ORDINANCE CREATING THE POSITION OF PARKING ENFORCEMENT OFFICER

WHEREAS, the Borough of Metuchen, in the County of Middlesex, New Jersey (the "Borough") pursuant to the Parking Authority Law of the State of New Jersey, N.J.S.A. 40:11A-1 et seq. (the "Act") heretofore created a public body corporate and politic known as the "Parking Authority of the Borough of Metuchen" (the "Authority"); and

WHEREAS, the purposes of the Authority are, among other things, the construction, provision or operation of off-street parking projects within the Borough, and the management and operation of on-street and other parking meters and related facilities; and

WHEREAS, the Borough of Metuchen has ordinances establishing parking regulations within the Borough; and

WHEREAS, representatives of the Borough and the Parking Authority have met and discussed the creation of the position of Parking Enforcement Officer to enforce the parking regulations of the Borough and to assist the Parking Authority in their enforcement operations; and

WHEREAS, the Borough desires to amend its ordinances to allow for the hiring of Parking Enforcement Officer/s that is/are empowered to enforce state, county, and local parking regulations within the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Metuchen, the County of Middlesex, that the Code of the Borough of Metuchen ("Code") is hereby amended as follows: (1) to establish the position of Parking Enforcement Officer; (2) to empower such Parking Enforcement Officer/s to enforce the parking regulations of the Borough;

A Section of the Code of the Borough of Metuchen entitled “Parking Enforcement Officer” is hereby created as follows:

Section 1. Purpose

The purpose of this ordinance is to create to create the position of Parking Enforcement Officer” to enforce state, county, and municipal statutes, resolutions, ordinances or regulations relating to the parking of vehicles with the Borough of Metuchen pursuant to N.J.S.A. 40A:9-154.7 et seq. and on Parking Authority property pursuant to N.J.S.A. 40:11A-22.1.

Section 2. Authority.

There is hereby created in the Borough of Metuchen the position of Parking Enforcement Officer. The position of Parking Enforcement Office shall be part-time and shall be limited to twenty-nine (29) per hours per week per Parking Enforcement Officer. There is hereby created up to two (2) positions of Parking Law Enforcement Officers.

Section 3. Definitions
For purposes of this ordinance, a “Parking Enforcement Officer” is not a special law enforcement officer within the meaning of the “Special Law Enforcement Officers Act” N.J.S.A. 40A:14-146.8 et seq. and is not a member of the Borough of Metuchen Police Department. No parking enforcement officer may carry or use a firearm while on duty.

A “Parking Enforcement Officer” is deemed to be “on duty” while the officer is performing the public safety functions enumerated in this ordinance and for which the officer is receiving compensation from the Borough.

A “Parking Enforcement Officer” is not eligible for membership in the Police and Firemen’s Retirement System established pursuant to N.J.S.A. 43:16A-1 et seq.

Section 3. Qualifications

A. The Parking Enforcement Officer shall:

1. Be a resident of New Jersey during the term of his or her appointment.
2. Be able to read, write and speak the English language well and intelligently.
3. Be of sound mind and in good health.
4. Be of good moral character.
5. Not have been convicted of any offense involving dishonesty or which would make the person unfit to perform the duties of his or her office.
6. Possess a good familiarity with the parking of vehicles ordinances and codes of the Borough of Metuchen.

B. An applicant for the position of Parking Enforcement Officer appointed pursuant to this Ordinance shall have fingerprints taken, which fingerprints shall be filed with the Division of State Police and the Federal Bureau of Investigation.

C. The Chief of Police and a representative of the Parking Authority shall interview candidates for the position of Parking Enforcement Officer and make recommendations to the Mayor regarding the appointment of Parking Enforcement Officer. Before any Parking Enforcement Officer is appointed pursuant to this Ordinance, the Chief of Police shall ascertain the eligibility and qualifications of the applicant and report these determinations in writing to the Mayor and Council.

D. No person appointed as Parking Enforcement Officer may commence duties as a Parking Enforcement Officer unless that person has successfully completed a training course conducted or approved by the Chief of Police. The Mayor and Council may waive this training requirement for any person otherwise eligible to be appointed as a Parking Enforcement Officer under this ordinance if the person possesses substantially equivalent training and background, as determined by the Chief of Police or other chief law enforcement officer.

Section 4. Appointment; Removal; Term of Office; Compensation
A. Parking Enforcement Officers shall be appointed by the Mayor upon the consent of the Council of the Borough of Metuchen. A Parking Enforcement Officer may be removed at will by the Mayor or by vote of the majority of Council, so voting.

