regulatory and warning signs shall be erected and maintained to affect the above designated speed limits authorized by the Department of Transportation.

- D. Right Turn Prohibition on Garfield Place. Right hand turns from the Property on to Garfield Place are prohibited.
- E. Tow Away Zones. Any vehicle parked or standing as to obstruct or impede a normal flow of traffic, block entrances or exit ways, loading zones, oil fills, any grassy area, pedestrian walkway, or present in any way a safety or traffic hazard may be removed by towing the vehicle at the owner's or operator's expense.
- F. Signs. All signs, posts or other necessary materials to be installed shall be paid for by the property owner. All signage shall conform to the current Manual on Uniform Traffic Control Devices, pursuant to N.J.S.A. 39:4-198 and N.J.S.A. 39:4-183.27.
- G. Violations and Penalties. Unless another penalty is expressly provided by New Jersey Statute, every person convicted of a violation of this Article or any supplement thereto shall be liable to a penalty of not more than (\$1,000) one thousand dollars or imprisonment for a term not exceeding (15) days or both.
- H. Effect of Regulations. If any part of this regulation is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the regulation

**BE IT FURTHER ORDAINED**, that Chapter 680, "Vehicles and Traffic", of the "Code of the Borough of Red Bank" is hereby amended and supplemented in order to incorporate the provisions referenced herein under Article IV ("Private and Semipublic Parking Areas") with a new subsection entitled "Walgreens Parking Lot".

**BE IT FURTHER ORDAINED** that 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. All other provisions of Chapter 680 "Traffic and Vehicles" of the Revised General Ordinances of the Borough of Red Bank are ratified and remain in full force and effect.

**BE IT FURTHER ORDAINED** that 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.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect upon final passage and publication in accordance with the law, but not before approval has been received from the New Jersey Department of Transportation.

Seconded by Councilman Zipprich and adopted on roll call by the following vote:

|                      | Yes   | No  | Abstain | Absent |
|----------------------|-------|-----|---------|--------|
| Councilman Murphy    | ( x ) | ( ) | ( )     | ( )    |
| Councilwoman Burnham | ( x ) | ( ) | ( )     | ( )    |
| Councilwoman Horgan  | ( x ) | ( ) | ( )     | ( )    |
| Councilwoman Lewis   | ( x ) | ( ) | ( )     | ( )    |
| Councilman Zipprich  | ( x ) | ( ) | ( )     | ( )    |
| Councilman DuPont    | ( x ) | ( ) | ( )     | ( )    |

Dated: November 24, 2014