

**TOWN OF WEST NEW YORK
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE #20/19

AN ORDINANCE AMENDING CHAPTER 277 ARTICLE 4 OF THE TOWN OF WEST NEW YORK MUNICIPAL CODE REGARDING HANDICAPPED PARKING PERMITS

WHEREAS, there is a severe lack of on-street parking spaces in the Town of West New York (“Town”); and

WHEREAS, the Town wants to ensure that people who receive a dedicated handicapped parking space are truly in need of this space; and

WHEREAS, the establishment of specific criteria and a committee to review these applications will expedite the handicapped parking space application process; and

WHEREAS, Chapter 277 Article 4 of the Town of West New York Municipal Code governs handicapped parking permits; and

WHEREAS, the Town is desirous of amending Chapter 277 Article 4 to set forth criteria which must be met before receiving consideration for a handicapped parking permit.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Board of Commissioners of the Town of West New York that Chapter 277 Article 4 of the Town of West New York Municipal Code shall be deleted in its entirety and the following substituted therefore:

ARTICLE IV

Handicapped Parking Permits

Sec. 277-12 Parking for the disabled.

No person shall park a vehicle in any parking zone which is designated for the use by disabled persons, except those persons with special parking permits as described in this Article. Violations of this provisions are subject to the fines set forth in N.J.S.A.39:4-197(3)c.

Sec. 277-13 Restricted parking zones in front of or near residences of disabled drivers.

- A. The Town of West New York may, for good cause shown, establish by ordinance restricted parking zones in front of or near residences occupied by disabled drivers provided that such parking is not otherwise prohibited and does not interfere with the normal flow of traffic. No restricted parking zones will be established for persons who do not transport themselves and who do not possess a valid "handicapped person" identification card and placard or license plate issued by the State of New Jersey, Division of Motor Vehicles, pursuant to N.J.S.A. 39:4-205 and 4-206, unless it is determined that:
 - (1) The non-disabled driver resides in the same household as the disabled person (documentation must be provided);
 - (2) The disabled person needs to be transported at least five (5) days per week to work, school, or other educational or gainful activity (documentation must be provided detailing where, when and why the disabled person is transported);
 - (3) The disabled person's disability is such that it would preclude the disabled person from waiting on the sidewalk until the nondisabled driver arrives with the car or finds parking (documentation must be provided detailing the extent of the disability);
 - (4) The parking conditions in the disabled person's immediate neighborhood warrant this exception; and
 - (5) A reasonable person would deem it highly unusual and unjust to deny a restricted parking zone even in light of the competing demands for parking spaces within a given neighborhood.

- B. No restricted parking zones will be established for applicants who have a driveway, carport, garage or off-street space available for their use unless the Commissioners determines that:
 - (1) Such driveway, garage or space cannot accommodate the driver's vehicle; or

(2) The driver has need of a specially equipped vehicle which cannot be reasonably accommodated by such carport, garage or space.

- C. The term "disabled driver" means a condition wherein a person has lost the use of one or more lower limbs as a consequence of paralysis, amputation, or other permanent disability or who is permanently disabled as to be unable to ambulate without the aid of an assisting device or whose ambulation is otherwise severely limited. The severity of the mobility disability shall be similar to or approximate disablement by reason of amputation.
- D. Notarized applications for the establishment of restricted parking zones shall be filed with the Town of West New York Police Department, Traffic Division, which shall investigate each application for compliance with this Article. The application shall be accompanied by a medical evaluation form completed by the applicant's personal physician. The personal physician shall include a Certification stating that the applicant has a mobility disability as described in Section 277-13C of this ordinance. Application forms and medical evaluation forms can be obtained from the Traffic Division. Thereafter, the applicant must have the medical evaluation form completed by a physician with a plenary license to practice medicine and surgery in this State or a bordering State. The cost of examination shall be borne completely by the applicant. The applicant shall bring to the examination any and all medical or other documentation which he or she believes relevant to the applicant's medical condition. Such documentation may include, but will not be limited to: X-ray reports, C.T. scan reports, cardiograms, hospital and surgical records, and attending physicians' reports. If the examining physician does not possess adequate documentation to verify the applicant's eligibility under Section 277-13C, and cannot by examination alone verify such eligibility; the applicant shall be rejected. An application filed by a tenant shall also be served upon the landlord.

