

O-17-19
04/19/17

AN ORDINANCE AMENDING AND SUPPLEMENTING THE GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC

BE IT ORDAINED, by the Municipal Council of the City of Bayonne, as follows:

Section 1. That the Revised General Ordinances of the City of Bayonne, Chapter 7, TRAFFIC, Subsection 7-37, Restrictive Parking For Residents With Disabilities, is hereby amended and supplemented as follows (Additions ****between asterisks and/or in bold****, deletions {~~within brackets and/or struck through~~):

7-37 RESTRICTIVE PARKING FOR RESIDENTS WITH DISABILITIES.

7-37.1 Procedures to Apply for a Restrictive Parking Zone.

a. Zones Authorized. Pursuant to the provisions of N.J.S.A. 39:4-197.6; The Municipal Council may, by ordinance, designate restrictive parking zones for persons who have a mobility disability as defined in this section 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 a permit is issued pursuant to this section. No other person shall be permitted to park in these zones.

b. Requirements.

1. 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.

2. 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.

The {~~Director of~~} ****City**** Health ****Officer****, in consultation with the Review Panel, shall set objective standards within the parameters set forth herein.

3. *****Absent rare and truly extenuating circumstances as determined by the Municipal Council in consultation with the Public Safety Director, {N}**n**o*** restrictive parking zone will be established for a person who does not transport himself or herself *****as permitted under this ordinance***** unless documentation is provided showing that the nondisabled driver resides in the same household as the disabled person. *****Documentation must be provided to the Public Safety Director detailing the extent of the disability.***** Additionally the disabled person must show a need to be transported at least three (3) days a week. 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. ~~{Documentation must be provided detailing the extent of the disability; provided that~~ *****A***** person whose disability otherwise qualifies under this ordinance and who is under the age of fourteen (14) years will be presumed to be unable to wait alone on the sidewalk.

4. 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 or his or her residence.

*****5. In two or three-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.***

6. ***Applicants must occupy their residence on a full-time basis.***

7. ***Only one (1) restrictive parking zone will be granted per household. Related parties living in separate units in a two or three family residence are to be considered as being part of one household for the purpose of this ordinance.***

8. ***All restrictive parking zones in effect prior to the adoption of this amendment shall remain in effect, pending annual reviews, until either:***

(a) ***the death of the applicant;***

(b) ***an improvement in the applicant's physical condition rendering the restricted parking zone unnecessary; or***

(c) ***the revocation of the restricted parking zone for just cause.*****

c. Application Procedure.

1. All applicants shall file a completed application on a form furnished by the Department of ~~{Law Enforcement}~~ *****Public Safety***** and forwarded to the Director of the Department for review by him or his designee.

2. The application shall be accompanied by a medical evaluation form completed by a physician with a plenary license to practice medicine and surgery in the State of New Jersey and shall include a certification by the physician that the applicant has a mobility disability as described in subsection 7-37.1b.

3. The Director of the Department of ~~{Health}~~ ****Public Safety**** shall verify the extent of the disability of the applicant or resident or his/her household by reviewing the physician's certification submitted with the application and by an independent evaluation to be conducted by the City's physician at the Bayonne Health Screening Clinic.

4. The Director of the Department of ~~{Law Enforcement}~~ ****Public Safety****, or his designee, shall ascertain whether all the credentials of the applicant and the location of the proposed parking space are consistent with applicable State statutes.

5. The Director of the Department of ~~{Law Enforcement}~~ ****Public Safety****, or his 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 permit application shall be denied.

6. Upon receipt of medical verification of the need for a restricted parking zone from the ~~{Director of}~~ ****City**** Health ****Officer****, and upon determining that the applicant meets all of the qualifications set forth in this ordinance, the Director of the Department of ~~{Law Enforcement}~~ ****Public Safety**** shall recommend to the Municipal Council that the applicant be granted a restricted parking zone. The Municipal Council may, by ordinance, designate the location of the restricted parking zone as well as direct the Director of the Department of ~~{Law Enforcement}~~ ****Public Safety****, or his designee, to issue a permit placard in accordance with N.J.S.A. 39:4-197.7 to be displayed on the front dashboard of the vehicle and on the "Disabled Parking" sign to be installed at the designated location allowing that vehicle, and only that vehicle, to park in that restricted parking zone as per N.J.S.A. 39:4-197.7. In addition, a sticker issued by the Department of ~~{Law Enforcement}~~ ****Public Safety**** bearing the permit number and license plate of the vehicle shall be affixed to **and positioned so as to make it clearly visible on a vehicle window, other than the front windshield** ~~{the bottom left rear windshield}~~.

