

TOWN OF HARRISON  
COUNTY OF HUDSON

ORDINANCE NO. 886

AN ORDINANCE PROVIDING FOR THE LICENSING OF PARKING LOTS OPEN  
TO THE GENERAL PUBLIC

1. **DEFINITIONS.** As used in this ordinance:

**Motor vehicle** means any vehicle which is self-propelled.

**Parking lot** means any place, lot, parcel or yard, used in whole or in part, for storing or parking motor vehicles, where a storage or parking fee is charged therefor and which is open to the general public. Provided, however, that garages and other places where motor vehicles are stored for hire within or on a building shall be exempt from the provisions of this ordinance but any open-air parking or storage on such premises shall be covered. Also excluded are parking areas or garages in residential neighborhoods which do not charge fees or for which monthly fees are charged if they are not open to the general public or are not marked or advertised as a public parking lot.

**TOWN** means the Town of Harrison.

2. **License Required.**

No person shall conduct, operate, or maintain a parking lot without first obtaining a license therefor from the Town as herein provided.

3. **Application for license.**

a. Application for a parking lot license and renewal thereof shall be made to the Town Clerk's Office by the person intending to operate the parking lot on a form furnished by the Town Clerk.

b. The application shall set forth the following:

(1) the name under which and the street number, and Block and Lot number of the place where the parking lot is to be operated, and if a corporation, the location of the office in this state together with the name and address of the registered agent in charge thereof.

(2) Whether the applicant is an individual, partnership, corporation or association; if an individual, the name and business and residence address of the individual; if a firm or partnership, the name and business and bona fide residence addresses of each partner or member of the firm; if a corporation or association, the name, date and state under which such corporation or association was organized, and the name and business addresses of its officers.

(3) Whether the premises to be licensed are owned or leased by the applicant, and, if leased, the name and bona fide residence and business address of the lessor.

(4) The maximum number of motor vehicles which may, at any one time, be stored or parked upon the premises.

(5) The hours during which motor vehicles may be stored or parked at the parking lot.

(6) A complete schedule of rates to be charged by the parking lot for storing motor vehicles. Such rates shall be established by the licensee and may include, but are not limited to, monthly, weekly, daily and hourly rates.

c. The applicant shall file with the application a plat or drawing of said parking lot, as approved by the Town Planning Board or Board of Adjustment, including a copy of all resolutions of such body, and evidence of compliance with all conditions and restrictions set forth therein, such plat or drawing to be done by a licensed engineer or land surveyor showing the location, size and capacity of the parking lot; the location and size of driveways; kinds of floors or ground surfaces; drainage; location and type of lighting units and signs; fire lane; parking spaces; set backs; fencing; railings; and other matters required by Town ordinance or the resolution of the Planning Board or Board of Adjustment; and the number and type of fire extinguishing equipment to be provided on the premises to be licensed.

d. Each application shall be signed and verified under oath by the applicant, if an individual firm or partnership; or by a duly authorized agent or properly constituted officers, if a corporation or association.

#### **4. Insurance Requirements.**

Prior to the issuance of a license, each applicant shall file with the Town Clerk a policy or certificate of public liability insurance issued by a company authorized by the New Jersey Department of Insurance to do business in the State of New Jersey, in the minimum amount of \$100,000 for one person and \$200,000 for two or more persons for personal injury and \$20,000 for property damage.

#### **5. Renewal applications.**

All renewal applications shall be subject to the requirements of this chapter except that it shall not be necessary to furnish a plat or drawing of said parking lot unless changes have been made that do not appear on the most recent plat or drawing on file with the Town Clerk. Renewal applications shall be filed by November 15th of each year.

**6. Prerequisites for issuance of license.**

Upon satisfying the requirements of sections 3, 4, 6.b. and 8.b; a license to operate a parking lot shall be granted by the Town Clerk. The license so issued is subject to revocation upon 30 days written notice sent via certified mail to the person or persons identified pursuant to Section 3.b.(1) of this Ordinance. Said notice shall be based upon a finding of non-compliance with the requirements of Section 3.c. of this Ordinance after an inspection by the Town Engineer, Police Department, and/or the Fire Code Official.

**7. Term of license; license fee.**

a. All licenses issued under this ordinance shall be for a term of not longer than one year, commencing on January 1 or the effective date of said license and expiring the following December 31.

b. The annual license fee for the operation of a parking lot shall be computed at the rate of .01 cents per square foot of the total area occupied by the parking lot, but said fee shall, in any event, not be less than \$50.00 nor exceed \$350 per annum per lot. If a parking lot license commences after January 1, the annual license fee shall be for the pro rata part thereof, commencing on the first day of the month for which said license is granted.