- E. The Town hereby establishes a handicapped parking space review committee to review and make recommendations on all applications for handicapped parking spaces to the Police Director. The Police Director shall recommend to the Board of Commissioners, the designation of dedicated handicap parking spaces.
- F. The Committee shall consist of a medical professional, designated by the Mayor, the Business Administrator or his designee, and a West New York police officer. All completed applications for a handicapped parking space shall be submitted to the Committee. New applications, when deemed complete, shall be reviewed by the Committee within two months. The Committee shall forward all recommendations to the Police Director, who shall notify all persons whose applications have been denied. The Police Director shall make further recommendations to the Board of Commissioners for all handicapped parking spaces. The Board of Commissioners shall make the final determination of approval of handicapped parking spaces.
- G. If the Board of Commissioners so approve, the Police Director shall establish a restricted parking zone in front of or near the residence of the applicant and shall issue a permit which complies with N.J.S.A 39:4-197.7. Each space shall be 22 feet long. Only the motor vehicle for which a valid permit has been issued shall be parked in such zone and only when the permit is properly displayed. Only one (1) permit shall be issued to the applicant. No restricted parking zones, other than those granted by the Police Department in emergencies, shall be approved except in the manner provided in this ordinance. The sign designating the existence of such handicapped parking shall have placed upon it the New Jersey motor vehicle license plate number of the vehicle used by the handicapped person whom the Town has approved handicapped parking for. It shall be the responsibility of the person seeking to have such handicapped parking to advise the Traffic Division of any change in the New Jersey motor vehicle license plate number from that on the original designation. Failure to so advise shall leave the person subject to the violations provisions of article, the Town shall

endeavor, to the best of its ability and without promise, to place such New Jersey motor vehicle license plate number on existing handicapped parking space designations.

- H. No more than two handicapped parking spaces per side per block shall be issued. At any address for which a disabled parking space or spaces have already been granted, any additional permits approved for that address shall bear the same permit number as exists for the space already granted. Such space or spaces may be used by anyone possessing the corresponding numbered permit on a first come, first serve, basis. This provision shall apply only to applications approved or denied after the effective date of this amendment.
- I. Restricted parking spaces and permits shall be valid for one (1) year and shall be renewed thereafter in accordance with the requirements of this Article. The annual renewal fee is \$15/year. A permit may be reviewed earlier if conditions concerning the applicant's change.
- J. Any party willfully presenting false information or documentation to the Traffic Division or found to be abusing any parking privileges granted under this ordinance shall be subject to loss and/or denial of such privileges.

Sec. 277-15. Failure to Renew

Any handicapped parking permit issued for a space within the Town of West New York which is not renewed on an annual basis, shall be forfeited, and the Town of West New York shall then remove the posted sign and permit the space to be restored to public parking.

Sec. 277-14 Existing Handicapped Parking Spaces

All existing handicapped parking spaces, as of the date that this ordinance becomes effective, shall be grandfathered as to the location. However, a renewal application must be approved each year to maintain the handicapped parking space.

Sec. 277-15 Permit Fee

A permit fee of \$60.00 shall be charged to the applicant for the initial issuance of this permit.

SUMMARY OF ORDINANCE

This Ordinance sets forth the procedure and requirements regarding applications for handicapped parking permits in the Town of West New York.

Introduced: 9/18/2019

Notice

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on **September 18, 2019** and ordered published, and will be further considered before final passage at a public hearing on **October 17, 2019** at **6:30 p.m.** at the Commission Chambers, Municipal Building, West New York, NJ. A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, N.J.

Carmela Riccio, RMC
Town Clerk