

INTRODUCED BY \_\_\_\_\_ INTRODUCTION \_\_\_\_\_  
SECONDED BY \_\_\_\_\_ HEARING \_\_\_\_\_  
ADOPTION \_\_\_\_\_

**BOROUGH OF CLIFFSIDE PARK  
COUNTY OF BERGEN, STATE OF NEW JERSEY**

**ORDINANCE 2020-06**

**AN ORDINANCE AMENDING CHAPTER VIII ARTICLE 8-3.7 OF THE CLIFFSIDE  
PARK MUNICIPAL CODE REGARDING RESERVED PARKING FOR PERSONS  
WITH DISABILITY**

WHEREAS, the availability of street parking within the Borough of Cliffside Park is very limited; and

WHEREAS, the governing body of the Borough of Cliffside Park seeks to ensure that persons with disability have access to street parking; and

WHEREAS, the governing body of the Borough of Cliffside Park seeks to ensure that persons with disability who permanently reside in Cliffside Park have access to street parking in front of or near his/her residence; and

WHEREAS, the establishment of restricted parking spaces in front of residences, schools and other public buildings and in shopping and business districts for use by persons with disability who have been issued special vehicle identification cards by the Motor Vehicle Commission will ensure that persons with disability have access to street parking in Cliffside Park; and

WHEREAS, the establishment of criteria and procedures for the designation and use of restricted parking zones will facilitate Borough's effort to enable persons with disability who permanently reside in Cliffside Park to obtain access to street parking in front of or near his/her residence;

NOW THEREFORE, BE IT ORDAINED that Chapter VIII Article 8-3.7 OF THE Cliffside Park Municipal Code be and is hereby rescinded in its entirety and replaced by the following which is hereby adopted in its stead.

**§ 8-3.7 RESERVED PARKING FOR PERSONS WITH DISABILITY**

**A. Definitions**

(1) "Appropriate identification" means, in the case of a restricted parking zone, a permit issued by the Borough of Cliffside Park in accordance with this Ordinance and, in the case of a restricted parking space, a placard or wheelchair symbol license plate issued by the New Jersey Motor Vehicle Commission pursuant to N.J.S.A. 39:4-206.

(2) "Person with disability" means (a) any person who has lost the use of one or more limbs as a consequence of paralysis, amputation, or other permanent disability or who has a permanent disability which renders the person unable to ambulate without the aid of an assisting

device or whose mobility is demonstrated, consistent with the standards set forth in N.J.S.A. 39:4-204 to be otherwise severely limited; or (b) any person honorably discharged or released under honorable circumstances from active service in any branch of the Armed Forces of the United States who has been adjudicated by the United States Department of Veterans Affairs as being permanently 100 percent disabled.

(3) “Restricted parking space” means a parking space which the State of New Jersey or Borough of Cliffside Park has established for the exclusive use of any person with disability but shall not include a restricted parking zone.

(4) “Restricted parking zone” means a parking zone in front of or near the residence of an identified person with disability which the governing body of the Borough of Cliffside Park has established, pursuant to the procedures set forth herein, for the use that person with disability.

(5) “Authorized medical professional” means a physician with a plenary license to practice medicine and surgery in New Jersey or a bordering state; a podiatrist licensed to practice in New Jersey or a bordering state; a physician stationed at a military or naval installation located in New Jersey who is licensed to practice in any state; a chiropractic physician licensed to practice in New Jersey or a bordering state; a physician assistant licensed to practice in New Jersey or a bordering state; a nurse practitioner licensed to practice in New Jersey or a bordering state.

B. Restricted Parking Spaces. The governing body of the Borough of Cliffside Park may, by ordinance enacted pursuant to the provisions of N.J.S.A. 39:4-197.5, establish, regulate and enforce restricted parking spaces in front of residences, schools and other public buildings and in shopping and business districts for use by persons with disability who have been issued special vehicle identification cards by the New Jersey Motor Vehicle Commission. Existing restricted parking spaces in the Borough, designated prior to the enactment of this Ordinance, are hereby ratified.

