



Legislation Text

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ORDINANCE AMENDING TITLE 23, TRAFFIC, CHAPTER 5, PARKING, STOPPING AND STANDING, GENERALLY, SUBCHAPTER 13, HANDICAPPED AND RESERVED PARKING SPACES, SUBSECTION 13.1, HANDICAPPED PARKING SPACES OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, BY ELIMINATING THE REQUIREMENT OF MUNICIPAL COUNCIL APPROVAL OF HANDICAPPED PARKING SPACE APPLICATIONS, REDUCING THE AMOUNT OF PHYSICIAN FORMS, INCREASING THE APPLICATION FEES, AND ASSIGNING HANDICAPPED PARKING SPACES ON A FIRST COME, FIRST SERVE BASIS.

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

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

Section 1. Title 23, Traffic, Chapter 5, Parking, Stopping and Standing, Generally, Subchapter 13, Handicapped and Reserved Parking Spaces, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, Subsection 13.1 is amended as follows:

23:5-13. HANDICAPPED AND RESERVED PARKING SPACES.

23:5-13.1. Handicapped Parking Spaces.

a. Except when necessary to avoid conflict with other traffic or in compliance with the directions of a traffic or Police Officer or traffic sign or signal, no operator of a vehicle shall stand or park the vehicle in any space on public or private property appropriately marked for vehicles for the physically handicapped, pursuant to N.J.S.A. 39:4-197.5 or any other applicable law, unless the vehicle is authorized by law to be parked therein and a handicapped person is either the driver or a passenger in that vehicle.

b. Only persons with special vehicle identification cards issued by the State Motor Vehicle Commission, pursuant to the provisions of N.J.S.A. 39:4-205 shall be allowed to park their cars, except during those hours when parking is specifically prohibited, upon the following streets or portions thereof:

Name of Street
Various Streets*

Location
*On file in the Office of the City Clerk

c. Any person parking a vehicle in a parking space reserved for the physically handicapped without a special vehicle identification card issued by the State Motor Vehicle Commission pursuant to N.J.S.A. 39:4-205 shall be liable to a fine of Two Hundred Fifty Dollars and Zero Cents (\$250.00)

for the first offense and for subsequent offenses, a fine of Two Hundred Fifty Dollars and Zero Cents (\$250.00) and up to ninety (90) days community service on such term and in such form as the Court shall deem appropriate. In addition to any fine or penalty imposed for a violation of this Section, the Municipal Court shall also impose a Three Dollar and Zero Cents (\$3.00) surcharge pursuant to P.L. 1990, c.95, which shall be collected by the Clerk of the Municipal Court for deposit into the Automated Traffic System Fund created pursuant to P.L. 1990, c.96. The Court shall not suspend collection of the Three Dollar and Zero Cents (\$3.00) surcharge imposed pursuant to this Section.

d. The fine amount is to be included in the Local Supplemental Violations Bureau Schedule.

e. Application for Residential Handicapped Parking Spaces.

1. Any Newark resident who is handicapped in accordance with the provisions of N.J.S.A. 39:4-204 and who has been issued a special vehicle identification card issued by the State Motor Vehicle Commission pursuant to the provisions of N.J.S.A. 39:4-205 shall be eligible to apply for a handicapped parking space in the front of their residence on an application provided by the City's Department of Engineering. When applying for a residential handicapped parking space, the following request for information shall be printed on the application and supplied by the applicant to the City: applicant name, address, telephone number, vehicle registration, **make, model**, and license plate number; indicate homeowner/renter; indicate access to driveway, garage, carport, other off-street parking; proof of residency consisting of driver's license for handicap person or parent/guardian/caretaker, vehicle registration, disabled person ID issued by the New Jersey Motor Vehicle Commission, two (2) of three (3) current documents utility bill, telephone bill, water/tax bill; copy of the wheelchair symbol license plate or windshield placard issued by the New Jersey Motor Vehicle Commission; and a signed and dated declaration by the applicant that he/she has not willingly or knowingly made a false statement or given information which they know to be false. **Each applicant for a handicapped parking space shall certify, under penalty of perjury, on a form provided by the Division of Traffic and Signals, that he or she has no driveway and/or garage on or off street accessible for use as a parking space. If the applicant is not the homeowner, the homeowner must certify, under penalty of perjury, that the applicant does not have access to the driveway and/or garage.**