B. Parking Enforcement Officers shall be appointed for a term of one year, such term expiring on December 31 of the year of his or her appointment. If he or she shall be appointed after January 1 of any year, the appointment shall be deemed, for the purpose of calculating the term, to have commenced the January 1 immediately prior to his or her appointment. He or she shall serve at the pleasure of the Mayor and/or Borough Council and payment for such compensation shall set forth in the Salary Ordinance of the Borough.

Section 5. Powers and Duties

A. The Parking Enforcement Officer shall enforce State, County, Borough and Parking Authority, statutes, ordinances and/or regulations related to the parking of vehicles within the Borough of Metuchen. He or she shall possess the power and authority to:

1. Issue a parking ticket for a parking offense, as those two terms are defined in the "Parking Offenses Adjudication Act." P.L. 1985, c. 14 (N.J.S.A. 39:4-139.2 et seq.).
2. Serve and execute all process for any parking offenses issuing out of the court having jurisdiction over the complaint.
3. Issue warnings for violations of any State, County, Borough of Parking Authority statutes, ordinances, resolutions and/or regulations related to the parking of vehicles within the Borough of Metuchen.
4. Cause any vehicle parked, stored, or abandoned in the Borough in violation of a statute, resolution, ordinance or regulation to be towed away from the scene of the violation and to collect from the vehicle’s owner or the owner's agent, on behalf of the Borough, the costs of the towing and subsequent storage of the vehicle before surrendering the vehicle to the owner or agent.
5. Issue a complaint, summons, or parking ticket for the failure to abide by any parking regulation or parking restriction promulgated by the Parking Authority of the Borough of Metuchen.
6. Attend participate, testify and assist in the prosecution, if necessary, in any court proceedings relating to any actions taken by him or her.
7. Inspect the conditions of parking meters or other parking regulating devices, and if necessary, report to the appropriate individual responsible for the necessary repairs or replacement.

B. The Parking Enforcement Officers shall be under the supervision and direction of the Chief of Police.

Section 7. Training

The Parking Enforcement Officer shall receive such training in the performance of his or her duties as may, from time to time, be required by law or recommended and authorized by the Chief of Police.

Section 6. Uniform and Insignia

Prior to the commencement of duties, every Parking Enforcement Officer shall be furnished with a uniform which shall clearly identify the officer’s function. The uniform shall
include, but not be limited to, a hat and appropriate badges which shall bear an identification number or name tag and the name of the Borough of Metuchen in which the officer is employed. The uniform shall also include an insignia issued by the Borough which clearly indicates the officer’s status as a Parking Enforcement Officer. The uniform shall be distinct in color from the uniform of a regular police officer or special law enforcement officer.

The Borough shall issue a permanent insignia not later than 90 days following its first appointment of a Parking Enforcement Officer for persons designated as Parking Enforcement Officers under this ordinance. The Borough may issue a temporary insignia for use prior to the issuance of permanent insignia.

Section 7. Files and Reports

The Parking Enforcement Officer shall maintain an accurate and complete file with respect to every alleged violation or other matter investigated by him or her. The Parking Enforcement Officer shall file a monthly report of his or her activities, including any warning, complaints or cases processed by him or her and the disposition thereof, with the Chief of Police.

Section 8. Official Documents

All files, books and records maintained by, and property provided to, the Parking Enforcement Officers are the property of the Borough of Metuchen. Every Parking Enforcement Officer, on the expiration of his or her term, shall forthwith deliver to his or her successor all files, books, records and property provided, which are in his or her possession or under his or her control or maintained by him or her to the Chief of Police.

Section 9. Existing Ordinances

The creation of the position of Parking Enforcement Officer, and the within Ordinance, shall not be interpreted or inferred to alter, change, effect, limit, restrict, or relieve any the authority and/or duties of a police officer of the Borough of Metuchen.

Section 10. Effective Date

This Ordinance shall take effect upon final passage and publication according to law.

Introduction: April 17, 2017
Date of Publication: April 20, 2017

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I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on April 17, 2017.
Susan D. Jackson, RMC  
Borough Clerk  

Adopted: May 1, 2017  
Date of Publication: May 4, 2017  

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I hereby certify the foregoing to be a true copy of an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on May 1, 2017.

Susan D. Jackson, RMC  
Borough Clerk  

ATTEST:  
BOROUGH OF METUCHEN  

By:  

Susan D. Jackson, RMC  
Borough Clerk  

Peter F. Cammarano  
Mayor