

§ 40:60-25.1. Public parking lots; acquisition of land; use of land; leases

(A) Every municipality is hereby authorized and empowered to acquire, by gift, devise, purchase or condemnation or in any other lawful manner, lands, buildings or other property, or interests therein, for the purpose of making facilities available to the public for the public parking of vehicles, and to use for said purpose any lands or other property theretofore acquired for other public use or purposes, and to erect on said lands or otherwise construct or acquire, and operate and maintain buildings or any other facilities for the aforesaid purposes, including space for business or commercial uses as hereinafter provided, and, for said purposes, to appropriate and expend moneys for or in connection with any such project. Such lands may consist of separate tracts or parcels, contiguous or not contiguous, improved or unimproved, and whether or not abutting upon any State or county road or municipal street.

(B) Upon acquisition or use as aforesaid, the municipality is hereby authorized and empowered to lease said lands or any buildings thereon, including the above-mentioned space for business or commercial uses, to any person, firm or public or private corporation for the aforesaid purposes, for a consideration and for such period or periods of time not exceeding 50 years and upon such other terms and conditions as may be agreed upon. Such lease may be upon condition that the lessee shall or may construct or provide the building or buildings or other facilities permitted by this act for the aforesaid purposes, including the above-mentioned space for business or commercial uses, all upon such terms and conditions as may be agreed upon. The terms and conditions of every such lease shall be authorized and determined by resolution adopted by the affirmative vote of a majority of all the members of the governing body of the municipality.

(C) The municipality shall not engage directly in the sale of gasoline or accessories for, or in the repair or other servicing of, any such vehicles except in emergency, or in connection with any such project engage directly in the sale of any commodity of trade or commerce, but the municipality may include in any such project, and provide and lease as lessor, structures, buildings, space or accommodations (whether constructed by the municipality or by a lessee) for any business or commercial use, including the sale of gasoline or accessories for, or the repair or other servicing of, such

N.J. Stat. § 40:60-25.1

vehicles, if, in the opinion of its governing body, such inclusion, provision and proposed leasing is necessary to assist in defraying the expenses of the municipality in connection with such project and make possible the operation of the parking facilities of such project at reasonable rates and will increase the facilities for parking which can be feasibly included, financed, constructed and operated as part of such project. Every such lease of space for a business or commercial use in a project not leased as a whole by the municipality as lessor shall be granted on a fair competitive basis, provided, however, that the municipality may in the discretion of its governing body grant such leases in the project on a noncompetitive basis to persons, firms or corporations actually displaced from any land or building by reason of the acquisition or construction of the project, but every such lease so granted on a noncompetitive basis shall terminate not later than 10 years from the date of such displacement of the lessee.

(D) Any municipality, by ordinance duly adopted, at any time or from time to time may consolidate and combine, and establish and constitute as a single publicly owned or operated utility or enterprise called a "public parking system," any 1 or more of such projects and may include as part of such public parking system any or all of its on-street, off-street or other parking areas or facilities or any parking meters maintained in connection therewith, but such inclusion of any such on-street parking area or facility shall not constitute construction, improvement, policing, regulation, or maintenance costs or indebtedness of streets as costs or indebtedness incurred for or with respect to such public parking system. If the municipality be obligated to pay any part of the moneys derived from the operation of said public parking system or any other moneys to or for the account of a parking authority created for such municipality or if there be outstanding any bonds of such parking authority guaranteed by the municipality or any bonds or notes of the municipality issued for the financing of any parking projects or projects of such parking authority, then and in any such event, for all of the purposes of sections 40:1-75 to 40:1-84, inclusive, of the Revised Statutes (local bond law), all of such bonds or notes and all other bonds of such parking authority shall be deemed to have been issued for the financing of said public parking system and the parking project or projects of such parking authority shall be deemed to be included as part of said public parking system, provided that nothing contained in this sentence shall modify or in any way affect the rights, powers, duties or obligations of the parking authority with respect thereto or in any other respect.