

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE #2025-14

Title: AN ORDINANCE AMENDING CHAPTER 7, TRAFFIC, ARTICLE I, GENERAL PROVISIONS, SUBSECTION 3, PARKING, OF THE CODE OF THE TOWNSHIP OF LOWER TO REITERATE THAT FREE PUBLIC PARKING IS PROVIDED ALONG ALL PUBLIC RIGHTS-OF-WAY THROUGHOUT THE TOWNSHIP

WHEREAS, in accordance with N.J.S.A. 39:4-197, municipalities are afforded the authority to regulate traffic and parking on municipal public rights-of-way throughout their jurisdiction; and

WHEREAS, Chapter 7, Traffic, of the Code of the Township of Lower establishes regulations pertaining to parking and traffic throughout the Township of Lower; and

WHEREAS, § 7-3.3 of the Code of the Township of Lower establishes parking prohibitions at all times on certain streets and certain locations throughout the entirety of the Township which are memorialized within Schedule I therein; and

WHEREAS, unless specifically prohibited within § 7-3.3, Schedule I, free public parking is provided along all public rights-of-way throughout the Township, and members of the public and/or private property owners are prohibited from unilaterally enacting their own no parking prohibitions; and

WHEREAS, in an effort to reaffirm the understanding that free public parking is available along all public rights-of-way not identified in § 7-3.3, Schedule I, the Township Council of the Township of Lower believes it is appropriate to amend § 7-3.3 to reflect that free public parking is available along public rights-of-way in the Township of Lower unless specifically prohibited.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that Chapter 7, Traffic, Article I, General Provisions, Subsection 3, Parking, is hereby amended as follows:

Section 1. Chapter 7, Traffic, Article I, General Provisions, Subsection 3, Parking, is hereby amended as follows:

ARTICLE I GENERAL PROVISIONS

§ 7-3.3 Parking prohibited at all times on certain streets.

- A. No person shall park a vehicle at any time upon any of the streets or parts thereof described in Schedule I below:

Schedule I No Parking		
Name of Street	Side	Location
Bates Avenue [Added 7-17- 2023 by Ord. No. 2023- 15]	Southeast	At Harvard and Bates Avenue
Bayshore Road	Both	From the center line of Fulling Mill Road to a point 250 feet north of the center line of Fulling Mill Road and from the center line of Fulling Mill Road to a point 290 feet south of the center line of Fulling Road

		Schedule I No Parking
Name of Street	Side	Location
Bayshore Road (C.R. 603)	Both	From New England Road north to the terminus
Bayshore Road	East	From Ocean Avenue to Tampa Avenue
Bayshore Road	East	From 200 feet north of Wilde Avenue to Maple Road
Beach Drive	Both	From Emerson Avenue to Pinewood Road
Beach Drive	Both	From the southerly curblin of Lincoln Boulevard to a point 4/10 of a mile southerly therefrom
Beach Drive	Both	North of Pinewood Drive to the terminus
Beach Drive	West	From Lincoln Boulevard to Emerson Avenue
Beach Drive	West	From Lincoln Boulevard north to Pinewood Avenue
Bermuda Avenue	East	From Ocean Avenue to Tampa Avenue
Canning House Lane	North	From Seashore Road to 500 feet east of Seashore Road
Delaware Parkway	North	From Bayshore Road to Rutgers Avenue
Delaware Parkway	South	From Bayshore Road to Cornell Avenue
First Avenue	North	From Route No. 9 to Wilson Drive
Fourth Avenue	Both	From Shore Road to Wissahickon Avenue
Fulling Mill Road	Both	From the center line of Bayshore Road to a point 250 feet east of the center line of Bayshore Road
Hudson Avenue	North	From Bayshore Road to Cornell Avenue
Iowa Avenue	Both	From Bayshore Road west 148 feet
Lincoln Boulevard	Both	From the west curblin of Bayshore Road (County Road No. 603) to a point 250 feet west therefrom
Lincoln Boulevard	South	From the center line of Bayshore Road to the center line of Wayne Avenue
Madison Avenue	South	From Ocean Drive to Seaview Avenue
Millman Lane	Both	From Maryland Avenue to Ohio Avenue
Millman Lane	Both	From New York Avenue to Pacific Avenue
New England Road	Both	From its terminus to County Road No. 603, Bayshore Road
New England Road	South	From its terminus to 320 feet east of the terminus
New Jersey Avenue	Both	From Millman Lane to Columbia Avenue
Ocean Avenue	North	From Bayshore Road to Cornell Avenue
Pennsylvania Avenue	Both	From Millman Lane to Columbia Avenue
Raleigh Avenue [Added 6-7-2004 by Ord. No. 2004-14]	South	Beginning at Pacific Avenue and extending west 157 feet

