

BOROUGH OF PALMYRA
ORDINANCE NO. 2023-08

**AN ORDINANCE AMENDING CHAPTER 90 OF THE CODE OF THE BOROUGH OF PALMYRA ENTITLED
“VEHICLES AND TRAFFIC” AND AMENDING CHAPTER 187 OF THE CODE OF THE BOROUGH OF
PALMYRA ENTITLED “PARKING, HANDICAPPED”**

WHEREAS, Chapter 90 of the Code of the Borough of Palmyra (the “Code”) sets forth, inter alia, handicapped parking areas; and

WHEREAS, there is a need to amend Chapter 90, Section 8.1 entitled “Handicapped parking areas;” and

WHEREAS, Chapter 187 of the Code sets forth restricted parking zones; and

WHEREAS, there is a need to amend the title of Chapter 187; and

WHEREAS, there is a need to amend Chapter 187, Section 1 entitled “Incorporation of statutory provisions;” and

WHEREAS, there is a need to amend Chapter 187, Section 2 entitled “Completion and submission of application;” and

WHEREAS, there is a need to amend Chapter 187, Section 3 entitled “Review of application;” and

WHEREAS, there is a need to amend Chapter 187, Section 4 entitled “Permit required;” and

WHEREAS, there is a need to amend Chapter 187, Section 5 entitled “Issuance of permit;” and

WHEREAS, there is a need to amend Chapter 187, Section 6 entitled “Display of permit; size;” and

WHEREAS, there is a need to amend Chapter 187, Section 7 entitled “Requirements for the establishment of restricted parking zone; signs;” and

WHEREAS, there is a need to add four additional sections to Chapter 187 entitled “Requirements for the establishment of restricted parking zone; signs,” “Duration of validity of restricted parking zone permit,” “Fee for restricted parking zone permit,” and “Suspension or revocation of restricted parking zone permit.”

NOW BE IT RESOLVED by the governing body of the Borough of Palmyra in the County of Burlington and the State of New Jersey as follows:

Chapter 90, Section 8.1 shall be replaced with the following: Accessible parking spaces.

- A. Please refer to Chapter 187 for all accessible parking space provisions.

Chapter 187 shall be retitled as Parking, Accessible Spaces

Chapter 187, Section 1 shall be retitled as Accessible parking spaces.

Chapter 187, Section 1 shall be amended to the following:

- A. The Borough does incorporate N.J.S.A. 39:4-197(3)(c) and 39:4-197.5 as applicable in this section.
- B. The Borough Clerk shall maintain a schedule of accessible parking spaces established pursuant to this Section and such accessible parking spaces shall be reviewed at least once every three years from the date of establishment.
- C. Accessible parking spaces established pursuant to this Section are restricted to parking by persons with disabilities who have been issued special vehicle identification cards by the New Jersey Motor Vehicle Commission pursuant to the provisions of N.J.S.A. 39:4-205 when using a motor vehicle in which is displayed a certificate for which a special vehicle identification card has been issued pursuant to N.J.S.A. 39:4-206.
- D. Any person wishing to request the Borough establish an accessible parking space shall complete and submit a written request form provided by the Borough for the Borough's approval. The written request form shall include, but not be limited to, the requestor's name and address; the requestor's driver's license number or corporate identification number; the requestor's windshield placard number and/or wheelchair symbol license plate number (if applicable); and the proposed location of the accessible parking space. Applicants shall also provide the Borough with a current copy of the applicant's windshield placard, vehicle registration, and valid driver's license issued by the State of New Jersey. There shall be no fee for the establishment of accessible parking spaces open to any person with a disability.
- E. No accessible parking space shall be established unless such parking is not otherwise prohibited and the establishment thereof would not interfere with the normal flow of traffic. Any disputes arising under this section shall be decided by the Borough Engineer or designee.
- F. No accessible parking spaces shall be established unless appropriate signage in compliance with N.J.S.A. 39:4-198 and the current manual on Uniform Traffic Control Devices for streets and highway is provided. The signs shall include the penalties set forth in Paragraph c of Subsection 3 of N.J.S.A. 39:4-197.
- G. Accessible parking spaces shall be established or repealed by a resolution passed by the governing body of the Borough.
- H. Any person who violates the provisions of this section of this chapter regarding accessible parking spaces shall be liable to a fine of \$250 for the first offense and, for subsequent offenses, a fine of at least \$250 and up to 90 days' community service on such terms and in such form as the court shall deem appropriate, or any combination thereof.
- I. It shall not be a defense to the unauthorized use of an accessible parking space that the penalties set forth in Paragraph c of Subsection 3 of N.J.S.A. 39:4-197 were not posted or were improperly posted.

