

**Borough of Highland Park
Ordinance No. 20-2013**

**AN ORDINANCE AMENDING SECTIONS OF THE BOROUGH CODE TO UPDATE
LANGUAGE SUCH THAT IT MORE ACCURATELY REFERS TO PERSONS WITH
DISABILITIES AND THE ACCESSIBLE PARKING ASSOCIATED THEREWITH**

BE IT ORDAINED by the Highland Park Council as follows:

Section 1. Chapter 7 of the "Code of the Borough of Highland Park, New Jersey"

("Borough Code"), entitled "Traffic," shall be amended to read as follows:

Chapter 7. Traffic

§7-3.11. Accessible parking.

Pursuant to the authority granted to this municipality by N.J.S.A. 39:4-197, the following locations are hereby designated as restricted parking spaces for use by persons who have been issued special vehicle identification cards by the New Jersey Motor Vehicle Commission. No other person shall be permitted to park in these spaces.

Name of Street	Sides	Location
Benner Street	South	From 45 feet east of the corner of South Sixth Avenue
South Fourth Avenue	East	Beginning at a point 33 feet from the southerly curblineline of Raritan Avenue and extending to a point 30 feet southerly thereof

Section 2. Chapter 278 of the "Code of the Borough of Highland Park, New Jersey"

("Borough Code"), entitled "Parking," shall be amended to read as follows:

Chapter 278. Parking

Article II. Accessible Parking

§ 278-8. Findings.

The Mayor and Council find and determine that persons with a physical disability should receive special consideration in parking areas provided adjacent to or near public buildings and parking areas provided on private property in the Borough so that such persons can participate in the ordinary activities of life in the Borough to the fullest extent possible. The Mayor and Council further find and determine that both publicly and privately designated accessible parking spaces are sometimes used by persons other than those with disabilities with the result that persons with disabilities must find other areas, less favorably situated for parking, and the Mayor and Council find that enforcement of both public and private parking provisions for persons with disabilities, to the end that accessible parking spaces are used only by persons with physical disabilities, will be enhanced by providing penalties for violations of such provisions.

§ 278-9. Designated accessible parking spaces.

Pursuant to the authority granted by N.J.S.A. 52:32-11 through 13, 39:4-197(1)g and 39:4-197.5, there shall be designated reserved accessible parking spaces on all public and private properties. These accessible parking spaces shall be controlled by the Borough, and may be used only by persons having a physical disability as defined in N.J.S.A. 52:32-6b. Exempt from this article of this Code will be detached one- and two-family dwellings.

Location	Number of Spaces
Bartle School, Mansfield Street	1 space
Borough Hall, South Fifth Avenue	3 spaces
Department of Public Works, Valentine Street	1 space
High School Lot, North Fifth Avenue	1 space
Irving School Lot, South Eleventh Avenue	1 space
Magnolia Street	1 space
Parking area at Denison Street and North Second Avenue	2 spaces
Parking area at North Sixth Avenue	1 space
Public Housing Lot, South Sixth Avenue	1 space
Parking area at South Third Avenue	1 space
Public Library, North Fifth Avenue	1 space
Public Safety Building, South Fifth Avenue	2 spaces

Recreation Center, Raritan Avenue	3 spaces
Senior Housing Lot, South Sixth Avenue	3 spaces

§ 278-10. Temporary permit.

For those persons who have a temporary disability as defined in N.J.S.A. 39:4-206, a temporary permit for a duration of not more than six months, and in form promulgated by the Director of the Motor Vehicle Commission of the State of New Jersey, may be obtained from the Chief of Police of the Borough.

§ 278-11. Display of placards and license plates for persons with a disability.

In accordance with the provisions of N.J.S.A.39:4-205 and 206, all vehicles owned, operated, or occupied by persons with a disability and parked in those areas reserved for persons with a disability must display the proper license plates and/or placards issued by the New Jersey Motor Vehicle Commission in order to be legally parked therein.

§ 278-12. Signs.

Those parking areas designated as accessible parking shall be identified with signs as set forth in the “Manual on Uniform Traffic Control Devices for Streets and Highways” promulgated by the U.S. Department of Transportation.

§ 278-13. Violations and penalties.

- A. Any person who shall illegally park a motor vehicle in a parking space that has been reserved for a person having a physical disability, including those spaces so designated on private property, shall be guilty of violation of this article and shall, upon conviction thereof, pay a fine of \$250 for the first offense, and for a subsequent offense, a fine of at least \$250 and up to 90 days community service.
- B. In addition to the penalties provided herein, any police officer of the Borough may provide for the removal of such vehicle parked illegally in a space that has been reserved for persons having a physical disability, including those spaces so designated on private property, and the owner thereof shall pay the reasonable costs of the removal and storage which may result from such removal before regaining possession of that vehicle.
- C. Penalties delineated herein shall be considered issued and enforced for a violation of the chapter of the Borough Code. The Highland Park Council reserves the right to annually adopt a resolution designating that all penalty enforcement proceeds, or a portion thereof, collection for parking violations having to do with accessible parking as set forth herein shall be allocated to public or private nonprofit entities dedicated to the furtherance of services or programs for persons with disabilities. The Borough’s Commission for Universal Access annually, pursuant to § 9-48 of the Code, shall make recommendations to said Council on the designation and allocation of penalties associated with accessible parking violations.

