



## Legislation Text

File #: 20-0314, Version: 2

**AN ORDINANCE AMENDING TITLE 10, FINANCE AND TAXATION, CHAPTER 22, MOTOR VEHICLE PARKING TAXES AND SURCHARGES, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY 2000, AS AMENDED AND SUPPLEMENTED, BY AMENDING SUBSECTION 10:22-3(A), IMPOSITION OF MOTOR VEHICLE PARKING TAX AND ADDING A NEW SUBSECTION 10:22-4(C), IMPOSITION OF SPECIAL EVENT PARKING TAX SURCHARGE, SECTION 10:22-5, IMPOSITION OF MASS TRANSIT ACCESS PARKING TAX, AND SUBSECTION 10:22-6(B) COLLECTION OF TAX, INCLUDING SURCHARGES, FROM CUSTOMER.**

**WHEREAS**, the City imposes a fifteen percent (15%) tax, on fees paid for parking, garaging or storing of motor vehicles, pursuant to N.J.S.A. 40:48C-6(a), and the City inadvertently referenced the exemption of the fifteen percent tax; and

**WHEREAS**, the City imposes a Special Event Parking Tax Surcharge of seven percent (7%), pursuant to N.J.S.A. 40:48C-6(b), and the City inadvertently omitted language regarding the collected surcharges; and

**WHEREAS**, pursuant to 2018 New Jersey Assembly Bill No. 5070, New Jersey Two Hundred Eighteenth Legislature, introduced on February 14, 2019, and approved on January 9, 2020 (the "Bill"), the City may adopt an ordinance imposing a Mass Transit Access Parking Tax of three and one half percent (3.5%) to fund projects to improve pedestrian access to mass transit; and

**WHEREAS**, pursuant to the Bill, the City is authorized to enact an ordinance requiring that any parking facility subject to the taxes already imposed by the City, pursuant to N.J.S.A. 40:48C-6, or to be imposed by the City pursuant to this Ordinance, accept credit cards.

**NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

**Note:** Additions are shown as **underlined and bold**. Deletions are shown as ~~strikethroughs~~.

### **SECTION 1.**

#### **10:22-3. IMPOSITION OF MOTOR VEHICLE PARKING TAX.**

- a. There is hereby imposed a tax of fifteen percent (15%) on fees paid for parking, garaging or storing of motor vehicles, other than fees paid by tenant for parking in a lot or garage which is part of premises occupied solely as a residence **private one or two family dwelling**.

#### **10:22-4. IMPOSITION OF SPECIAL EVENT PARKING TAX SURCHARGE.**

- a. There is hereby imposed a tax surcharge of seven percent (7%) on fees for the parking, garaging, or storing of motor vehicles in the Special Event Parking Tax Surcharge Zone(s) for special events held within the City of Newark during weekday evenings, beginning at 6:00 p.m. or later, and held at any time on Saturdays, Sundays, and holidays.
- b. Special Event Parking Tax Surcharge Zone. The following are areas designated by the City which are subject to the Special Event Parking Tax Surcharge:
  1. Chestnut Street (between Jefferson Street and Broad Street); Lincoln Park (between Broad Street and Clinton Avenue); Clinton Avenue (between Lincoln Park and Dr. Martin Luther King Boulevard); Dr. Martin Luther King Boulevard (between Clinton Avenue and Lackawanna Avenue); Lackawanna Avenue (between Dr. Martin Luther King Boulevard and Broad Street); Division Street (between Broad Street and McCarter Highway); McCarter Highway (between Division Street and Raymond Boulevard); Raymond Boulevard (between McCarter Highway and Jefferson Street); Jefferson Street (between Raymond Boulevard and Chestnut Street).
  2. The Special Event Parking Tax Surcharge is applicable to all areas located within the above designated zone.
- c. **All surcharges collected pursuant to subsection (a) of this section shall be anticipated and appropriated in the municipal budget as a dedicated revenue pursuant to N.J.S.A. 40A:4-39 for the purpose of defraying municipal expenses for police, fire, sanitation work, and other services associated with the hosting of special events. However, sanitation work services paid for out of the surcharge receipts shall be performed solely by employees of the City of Newark. This section of title 10, Imposition of Special Event Parking Tax Surcharge (10:22-4), shall be void and the surcharge shall not be collected if the sanitation work services related to special events and paid for out of the surcharge receipts are not performed solely by employees of the City of Newark.**

#### **10:22-5. IMPOSITION OF MASS TRANSIT ACCESS PARKING TAX.**

- a. **There is hereby imposed a tax of three and one half percent (3.5%) on fees for the parking, garaging, or storing of motor vehicles, other than parking in a garage, which is part of premises occupied solely as a private one or two family dwelling.**
- b. **Residents of the City of Newark shall be exempt from the parking tax authorized pursuant to this section as follows:**
  1. **Short Term Parking: A City of Newark resident may apply to the City of Newark for a full rebate of the three and a half percent (3.5%) Mass Transit Access Parking Tax.**
  2. **Long Term Parking: A parking facility operator shall not charge a City of Newark resident the three and a half percent (3.5%) Mass Transit Access**

**Parking Tax upon display of proof of residence.**

- c. **All parking taxes collected pursuant to this section shall be anticipated and appropriated in the municipal budget as dedicated revenue pursuant to N.J.S.A. 40A:4-39 for the exclusive purpose of funding or financing capital improvements for pedestrian access to mass transit stations, including but not limited to, the construction of bridges, tunnels, platforms, walkways, elevators, escalators, and stairways directly related to mass transit pedestrian accessibility. However, any parking tax revenues remaining after all the budgeted mass transit pedestrian access capital improvement expenditures have been used in a fiscal year may be used to fund quality of life projects within the City of Newark.**
- d. **The parking tax authorized pursuant to this section shall be collected in addition to the Motor Vehicle Parking Tax (10:22-3), of fifteen percent (15%).**
- e. **The parking tax authorized pursuant to this section shall not be collected whenever a Special Event Parking Tax Surcharge, of seven percent (7%), is collected pursuant to 10:22-4.**

**10:22-56. COLLECTION OF TAX, INCLUDING SURCHARGES, FROM CUSTOMER.**

- a. All taxes, including surcharges, imposed by Sections 10:22-3, and 10:22-4, **and 10:22-5** hereof shall be collected on behalf of the City of Newark by the person **or parking facility** providing parking services to the customer.
- b. **Any parking facility subject to a tax or surcharge pursuant to 10:22-3, 10:22-4, and 10:22-5 shall accept credit cards, and must display a notice at the entrance and at the pay station that credit cards are accepted.**

**SECTION 2.** If any provision of this Ordinance or application thereof to any person(s) or circumstance is judged invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the Ordinance that can be given effect without the invalidated provision or application, and to this end the provisions of this Ordinance are declared severable.

**SECTION 3.** This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

**STATEMENT**

This Ordinance Amends Title 10, Finance and Taxation, Chapter 22, Motor Vehicle Parking Taxes and Surcharges, of the Revised General Ordinances of the City of Newark, New Jersey, as amended and supplemented by amending the Ordinance, adding new subsections, and imposing a Mass Transit Access Parking Tax.