Chapter 187, Section 2 shall be retitled as Incorporation of restricted parking zone statutory provisions.

Chapter 187, Section 2 shall be amended to the following:

The Borough does incorporate N.J.S.A. 39:4-197.6 and 39:4-197.7 as applicable in this chapter.

Chapter 187, Section 3 shall be retitled as Completion and submission of restricted parking zone application.

Chapter 187, Section 3 shall be amended to the following:

Any person wishing to apply to the Borough for permission to have established a restricted parking zone in front of a Borough residence occupied by a person with a disability for their exclusive use shall complete and submit a written application form provided by the Borough for the Borough's approval. The written application form shall include, but not be limited to, the applicant's name and address; the applicant's driver license number or corporate identification number; the applicant's windshield placard number and/or wheelchair symbol license plate number; and the proposed location of the accessible parking space. Applicants shall also provide the Borough with a current copy of the applicant's windshield placard, vehicle registration, and valid driver's license issued by the State of New Jersey.

Chapter 187, Section 4 shall be retitled as Review of restricted parking zone application.

Chapter 187, Section 4 shall be amended to the following:

The Borough Clerk or their designee shall review the completed restricted parking zone application and determine whether the requirements as set forth in N.J.S.A. 39:4-197.6 and 39:4-197.7 have been met.

Chapter 187, Section 5 shall be retitled as Restricted zone parking permit required.

Chapter 187, Section 5 shall be amended to the following:

No person shall park any motor vehicle in a duly authorized restricted parking zone for the benefit of a person with a disability without first obtaining a permit from the Borough identifying a specific motor vehicle and the location(s) where it is to be parked.

Chapter 187, Section 6 shall be retitled as Issuance of restricted zone parking permit.

Chapter 187, Section 6 shall be amended to the following:

Such permits shall only be issued to persons who can prove ownership and are operators of the motor vehicle and maintain residency at the location specified on the application. Only a motor vehicle for which a valid permit has been issued and which has such permit properly displayed shall be permitted to park in the restricted parking zone indicated on such permit. Permits issued pursuant to this section shall be established by ordinance.

Chapter 187, Section 7 shall be retitled as Display of restricted parking zone permit; size.

Chapter 187, Section 7 shall be amended to the following:

- A. The restricted parking zone permit shall be displayed prominently within the vehicle when parked so as to be seen from the middle of the street.
- B. The restricted parking zone permit shall be 5.5 inches by 8.5 inches in size and shall bear an appropriate certification of authenticity from the Borough.

A new Subsection 187-8, entitled Requirements for the establishment of restricted parking zone; signs.

- A. No restricted parking zone for the benefit of any Borough resident shall be established unless such parking is not otherwise prohibited and the permitting thereof would not interfere with the normal flow of traffic. The Borough Engineer or designee shall decide any disputes arising under this section.
- B. No restricted parking zone for the benefit of any Borough resident shall be established unless appropriate signage in compliance with N.J.S.A. 39:4-198 and the current manual on Uniform Traffic Control Devices for streets and highways is provided. The signs shall include the penalties set forth in Paragraph c of Subsection 3 of N.J.S.A. 39:4-197.

A new Subsection 187-9, entitled Duration of validity of restricted parking zone permit shall read as follows:

All permits issued pursuant to this section shall be valid for a period of one year from the date of issuance. Permit holders wishing to renew their permit shall be required to provide a current copy of the applicant's windshield placard, vehicle registration, and driver's license to the Borough.

A new Subsection 187-10, entitled Fee for restricted parking zone permit shall read as follows:

The initial application fee for a restricted parking zone permit shall be \$50. There shall be no fee for renewal of the restricted parking zone permit.

A new Subsection 187-11, entitled Suspension or revocation of restricted parking zone permit shall read as follows:

The Borough may suspend or revoke a restricted parking zone permit if the holder thereof has committed fraud or misrepresentation in any application for a permit or in the use of such restricted parking zone permit or has violated any provision of this chapter. No suspension or revocation shall occur prior to a hearing being held before the Borough of Palmyra Mayor and Council. Prior to such hearing, the affected person(s) shall receive notice of said hearing and shall have an opportunity to provide a defense.