

**CITY OF ENGLEWOOD**

**ORDINANCE #22-21**

**ORDINANCE ESTABLISHING PROCEDURES FOR THE APPLICATION, REVIEW AND APPROVAL OF ON-STREET HANDICAPPED PARKING IN THE CITY OF ENGLEWOOD**

**WHEREAS**, *N.J.S.A. 39:4-197* confers upon the City of Englewood a right to establish resident handicapped on-street parking in order to preserve and safeguard the public health, safety and welfare; and

**WHEREAS**, pursuant to *N.J.S.A. 39:4-197.5*, any municipality may, by ordinance, resolution or regulation, establish restricted parking spaces in front of residences, schools, hospitals and other public buildings and in shopping and business districts for use by persons who have been issued special vehicle identification cards by the Division of Motor Vehicles, provided the permitting does not interfere with the normal flow of traffic; and

**WHEREAS**, the City Council, by way of Chapter 25, Article 15, entitled, “Handicapped Parking” of the Code of the City of Englewood approved and established various areas and locations for designated handicapped parking spaces; and

**WHEREAS**, the City Council of the City of Englewood deems it necessary to and in the best interest of its residents to establish procedures to expedite the process to provide for resident on-street handicapped parking.

**NOW THEREFORE BE IT ORDAINED** by the City Council of the City of Englewood that it hereby establishes the aforementioned procedures for the application, review and approval of On-Street Handicapped Parking in the City of Englewood.

**Section 1. Purpose**

The purpose of the section is to establish an expedited procedure for the application, review and issuance of restricted on-street parking areas for parking by a handicapped person, which person has been issued a windshield placard or wheelchair symbol license plate for the vehicle owned by the handicapped person, or a vehicle owned by a member of the immediate family who resides with the handicapped person throughout the City of Englewood.

**Section 2. Application and Requirements for Handicapped Parking**

A, Any resident requesting the issuance of a designated handicapped parking space in the City of Englewood must complete, file and submit a formal application with the City Manager along with the associated fees. All handicapped parking spaces shall be subject to annual renewal.

B. The application shall require the applicant to provide the following documentation:

(1) The applicant must possess a disabled person identification card issued by the New Jersey Motor Vehicles Commission.

(2) The applicant must furnish to the City a valid motor vehicle registration for the vehicle requiring the space and, if the applicant is the vehicle operator, a valid motor vehicle operator license.

(3) The applicant may request a designated handicapped parking space only for the applicant's place of residence.

(4) An applicant wishing to further restrict the space to use only by a vehicle bearing a specific license plate number may expressly request the said restriction in his or her application, while noting the license number in the said application. An applicant wishing to add such a restriction to an already existing handicapped space or, conversely, an applicant wishing to remove such a restriction, may so request by filing an amended application.

C. The completed application, together with the required documentation and the appropriate fees as required, shall be submitted with the City Manager and shall constitute a request for a designated handicapped parking space.

### **Section 3. Review Committee**

A. There is hereby established a Parking Review Committee to review and approve the placement of on-street handicapped parking. The Parking Review Committee shall also conduct an annual review of designated handicapped spaces throughout the City of Englewood. The members of the Parking Review Committee shall be the City Manager, the Chief of Police, or his/her designee and the Director of Public Works.

B. Upon completion of the application together with the required documentation required above and the submission of the appropriate fees, if any, the request for a designated handicapped parking space shall be forwarded to the Committee to review, approve and/or deny said request.

C. The Parking Review Committee shall annually review all designated handicapped parking spaces throughout the City of Englewood. The Committee may request from a recipient/beneficiary of a designated handicapped parking documentation indicating that a valid and continued need for the handicapped parking space exists. In the event that such documentation is not received within thirty (30) days of the request, the Parking Review Committee may direct the Department of Public Works to remove the handicapped parking space sign at that location and a resolution or ordinance will be presented to the City Council to repeal the designated handicapped parking space.