C. Establishment of Restricted Parking Zones. The governing body of the Borough of Cliffside Park may, by ordinance enacted pursuant to the provisions of N.J.S.A. 39:4-197.6, establish, regulate and enforce a restricted parking zone for the exclusive use by a person with a disability. A restricted parking zone may, by enactment of such an Ordinance, be conferred on a person with disability who meets the criteria set forth by this Ordinance provided that such parking is not otherwise prohibited and the permitting thereof will not interfere with the normal flow of traffic. Any restricted parking zone established by the governing body shall be located in front of or near the residence of the particular person with a disability designated by the governing body in the Ordinance enacted pursuant hereto and that person shall have an exclusive right to use the restricted parking zone.

D. Application for Restricted Parking Zone.

(1) Requests for establishment of a restricted parking zone shall be made by submitting an application form to the Cliffside Park Police Department, Traffic Bureau, together with all supporting documentation. Each application form must be supported by the following documentation and such other documents as the officer assigned to investigate the request may reasonably require in order to determine whether the criteria established by this Ordinance have been met by the applicant:

(a) the valid person with disability identification card issued to the person with disability by the New Jersey Motor Vehicle Commission;

(b) no less than two authentic and reliable documents offered as proof that a person with disability is a full-time permanent resident of the residential property associated with the request for a restricted parking zone;

(c) vehicle registration and vehicle title or lease agreement for the motor vehicle for which the restricted parking zone is sought;

(d) if the person with disability is not the owner/operator of the motor vehicle for which the restricted parking zone is sought, no less than two authentic and reliable documents offered as proof that the owner/operator of the vehicle for which the restricted parking zone is sought is a member of the immediate family of the person with a disability and that the owner/operator of the vehicle for which the restricted parking zone is sought is full-time permanent resident of the residential property associated with the request for a restricted parking zone;

(e) a copy of a valid windshield placard issued by the New Jersey Motor Vehicle Commission for the vehicle for which the restricted parking zone is sought;

(f) a copy of a valid drivers' license issued by the New Jersey Motor Vehicle Commission to the person with disability or other occupant of the residence associated with the request for a restricted parking zone who is a member of the immediate family of the person with disability;

(g) certification by an authorized medical professional that applicant is a person with disability, as defined in section (A)(2)(a) of this Ordinance, or documentary proof that the applicant has been discharged or released under honorable circumstances from active service in any branch of the Armed Forces of the United States and adjudicated by the United States Department of Veterans Affairs, or its successor, as being permanently 100 percent disabled.

(2) Each submitted application shall be investigated by the Traffic Bureau for completeness and for compliance with the provisions and criteria set forth in this Ordinance. Upon conclusion of its investigation, the Traffic Bureau shall report its findings and recommendations to the Mayor and Council, including a determination whether parking in front of or near the residence occupied by the designated person with a disability is otherwise prohibited; whether the permitting of such parking will interfere with the normal flow of traffic; and whether the residence occupied by the designated person with a disability has access to a driveway, garage, carport or other off-street parking within 100 feet of the residence. Upon determination that the applicant meets all the requirements and qualifications set forth in this Ordinance, the Traffic Bureau shall recommend a restricted parking zone be granted and shall identify a specific location recommended for designation as the restricted parking zone. The governing body may accept or reject the recommendation of the Traffic Bureau, as it deems appropriate in the exercise of its discretion to act upon matters affecting the public health, safety and welfare. Upon establishment of a restricted parking zone by an ordinance duly adopted by the governing body and payment of all applicable fees, the Cliffside Park Police Department, Traffic Bureau shall issue a permit for same.

E. Criteria. A restricted parking zone may, in the discretion of the governing body, be established by ordinance upon application of the following criteria:

(1) No restricted parking zone shall be established except upon submission to the Cliffside Police Department, Traffic Bureau of a complete application by or on behalf of a

person with disability, together with adequate supporting documentation and the requisite application fee;

(2) No restricted parking zone shall be established at a location where parking is otherwise prohibited;

(3) No restricted parking zone shall be established at a location where parking will interfere with the normal flow of traffic. Due to the volume of traffic and traffic patterns on Anderson Avenue, Palisade Avenue and Gorge Road, it shall be presumed that a restricted parking zone on Anderson Avenue or Palisade Avenue or Gorge Road will interfere with the normal flow of traffic;

(4) No restricted parking zone shall be established in front of or near the residence of a person with a disability who has access to a driveway, garage, carport or other off-street parking within 100 feet of the residence;

(5) No more than 1 restricted parking zone per household shall be established in front of or near any residence, that is within 100-feet thereof.