**8. Transfer of license.**

a. In the event of the sale or transfer to a new operator of the parking lot business, the new operator shall make application to the Town Clerk for transfer of the license in advance of said sale or transfer. Such application and transfer of the license shall be subject to the terms, conditions and requirements of this chapter applicable to a new application and the granting of a new license. Upon compliance with all of said terms, the Clerk, upon forty-eight hours prior written notice, shall issue a license to the new operator, upon surrender of the prior operator's license.

b. No license shall be issued to the new operator under paragraph a. of this section unless and until the transferor/licensee complies with the provisions of this section.

9. General Requirements.

a. All licenses and renewals thereof shall be subject to the requirements of this chapter as amended or supplemented.

b. The conditions set forth in the application and its accompanying items upon which the license or any renewal was issued shall be maintained by the licensee continuously during the time which said parking lot is in business and a violation of those conditions shall constitute a violation of this ordinance.

c. The licensee shall be responsible for the proper conduct of its agents, employees and servants in the conduct of the business and for any violation of the provisions of this ordinance.

10. Signs.

a. Each licensee under this chapter shall maintain in good condition at all times, at each entrance to such parking lot, a sign, suitable to apprise the general public intending to use the parking lot of the:

- (1) Name of the Licensee;
- (2) Address of the Licensee;
- (3) Telephone Number of the Licensee;
- (4) Opening and closing hours of the parking lot;
- (5) Rates charged for parking or storing indicating that the rates include the Town of Harrison parking tax.
- (6) The Licensee's policy regarding towing unauthorized vehicles pursuant to Section 20 of this Ordinance.

b. Signs required by paragraph a of this section shall be erected on private property, shall be constructed of suitable weather-proof material and shall be visible to a motorist before he or she enters the parking lot.

c. No licensee shall alter or change the charges or rates from those set forth in the application unless the parking lot has provided the Town Clerk with five (5) days prior written notice of the new rates; except, however, if any other licensed parking lot has changed its rates in accordance herewith, then any other licensed lot may change its rates upon twenty-four hour prior written notice to the Town Clerk, provided that signs showing the changed rates or charges have been properly installed in compliance with paragraphs a and b of this section. This paragraph also applies to transferee/licensees.

**11. Ground Maintenance.**

a. Each licensee shall keep the sidewalks surrounding the licensed parking lot free from dirt, ice, snow and sleet and shall keep the sidewalks in safe condition for the travel of pedestrians.

b. Parking lots shall be kept free from debris so that the same shall not become a nuisance to adjacent property owners.

c. Parking facilities shall be paved with a smooth, hard surface which shall be maintained in good safe condition. Each parking lot shall be adequately drained so that it will not retain water.

**12. Shelters.**

Not more than one building for the use of attendants in the operation of each parking lot may be permitted provided that such building is of durable construction and that the plans have been approved by the Planning Board or Board of Adjustment, and its construction is in compliance with all applicable conditions and requirements set forth in any applicable state or local statutes, regulations or ordinances. If a parking lot has entrances on more than street, one additional shelter may be maintained.

**13. Lighting.**

Parking lots shall be adequately lighted in all portions when in operation during the hours of darkness and shall be approved by the Planning Board or Board of Adjustment.

**14. Entrances and exits.**

Entrances and exits, including but not limited to their number, size and location, shall be in conformity with all state and local statutes, regulations and/or ordinances and approved by the Planning Board and/or Board of Adjustment.

**15. Fire safety requirements.**

a. Parking lots shall be equipped with proper fire extinguishing apparatus, as required by the fire safety code of the Town and shall be approved by the Fire Code Official. All motor vehicles shall be stored so as to allow ready access in the event of fire or other emergency.

b. A Fire Lane for the safety of the public or to provide access for Fire Department Operations in the event of an emergency, pursuant to the New Jersey Uniform Fire Code, N.J.A.C. 5:18-3.3(f) shall be provided.

c. The construction of overhangs, ballards and any other obstruction which prevent proper access of emergency vehicles shall be prohibited.

**16. Illegal use or movement of vehicles.**

a. No person shall move or transfer, permit the movement or transfer of any motor vehicle from any parking lot through or upon the streets of the city without the consent of the owner or bailor of such vehicle. The ownership or bailment of the motor vehicle shall be evidenced by the possession of the car registration at the time such consent is given.

b. All operators, their agents, servants or employees who actually operate customers' motor vehicles shall be legally licensed drivers of the State of New Jersey.

c. Licensees, their agents, servants or employees shall not park nor maneuver motor vehicles on public sidewalks or streets.