7. By July 1 of each year, the permit for each restricted parking zone must be renewed by the completion of a written application on a form to be mailed to all permit holders by the Department of ~~{Law Enforcement}~~ ****Public Safety**** no later than May 1 of each year. The application for renewal must be accompanied by a certification completed by the permit holder's personal physician that the mobility disability of the permit holder, or the disability of the permit holder, or the qualifying household member, as outlined in paragraph c,2 above, 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 the City Physician at the Bayonne Health Screening Clinic.

8. Upon receipt of the application and physician certification for permit renewal in every second year, a personal visit to the applicant's household and parking site shall be made by the Director of the Department of ~~{Law Enforcement}~~ ****Public Safety****, or his designee, to verify that the findings required by paragraphs d. and e. still exist.

9. The initial application fee for a restricted parking zone for the disabled shall be fifty (\$50.00) dollars, payable as follows: ten (\$10.00) dollars upon filing the application and forty (\$40.00) dollars upon issuance of the permit. Each renewal of the permit annually, thereafter, shall be accompanied by a fee of ten (\$10.00) dollars. Automatically exempt from those permit fees would be any qualifying disabled persons whose income qualified them to be recipients of the State's Pharmaceutical Assistance for the Aged and Disabled (PAAD) or Lifeline Programs or any person receiving Federal Supplemental Security Income (SSI) benefits.

10. The Director of the Department of ~~{Law Enforcement}~~ ****Public Safety**** or his designee shall notify a new applicant of the decision to recommend the issuance of the permit and restricted parking zone for action by the Municipal Council, or of a decision to deny the applicant, within ~~{thirty (30)}~~ ****ninety (90)**** days of the initial receipt of the completed application by the Department. Notification of the renewal or denial of an existing permit shall be made by September 1st of each year. Any and all denials shall set forth the reasons for the negative decision(s) and shall notify the applicant or his or her right to seek a review of the decision before the Review Panel. *****A letter requesting reconsideration must be received by the Director of Public Safety within thirty (30) days of the date of the notice of denial.*****

d. Review Panel Established.

1. A Review Panel shall be established consisting of five (5) persons, the majority of whom should qualify as being disabled, themselves, to hear requests for review from applicants who feel they may have been unjustly denied a restrictive parking zone and permit during a normal initial or renewal application process. The members of the Review Panel shall be appointed by the Mayor ~~{, upon the recommendation of the Mayor's Task Force for the Disabled,}~~ for five (5) year terms, the terms to be staggered so that no more than two (2) member's terms expire in any one (1) year.

2. The Review Panel shall meet ~~{at least once every other month}~~ ****on an as needed basis, but in no event less than once every six months****. Within twenty (20) days of receiving a request for review, the Panel shall notify the applicant of the time and

place of the hearing on the application. The hearing shall be scheduled to take place no later than sixty (60) days following the date of notification to the applicant.

3. The Review Panel shall be empowered to review relevant data, interview the applicant, and conduct such other inquiries as they deem necessary.

4. It shall be the applicant's responsibility to provide the Review Panel and the examining physician with all documentation with regard to the mobility disability. The applicant may request, or the Review Panel may require, an independent evaluation by a physician, other than the City physician, selected by the Review Panel. The cost of such evaluation shall be borne by the applicant.

5. Within three (3) working days following the hearing, the Panel shall submit its written report to the Director of ~~{Law Enforcement}~~ ****Public Safety**** asking him either to reconsider his position or concurring with the denial of the application. The Review Panel shall notify the Public Safety Director and the applicant of its decision. The Panel shall include in its report the specific factors relied upon in reaching that determination.

