

| | |
|-----------------|------------|
| First Reading: | 06-04-2020 |
| Publication: | 06-11-2020 |
| Second Reading: | 06-25-2020 |
| Publication: | 07-02-2020 |

ORDINANCE NO. 2616

AN ORDINANCE AMENDING CHAPTER 7, SECTION 39, SUBSECTION 39.2 OF THE CODE OF THE BOROUGH OF ROSELLE PARK, ENTITLED "HANDICAPPED PARKING ON STREETS FOR PRIVATE RESIDENCES"

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter 7, Section 39, Subsection 39.2 of the Code of the Borough of Roselle Park be and hereby is amended as follows:

SECTION 1. Processes Related to Handicapped Parking Pursuant to N.J.S.A. 39:4-197.6

7-39.2 Handicapped Parking on Streets for Private Residences

~~In accordance with the provisions of N.J.S.A. 39:4-197.6, the following on-street locations are designated as handicapped parking spaces in front of private residences occupied by handicapped persons. Such spaces are for use by persons who have been issued special identification cards or plates or placards by the Motor Vehicle Commission, or a temporary placard issued by the Chief of Police. No other person shall be permitted in these spaces.~~

- a. Pursuant to the provisions of N.J.S.A. 39:4-197.6, the governing body may, by Ordinance, designate restrictive parking zones for persons who have a mobility disability as defined in paragraph b. of this subsection and who meet the other criteria set forth herein. These zones shall be established in front or near to the residence occupied by the handicapped person provided that such parking is not otherwise prohibited and does not interfere with the normal flow of traffic. A restrictive parking zone so designated shall be reserved for the exclusive use of the person and vehicle for whom such zone is established pursuant to this subsection. No other person shall be permitted to park in these zones.

The following on-street locations have been found to meet the procedural and review requirements of the forgoing subsection and are designated as handicapped parking spaces within the Borough of Roselle Park pursuant to N.J.S.A. 39:4-197.6:

| License Plate / Placard Number | Name | Street Address | Location |
|--------------------------------|-----------------|-----------------|-----------------|
| <i>Reserved</i> | <i>Reserved</i> | <i>Reserved</i> | <i>Reserved</i> |

- b. ***Requirements, Generally.*** The General requirements for local consideration and approval of a restricted parking zone for handicapped parking pursuant to this subsection shall be as follows:

- i. The applicant shall be in possession of a valid windshield placard or wheelchair symbol license plates issued by the New Jersey Motor Vehicle Commission for a vehicle owned by the handicapped person, or by another occupant of the residence who is a member of the immediate family of the handicapped person.
- ii. A "mobility disability" is defined as a condition wherein a person has lost the use of one (1) or more lower limbs as a consequence of paralysis, amputation, or other

permanent disability or who is permanently disabled so as to be unable to ambulate without the aid of an assisting device or whose ambulating is otherwise severely limited.

- iii. **Absent rare and truly extenuating circumstances as determined by the Governing Body, at the recommendation of the Chief of Police, or the their designee, no restrictive parking zone will be established for a person who does not transport his or herself as permitted under this subsection unless documentation is provided showing that the nondisabled driver resides in the same household as the disabled person. Documentation must be provided to the Chief of Police, or their designee, detailing the extent of the disability. No restrictive parking zone under this section will be established unless the applicant's disability is such that it would preclude the disabled person from waiting on the sidewalk until a nondisabled driver arrives with the car. A person whose disability otherwise qualifies under this section and who is under the age of sixteen (16) years will be presumed to be unable to wait alone on the sidewalk.**
 - iv. **No restrictive parking zone may be established for any individual who has a functional driveway, garage, carport, or any other type of off-street parking within one hundred (100) feet of the perimeter of his or her residence.**
 - v. **In multi-family residences containing a driveway, carport or garage not owned by the disabled driver, but owned by a family member, it shall be presumed the disabled driver has access to such driveway, carport or garage and said status shall preclude the disabled driver from being granted a restrictive parking zone.**
 - vi. **Applicants must occupy their residence on a full-time basis.**
 - vii. **Only one (1) restrictive parking zone will be granted per household. Related parties living in separate units in a multi-family residence are to be considered as being part of one household for the purpose of this Ordinance.**
 - viii. **All restrictive parking zones shall be subject to annual reviews, and shall remain in effect until an improvement in an individual's physical condition rendering the restricted parking zone unnecessary, the death of the individual, or the revocation of a restricted parking zone for just cause as recommended to the Governing Body by the Chief of Police, or their designee.**
- c. ***Application Procedure.* The application procedure for a restricted parking zone for handicapped parking pursuant to this subsection shall be as follows:**
- i. **All applicants shall file a completed application on a form furnished by the Police Department and submitted to the Chief of Police, of the Chief's designee, for review.**
 - ii. **The application shall be accompanied by a medical evaluation form completed by a physician with a plenary license to practice medicine and surgery and shall include a certification by the physician that the applicant has a mobility disability as described in this subsection.**