#### F. Permits, Renewal and Expiration of Permits

(1) Upon adoption of an ordinance establishing a restricted parking zone, a restricted parking zone permit authorizing use of the restricted parking zone by the person with disability designated by said Ordinance shall be issued. The permit shall be 5 ½ inches by 8 ½ inches in size and shall bear the municipal seal of the Borough of Cliffside Park as certification of its authenticity. Only 1 permit shall be issued for any restricted parking zone.

(2) A restricted parking zone permit shall expire on July 1 of each year after the permit is issued. A restricted parking zone permit may be renewed annually by submitting an application for renewal to the Cliffside Park Police Department, Traffic Bureau no later than May 1 of each year which certifies that the person with disability to whom the permit was initially issued is currently a permanent full-time resident at the address associated with the restricted parking zone.

(3) A restricted parking zone permit shall not be transferable nor may it be issued by other vehicle including those displaying Handicap Placards or deficient license plates. The permit shall identify the specific motor vehicle (by license plates) authorized to park in the restricted parking zone, the location of the restricted parking zone, and the expiration date of the permit. So long as the permit remains valid, no other vehicle shall be authorized to park within the restricted parking zone.

(4) At all times when the authorized vehicle is parked within the restricted parking zone, the restricted parking zone permit shall be displayed prominently within the vehicle so as to be seen from the middle of the street.

(5) A restricted parking zone permit issued in accordance with this provision shall be deemed invalid upon the occurrence of any of the following events or one year after the date of issuance, whichever is earlier:

(a) the person with a disability designated by the Ordinance which established the restricted parking zone is no longer disabled, as defined by this Ordinance;

(b) the person with disability designated by the Ordinance which established the restricted parking zone is no longer a full-time permanent resident of the residential property associated with the restricted parking zone;

(c) the owner/operator of the vehicle authorized to park within the restricted parking zone is no longer a full-time permanent resident of the residential property associated with the restricted parking zone;

(d) the windshield placard or disability identification card issued to the person with disability by the New Jersey Motor Vehicle Commission is revoked, forfeited or expired;

(e) parking in the area in the restricted parking zone is located is no longer permitted;

(f) parking in the area in the restricted parking zone interferes with the normal flow of traffic;

(g) access to a driveway, garage, carport or other off-street parking within 100 feet of the residence associated with the restricted parking zone becomes available.

(h) The vehicle is no longer registered to the applicant.

(i) This Ordinance grants the Council the right to create or remove a restricted parking zone upon adoption of a Resolution confirming the Council's decision.

(6) A restricted parking zone permit issued in accordance with this provision may be renewed upon certification by the applicant that the permanent full-time residence of the person with disability has not changed since the permit was issued. A current valid restricted parking zone permit issued prior to the adoption of this Ordinance remains valid until July 1, 2021 at which time it shall expire if not renewed.

G. Spaces and Signage. Pursuant to N.J.S.A. 39:4-8.1, the Borough Engineer is hereby designated to determine whether the restricted parking spaces and restricted parking zones established pursuant to this Ordinance, and any signs erected in association therewith, conform to current standards prescribed by the Manual of Uniform Traffic Control Devices for Streets and Highways adopted by the Commissioner of Transportation and to any other Department of Transportation rules and regulations governing such parking spaces and signs.

H. Fees. The fee for issuance of a restricted parking zone permit shall be \$100.00. The fee for renewal of a restricted parking zone permit shall be \$5.00.

I. Prohibited Parking. No person, except those whose vehicle displays appropriate identification, shall park a vehicle in any restricted parking space or restricted parking zone.

J. Non-Repealer. All other Sections of the revised Borough Ordinance are not specifically amended by the provisions of this Ordinance shall remain in full force and effect.

K. Severability. If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid in whole or in part or as applied to any particular circumstance or individual by a court of competent jurisdiction, such order of judgement shall not effect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this ordinance.

L. Repealer. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies only.

M. Effective Date. This ordinance shall take effect immediately upon final passage and publication as required by law.

**INTRODUCED \_\_\_\_\_, 2020**

**ADOPTED \_\_\_\_\_, 2020**

**ATTEST:**

\_\_\_\_\_  
**Thomas Calabrese, Mayor**

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**Sercan Zoklu, Borough Clerk**