2. **In addition, said application shall include two (2) notarized Physician's Forms prepared by physicians, duly licensed as medical physicians by the State of New Jersey (Physicians cannot be within the same medical practice), which shall include the name of the applicant, applicant's medical history and status, etiology cause, and the Physician's Forms shall additionally certify that he/she has personally examined the applicant, has reviewed the information presented in the application relating to the applicant's disability and has determined that the application can be granted. The second Physician's form shall specifically indicate that the second Physician concurs with the conclusion of the first Physician. In addition, said application shall include a Physician's Form to include the name of the applicant; applicant's medical history and status, etiology cause; physician certification stating, under penalty of perjury, that he/she has personally examined the above named applicant; and that the information presented in this application relating to the applicant's disability is accurate; physician's printed and signed name; physician's professional license number and authorizing state; physician's address, telephone number and date. All physician certifications shall be signed under penalty of perjury.**

3. All applications shall include a disclaimer stating that the City of Newark has the right to approve or reject any application and the applicant does hereby acknowledge that the approval of a reserved parking space no way implies private ownership of said space.

4. All applications for residential parking shall be sent, with a photocopy and check or money order in the amount of ~~fifty (\$50.00)~~ **Seventy-Five (\$75.00)** Dollars and Zero Cents payable to the City of Newark, Department of Engineering, Division of Traffic and Signals, 255 Central Avenue, Newark, New Jersey 07103, for the processing of the application. The fee shall be non-refundable. ~~The notarized Physician's Forms and the application for the authorization of the handicapped parking space (new and renewal) shall be subject to and contingent upon the approval of the Municipal Council by way of a resolution.~~ **The Physician's Forms and the application for the authorization of the handicapped parking space shall be subject to and contingent upon the approval of the of the Department of Engineering's Manager of the Division of Traffic and Signals. The Director of the Department of Engineering shall be permitted to make changes to the application form from time to time without an ordinance.** All applications must be renewed on an annual basis. **Applications may be renewed up to 120 days prior to expiration. Those applications submitted within 90 days of expiration shall be treated as a new application.**

5. All renewal applications for residential parking shall be sent, with a photocopy and check or money order in the amount of ~~Fifty (\$50.00)~~ **Twenty-Five (25)** Dollars and Zero Cents (~~\$25.00~~) payable to the City of Newark, Department of Engineering, Division of Traffic and Signals, 255 Central Avenue, Newark, New Jersey 07103. The fee shall be non-refundable. Renewal applications must also be accompanied by new or updated notarized Physician's Forms.

6. There shall be a fee of ~~Twenty-Five~~ **Fifty (\$50.00)** Dollars and Zero Cents (~~\$25.00~~), payable by check or money order to the City of Newark, Department of Engineering, Division of Traffic and Signals, 255 Central Avenue, Newark, New Jersey 07103, to replace a permit that has been lost.

7. **Handicapped parking spaces shall be assigned on a first come, first served basis.**

(Ord. 6 S+FL, 4-18-90; Ord. 6 S+FF, 10-2-91; Ord. 6 S+FG, 7-2-97; Ord. 6 S+FA, 2-5-03 §1; Ord. No. 6 S+FE, 5-5-04 §1; Ord. 6 S+FE, 3-2-05; Ord. 6 S+FA, 9-3-08 §§ 1,2; Ord. 6 PSF-D, 1-19-11 § 1)

Section 2. Severability. If any provision of this amendment shall be deemed unenforceable by a court of competent jurisdiction, the remainder of the amendment shall remain in full force and effect.

Section 3. This Ordinance shall be effective upon final passage and publication in accordance with the laws of the State of New Jersey.

STATEMENT

Ordinance Amending Title 23, Traffic, Chapter 5, Parking, Stopping and Standing, Generally, Subchapter 13, Handicapped and Reserved Parking Spaces, to eliminate the requirement of Municipal Council approval of handicapped parking space applications, limit the amount of physician forms, increase the application fees, and assign handicapped parking spaces on a first come, first

served basis.