		Schedule I No Parking
Name of Street	Side	Location
Raleigh Avenue [Added 6-7-2004 by Ord. No. 2004-14]	South	Beginning at a point 368 feet west of the curbline of Pacific Avenue and extending west to its terminus
Raleigh Avenue [Repealed 6-7-2004 by Ord. No. 2004-14]		
Rio Grande Avenue	Both	From the dead end to point 75 feet west of the dead end
Rochester Avenue [Amended 5-3-2010 by Ord. No. 2010-04; 9-4-2024 by Ord. No. 2024-13]	North	From the beach to Atlantic Avenue
Schellengers Landing Road	North	From 400 feet east of Route No. 9 to the dead end
Schellinger Avenue [Added 2-18-2004 by Ord. No. 2004-3]	South	Beginning at a point approximately 320 feet from the center line of the intersection of Schellinger Avenue and Bay Drive and continuing 30 feet therefrom (also known as Block 70, Lot 11.01)
Second Avenue	North	From Route No. 9 to Wilson Drive
Sheriff Taylor Boulevard	Both	Between Sandman Boulevard (U.S. Route No. 9 - DRBA) and Townbank Road (CR 648)
States Avenue	East	From Nevada Avenue to Station Road
Third Avenue [Added 3-17-2014 by Ord. No. 2014-03]	North	From Route 109 to Wissahickon Avenue
Third Avenue [Added 3-17-2014 by Ord. No. 2014-03]	South	From the curbline of Route 109 to a point 60 feet therefrom
Village Road [Added 7-17-2023 by Ord. No. 2023-15]	North	From Bay Drive to the Bay
Weeks Landing Road	Both	From Seashore Road to Route No. 9
Weeks Landing Road	South	From Route No. 9 east to its terminus
Wilson Drive	East	From State Highway Route No. 9 to Third Avenue
Wilson Drive	South	From Millman Lane to Cornell Avenue

- B. Unless specifically prohibited as set forth in Schedule I above, free public parking shall be permitted along all public rights-of-way throughout the Township. No additional parking restrictions shall be presumed or enforced outside of those expressly stated in said Schedule I

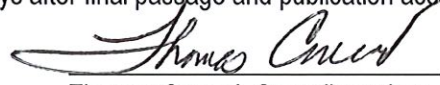
or as otherwise authorized by duly adopted Ordinance or Resolution of the Township.

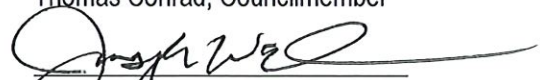
- C. No member of the general public, business entity, or private property owner shall impose, erect, install, or attempt to enforce any signage, barricade, marking, or other restriction purporting to prohibit or limit parking within, along, or adjacent to a public right-of-way, unless such action is expressly authorized by the Township in writing. Any such unauthorized restriction shall be deemed null and void, and subject to removal by the Township or its authorized agents.
- D. The Township reserves the right to investigate and remove any unauthorized no parking signage or obstructions found within public rights-of-way. Violators may be subject to penalties, fines, or other remedies as may be set forth under applicable law or the Township Code.

Section 2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.


Section 3. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provision of this Ordinance are hereby declared to be severable.


Section 4. This Ordinance shall become effective 20 days after final passage and publication according to law.


Thomas Conrad, Councilmember


Joseph Wareham, Councilmember

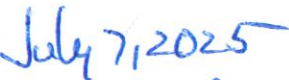

Roland Roy, Jr., Councilmember


Kevin Coombs, Deputy Mayor

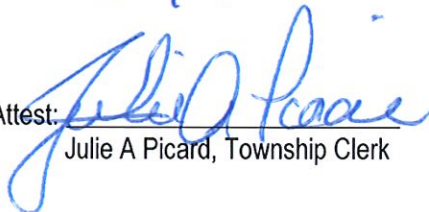

Frank Sippel, Mayor

First Reading: June 16, 2025

Adopted:



Attest:


Julie A. Picard, Township Clerk