6. Within ten (10) days of receiving a report recommending for or against reconsideration, the Director of Public Safety shall transmit to the applicant and the City Council a final decision with respect to the application. In the event the Review Panel agrees with the initial decision by the Director of Public Safety to deny the application, the denial shall be deemed final and the applicant cannot reapply for a period of twelve (12) months from the date of the initial application unless the applicant demonstrates to the Review Panel a substantial and relevant change in the applicant's or qualifying household member's degree of disability or in their access to alternative off-street parking.

e. Temporary Parking Placard. Disabled Parking Placards ~~{,}~~ ****shall be**** issued by the Department of ~~{Law Enforcement}~~ ****Public Safety**** for use by person****s**** with temporary disabilities for use in restricted parking spaces for the disabled on-street and in municipal, public and privately-owned parking facilities****.**** ~~{, shall be imprinted on four (4) distinct colors of the same card stock. The current color in use for the placards shall change January 1st and July 1st of each year and rotate over a two-year period.}~~ Each placard shall also carry a space in which the ~~{applicant's driver license number and}~~ actual ****driver's license**** expiration date shall be prominently displayed. ~~{No more than two (2) consecutively scheduled colors of placards (up to one (1) year's duration) may be issued at any given time.}~~ A fee of four (\$4.00) dollars maximum will be required for the use of a placard ~~{(or placards if two (2) colors are required)}~~ to cover a six-month period. Use of the placard after the expiration date shown on its face shall be deemed a violation of this section.

f. Notification of Change in Status. All holders of restricted parking permits or temporary disability placards shall notify the Department of ~~{Law Enforcement}~~ ****Public Safety**** within

thirty (30) days of any change in the applicant'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 section and may result in revocation of the permit and zone or of the placard. Members of the household or the executor/executrix for permit or placard holders who have died shall be required to likewise notify the Department of ~~{Law Enforcement}~~ ****Public Safety**** within thirty (30) days after the date of death. Failure to do so shall be considered a violation of this section.

g. Establishment of Restrictive Parking Spaces. The Municipal Council may by resolution authorize the establishment of restricted parking spaces for handicapped persons in front of schools, hospitals and other public buildings and in shopping and business districts pursuant to the provisions of N.J.S.A. 39:4-197.5.

h. Penalties for Violation.

1. The following violations shall subject the violator to a fine of not less than two hundred (\$200.00) dollars nor more than five hundred (\$500.00) dollars for a first offense and not less than five hundred (\$500.00) dollars nor more than one thousand (\$1,000.00) dollars and up to ninety (90) days community service for each subsequent offense.

(a) Use of temporary disability placard by a person or persons other than the one whose driver's license appears on same; or

(b) Use of a "zone" permit by someone other than the applicant or qualifying household member after the applicant or qualifying disabled household member has died or moved away to a new address; or

(c) Use of placard or permit to park in restricted parking "spaces" when not transporting the applicant or a person with a valid New Jersey Disabled Person ID.

2. For violations of this section other than those listed in paragraph h,1. above, a fine of not more than two hundred fifty (\$250.00) dollars shall be imposed for a first offense, and a fine of two hundred fifty (\$250.00) dollars and ninety (90) days community service for each subsequent offense.

3. In addition to the penalties noted above, violation of paragraph f. of this subsection shall be grounds for revocation of the permit or placard. Willing misstatements or material omissions made in connection with the issuance or renewal of the application shall be grounds for denial or revocation and shall be grounds for criminal prosecution where appropriate.

*****4. Misuse of a restricted parking zone may result in the revocation of the parking zone. "Misuse" of a restricted parking zone may include, but is not limited to, allowing an unauthorized vehicle to park in the restricted zone.*****

i. The Police Department Director of Traffic shall compile and keep a list of all authorized zones and spaces established pursuant to this section, the list shall be available for public review and inspection and a copy of same shall be furnished for that purpose to the Clerk of the City of Bayonne.

j. This section shall take effect in the time and manner provided by law, provided that all existing restricted parking zones {~~under Schedule XVII (1972 Code)~~} established prior to the effective date of this amended ordinance shall continue in effect. Review, renewal or revocation is affected pursuant to this section.