### **Section 4. Grounds for Denial of Application.**

Notwithstanding an applicant's compliance with Section 2 above, an application for handicapped parking space shall be denied if:

A. Pursuant to applicable state or municipal law, the parking of motor vehicles is prohibited at the location of the requested handicapped parking space or the permitting of such parking would interfere with the normal flow of traffic;

B. The applicant is the owner of the property at which the space/area/zone is to be designated and has reasonable access to a driveway on the property or reasonable access to some other area of the property which may achieve the requested purpose of the application;

C. For purposes of the request for a designated handicapped parking space, the applicant is not the operator of the vehicle for which the handicapped parking space is required, unless the State of New Jersey, Motor Vehicles Commission, has issued the applicant a windshield placard or wheelchair symbol license plates for a vehicle owned by the handicapped person or owned by another occupant of the residence who is a member of the immediate family of the handicapped person;

D. For purposes of the request for a designated handicapped parking space, the applicant resides, either as a tenant or an owner, which provides off-street parking and has reasonable access to said parking and/or an on-street handicapped parking space has already been designated; or

E. Due to the lack of on-street parking available, the City is unable to accommodate and/or approve the request.

**Section 5. Appeal of Denial.**

A. When an applicant has been denied a request for a handicapped parking space by the Parking Review Committee on the basis of the criteria contained in Section 4 of this Ordinance, the applicant has the right to appeal, within ten (10) days of such denial, to the Englewood City Council by filing a written notice to the City Clerk.

B. Denials based upon the failure to provide or comply with Section 2 hereof are not subject to appeal to the Council of the City of Englewood.

**Section 6. Approval of Handicapped Parking Space**

A. Upon approval of a request for a handicapped parking space, the Parking Review Committee shall forward said request for passage of a resolution approving said request by the City Council at the following City Council Meeting. Upon approval of said Resolution designating said handicapped space, the applicant shall receive correspondence notifying the applicant that the space has been so designated and the Department of Public Works shall be notified for the installation of the appropriate signage.

B. The City Council shall semi-annually adopt an Ordinance confirming the resolution/s of approval of the approved handicapped parking spaces. The final passage of the

Ordinance shall not delay the installation of the appropriate signage, the effectiveness of the approval and/or the enforcement of the parking regulations.

C. The recipient and/or beneficiary of the designated parking space shall have a continued duty and/or obligation to the City of Englewood to advise the City in the event that the designated handicapped parking space is no longer required and to pay any associated fees established by the City relating to the continuation of the designated handicapped parking place.

**Section 7. Inconsistency**

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency only. Nothing herein shall effect the designated handicapped spaces that pre-date the within ordinance, except that those recipients shall have the continued obligations contained herein.

**Section 8. Severability**

If any provision of this ordinance is declared invalid, such invalidity shall not effect the other provisions of this ordinance. Furthermore, the other provisions of this ordinance are deemed to be severable and remain in full force and effect.

**Section 9. Effective Date**

This Ordinance shall take effect upon final passage and publication according to law.

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**RECORD OF VOTE**

FIRST READING DATE: November 22, 2022

COUNCIL	MOTION	VOTE
Cobb		Y
Cohen		Y
Hamer		Y
Maron	X	Y
Rosenzweig		Y

DATE PUBLISHED IN THE RECORD: November 28, 2022

DATES PUBLIC HEARINGS HELD: December 20, 2022

DATE SECOND READING HELD: December 20, 2022

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Cobb						
Cohen						
Hamer						
Maron						
Rosenzweig						

Y=YES

N=OPPOSED

A=ABSTAINED

AB=ABSENT

PRESENTED TO MAYOR:

APPROVED \_\_\_\_\_

REJECTED \_\_\_\_\_ (VETO)

DATE SIGNED: \_\_\_\_\_

\_\_\_\_\_  
MAYOR MICHAEL WILDES

I do hereby certify that the foregoing is a true and exact copy of an Ordinance adopted and approved by the Mayor and Council of the City of Englewood.

\_\_\_\_\_  
Yancy Wazirmas, RMC  
City Clerk