- iii. The Police Chief, or the Chief's designee, shall verify the extent of the disability of the applicant or resident of the applicant's household by reviewing the physician's certification submitted with the application and may request an independent evaluation that shall be conducted by the Borough's physician at the Borough's cost.**
- iv. The Police Chief, or the Chief's designee, shall ascertain whether all the credentials of the applicant and the location of the proposed parking zone are consistent with applicable State statutes and Borough Codes.**
- v. The Police Chief, or the Chief's designee, shall ascertain whether or not the applicant or any member of the applicant's household, has a functional driveway, garage, carport, or any other type of off-street parking within one hundred (100) feet of the residence. If the applicant or member of the applicant's household has such parking available, the application shall be denied.**
- vi. Upon determining that the applicant meets all of the qualifications set forth in this subsection, the Chief of Police shall recommend to the Governing Body that the applicant be granted a restricted parking zone. The Governing Body may, by Ordinance, designate the location of the restricted parking zone.**
- vii. By July 1st of each year, application must be made for renewal of each restricted parking zone granted in accordance with this subsection. Renewal shall be made via written application on a form to be mailed to all individuals approved for a restricted parking zone by the Police Department no later than May 1st of each year. The application for renewal must be accompanied by a certification completed by the applicant's personal physician that the mobility disability of the applicant, or the qualifying household member, as previously outlined, still exists to the extent that such a restricted parking zone continues to be required. In addition, the applicant or qualifying household member may be required to be evaluated by Borough's physician. The Borough reserves the right to revoke, remove or rescind a restrictive parking zone if it is determined that an applicant's condition has improved to the extent that it renders the restricted parking zone unnecessary, or upon death of the applicant or for other just cause as recommended by the Chief of Police or their designee.**
- viii. Upon receipt of the application and physician certification for renewal in every second year, a personal visit to the applicant's household and parking site shall be made by the Chief of Police, or the Chief's designee, to verify that the findings required by this subsection still exist.**
- ix. The Chief of Police, or the Chief's designee, shall notify a new applicant of the decision to recommend the approval of a restricted parking zone pursuant to this subsection for action by the Governing Body, or of a decision to deny the applicant, within sixty (60) days of the initial receipt of the completed application by the Department. Notification of the renewal or denial of an existing zone shall be made by September**

1st of each year. Any and all denials shall set forth the reasons for the negative decision(s).

- d. **Notifications Requirements.** All individuals approved for a restricted parking zone shall notify the Police Department within thirty (30) days of any change in the individual's name, address, telephone number, vehicle ownership, or of an improvement in the applicant's physical condition. Failure to do so will be deemed a violation of this subsection and may result in revocation of the zone. Members of the household or the executor/executrix for individuals who have an approved zone who have died shall be required to likewise notify Police Department within thirty (30) days after the date of death. Failure to do so shall be considered a violation of this subsection.
- e. **Violations and Penalties.** In addition to the violations outlined in paragraph d. of this subsection, any deviations from this subsection or misuse of restricted parking zones shall be subject to enforcement actions and penalties whereas violators shall be liable for a penalty of not less than one-hundred dollars (\$100.00) nor more than five-hundred dollars (\$500.00) for a first offense and not less than five-hundred dollars (\$500.00) nor more than one-thousand (\$1,000.00) or imprisonment for a term not exceeding fifteen (15) days, or both, for each subsequent offense.

SECTION 2. Invalidity

If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

SECTION 3. Inconsistent Ordinances Repealed.

All Ordinances or parts of Ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

SECTION 4. Captions.

Captions contained in this Ordinance have been included only for the purpose of facilitating reference to the various sections and are not intended and shall not be utilized to construe the intent and meaning of the text of any section. Likewise, all strike through text ~~thus~~ should be considered a deletion from Borough Code, and all bolded text **thus** should be considered an addition to Borough Code.

SECTION 5. Effective Date.

This Ordinance shall become effective upon publication.

Introduction: June 4, 2020

Adoption: June 25, 2020

Attest:


Andrew J. Casais, RMC
Borough Clerk


Joseph Signorello III
Mayor

| Record of Vote – Introduction | | | | |
|-------------------------------|-----|-----|---------|--------|
| | Aye | Nay | Abstain | Absent |
| Petrosky | X | | | |
| Fahoury | X | | | |
| Connelly | X | | | |
| Negron | | | | X |
| DeForio | X | | | |
| Mathieu | X | | | |

| Record of Vote – Adoption | | | | |
|---------------------------|-----|-----|---------|--------|
| | Aye | Nay | Abstain | Absent |
| Petrosky | X | | | |
| Fahoury | X | | | |
| Connelly | X | | | |
| Negron | X | | | |
| DeForio | X | | | |
| Mathieu | X | | | |

Copy To: **D. McCaffery (Police), N. Nunes (Court).**