**17. Claim checks.**

a. At the time of accepting a motor vehicle for parking in a parking lot, the licensee, his agent, servant or employee shall furnish to each person parking a motor vehicle a distinctive claim check which shall contain at least the name and address of the parking lot and the date and time of issuance of said claim check endorsed thereon.

b. Paragraph 17.a. shall not apply to weekly, monthly, or yearly parking lot customers.

**18. Rates.**

a. No licensee or his employee shall make any charge for storage of any motor vehicle in a parking lot different from that charge or rate set forth in the application for a license and as posted.

**19. Required notice to police.**

a. Each licensee shall, within twenty-four (24) hours, notify the police department of any loss, theft or conversion occurring upon the licensed premises, giving necessary details.

b. Each licensee shall immediately notify the police department when any motor vehicle shall have been parked and unclaimed without an agreement to the contrary, for a period longer than the period for which the license to park was granted (ie. daily, monthly, weekly, yearly), giving necessary details.

**20. Suspension and revocation of license; notice and hearing; appeal.**

Wherein any vehicle has been parked for a period longer than the period of time for which a license to park was granted, or park in such a manner as to obstruct fire lanes, exists or entrances, or park in the lot without permission of the lot owner, the licensee may cause such vehicle to be removed from the lot and stored, the cost of such storage and removal which shall be the responsibility of the vehicle owner. The parking lot owner must notify the police of the tow company used, and the place of storage of the vehicle.

The licensee and the police department shall keep a list of said motor vehicles. The licensees shall direct the owner of said motor vehicles to the storage lot.

Compliance with the provisions of this paragraph by the lot owner shall serve as a limitation of any liability for any damage to the motor vehicle resulting from such towing, removal and storage, except for willful or gross negligent conduct by the lot owner or its agents.

The lot owner shall post signs in each parking lot to provide notification to the motor vehicle owners that motor vehicles parked in an unauthorized manner are subject to towing at the motor vehicle owner's expense, and that the motor vehicle owner is responsible for all cost and damage incurred thereby.

**21. Suspension and revocation of license; notice and hearing; appeal.**

a. In addition to the penalty prescribed by this ordinance, any licenses issued under this chapter shall be subject to suspension and revocation by the Town at anytime where the licensee, his agent, servant or employee has:

(1) made any false or materially incorrect statement in his application;

(2) made any charge for storing any motor vehicle in a parking lot other than the rate set forth in his license application unless a new schedule of rates has been filed with the Town Clerk;

(3) violated, permitted or allowed the violation of any provision of this ordinance;

(4) violated, permitted or allowed to be in violation of any provision of any penal law or ordinance regarding theft, larceny, or conversion of a motor vehicle, or the operation of a motor vehicle without the owner's or bailor's consent, whether or not such licensee or other person has been convicted of such an offense;

(5) used or directed the use of an area of the public streets or sidewalks for parking motor vehicles, or used an area not covered by license for the storage of motor vehicles;

(6) failed to keep the lot adequately lighted in accordance with the requirements of this Ordinance; or

(7) failed to remit timely payment of parking taxes to the Town.

b. No license shall be revoked or suspended by the Town for any reason until the licensee has been given written notice of said violation, and a hearing relating thereto is held by the Town council within forty-five (45 days) of licensee's receipt of said notice. Said notice shall be by personal service anywhere or by certified mail, return receipt requested, addressed to the licensee at the address set forth in the application for the licensee in accordance with Section 3.b.(1) of this Ordinance. Said notice shall state the nature of the charge and the time and place of the hearing. At said hearing, the charges against the licensee shall be presented and the licensee shall be given the opportunity to be heard. In the event the holder of the license shall fail to appear at the hearing then the Town Council shall consider the matter, and based upon the evidence presented, provide for a revocation or suspension.

c. The licensee may appeal any suspension or revocation to the Superior Court of New Jersey, Law Division.

## 22. Penalty.

Any person who violates any provision of this ordinance shall, upon conviction thereof, be punished by a fine of not more than two hundred dollars (\$200.00)

23. Effective Date.

This Ordinance shall take effect thirty (30) days after passage on third and final reading.

/s/ PETER B. HIGGINS, III  
COUNCILPERSON

Introduced: Feb. 2, 1993

Adopted: March 2, 1993

APPROVED:

*[Handwritten Signature]*  
MAYOR

This Ordinance published herewith has been finally passed by the Town Council of the Town of Harrison, in the County of Hudson and State of New Jersey, on the Second day of March, 1993.

*[Handwritten Signature]*  
TOWN CLERK