

**ORDINANCE 13-2022**

**BOROUGH OF EATONTOWN  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

**AN ORDINANCE OF THE BOROUGH OF EATONTOWN AMENDING CHAPTER 233, "PARKS AND PLAYGROUNDS", ARTICLE III "USE OF PARKS", SECTION 233-18 "HOURS" OF THE BOROUGH CODE, AND AMENDING CHAPTER 312, "VEHICLES AND TRAFFIC", ARTICLE II "PARKING; STOPPING OR STANDING", SECTION 312-5 "PARKING PROHIBITED DURING CERTAIN HOURS" AND ARTICLE XIV "PENALTIES", SECTION 312-29 "SPECIFIC FINES AND PENALTIES" CLARIFYING THE APPLICABLE PENALTY FOR VIOLATION OF THE NO OVERNIGHT PARKING IN PUBLIC PARKS PROHIBITION**

**WHEREAS**, the Borough currently has enacted rules and regulations for the protection, regulation and control of the public parks owned, operated and controlled by the Borough which include the parks close at dusk; and

**WHEREAS**, the Borough wants to ensure that its rule and regulations concerning park use are applied in a uniform manner including the restriction of the parking of motor vehicle to the times that the parks are open; and

**WHEREAS**, the Borough Council adopted Ordinance 2-2022 precluding overnight parking in Borough Parks;

**WHEREAS**, the Borough Council seeks clarify through the adoption of a new ordinance that a violation of the overnight parking regulation is a parking violation rather than a quasi-criminal ordinance and it seeks to establish a uniform penalty for such a violation.

**NOW THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Eatontown, County of Monmouth and State of New Jersey that it hereby amends Chapter 233, Article III, Section 233-18 of the Borough Code entitled "Hours" as follows:

(additions are underlined deletions are ~~stricken~~):

Section 233-18 Hours

Public parks shall be open each day during the period between dawn and dusk, except that the closing time of a public park may be extended by prior permission and authorization of the governing body or the Recreation Advisory Committee for good cause. No person shall, without such permission and authorization, enter into or remain in a public park except during the hours the park is open to the general public. ~~No vehicle shall be parked in any parking lot connected to any public park before dawn or after dusk.~~

**BE IT FURTHER ORDAINED THAT** Chapter 312, "Vehicles and Traffic", Article II "Parking; Stopping or Standing", Section 312-5 "Parking Prohibited During Certain Hours" and Article XIV "Penalties", Section 312-29 "Specific Fines and Penalties" is hereby amended as follows:

Section 312-5 Parking Prohibited During Certain Hours

- A. No person shall park a vehicle between the hours specified in Schedule II (§ ~~312-33~~) of any day (except Sundays and public holidays) upon any of the streets or parts of streets described in said Schedule II attached to and made a part of this Part 1.
- B. No vehicle shall be parked in any parking lot connected to any public park before dawn or after dusk.

Section 312-29 Specific Fines and Penalties

<u>§312-5 (a)</u>	<u>Parking Prohibited During Certain Hours</u>	<u>\$29</u>
<u>§312-5 (b)</u>	<u>No Parking in Public Park Parking Lot</u>	<u>\$48</u>

**BE IT FURTHER ORDAINED**, that

- A. All other Ordinances or provisions of the Code of the Borough of Eatontown or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- B. If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- C. This Ordinance shall take effect upon its passage and publication as required by law.

DATE INTRODUCED: June 9, 2022

PUBLIC HEARING: June 22, 2022