§ 278-14. Removal of unlawfully parked vehicles.

- A. The following definitions shall apply to this section:

APPROPRIATE IDENTIFICATION

In the case of a restricted parking zone, a permit issued by the municipality under the authority granted by N.J.S.A. 39:4-197-7 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.

ELIGIBLE PERSON WITH A DISABILITY

A person with a disability who is the holder of:

- (1) An identification card issued by the New Jersey Motor Vehicle Commission pursuant to N.J.S.A. 39:4-205; or
- (2) A permit issued by a municipality under the authority granted in N.J.S.A. 39:4-197-7.

PARK UNLAWFULLY

To park a motor vehicle in a restricted parking space or a restricted parking zone if the motor vehicle does not display appropriate identification.

RESTRICTED PARKING SPACE

A parking space which the State of New Jersey, or the Borough of Highland Park, private entity or private individual has established for the exclusive use of a person with a disability but shall not include a restricted parking lot zone established under N.J.S.A. 39:4-197.6.

RESTRICTED PARKING ZONE

A parking zone in front of a residence of a person with a disability which the Borough of Highland Park has established for the use of that person with a disability but shall not include a restricted parking zone established under N.J.S.A. 39:4-197.6.

- B. The following regulations shall apply to the enforcement of P.L. 1989, c. 200, in the Borough of Highland Park:
- (1) Only regular police officers of the Borough of Highland Park are authorized to receive complaints requesting the removal of motor vehicles parked unlawfully in parking spaces or zones which are restricted for use by persons with disabilities.
 - (2) Officers shall examine the vehicle which is alleged to be unlawfully parked to determine whether the vehicle is parked without displaying appropriate identification.
 - (3) Upon determination that the vehicle is parked unlawfully in a restricted parking space or restricted parking zone without displaying appropriate identification, the officers shall issue a summons for violation of N.J.S.A. 39:4-197.5 or N.J.S.A. 39:4-197.6, as appropriate, and may contact a towing company licensed by the Borough of Highland Park and request that the vehicle be removed and stored until redeemed by the registered owner of his, her, or its agent. Calls to an authorized towing company on the list shall be made as provided by § **407-15** of the Borough Code.
 - (4) Charges for removal or storage shall not exceed the maximum fee authorized pursuant to § **407-12** of the Borough Code. All such charges shall be the responsibility of the owner.
 - (5) An officer arranging for removal of a vehicle shall notify the police dispatcher of the time and date of such action and of the towing company effecting such removal.
 - (6) No person or corporation shall be permitted to voluntarily remove his, her, or its vehicle without payment of the charge prescribed by Subsection **B(4)** above once the towing company shall have been called to the scene by the officer.

§ 278-15. Maintenance of designated accessible parking spaces.

- A. It shall be the responsibility of any property owner within the Borough of Highland Park who has required designated accessible parking spaces to maintain said spaces. General site and building elements shall be maintained according to the American National Standard ICC/ANSI Code and the New Jersey Uniform Construction Code standards for all designated parking spaces for persons with disabilities. Whenever the Borough's ADA Coordinator, Police Department or Construction Official determines that such spaces are in need of repair, the ADA Coordinator shall serve in writing the violations that need to be repaired. The ADA Coordinator, Police Department, or Construction Official shall issue a summons to municipal court or a violation with penalty if the said violations have not been abated after 30 days.
- B. Penalty. Any person who shall violate this section, upon conviction thereof, shall be subject to a penalty not to exceed \$2,000 for each offense.

§ 278-16. Regulations for on-street accessible parking.

In accordance with the provisions of N.J.S.A. 39:4-197 et seq., the Borough hereby establishes restricted parking zones for residences occupied by persons with a disability as further set forth as follows:

- A. From time to time, the Borough Council may establish by ordinance restricted parking zones for residences occupied by persons with disabilities.
- B. Prior to the establishment of a restricted parking zone for a residence occupied by a person with a disability, the applicant shall satisfy the following criteria:

- (1) The applicant must be a resident of the Borough, permanently disabled and qualify for a windshield placard or wheelchair symbol license plate, or have a member of the resident's immediate family qualify for same as issued pursuant to N.J.S.A. 39:4-204 et seq.
- (2) The applicant must demonstrate that the person with the disability's mobility is impaired to the extent that ambulation is severely restricted.
- (3) The location of the on-street accessible parking space is on a public street.
- (4) The applicant resides at the address where the on-street accessible parking space is requested.
- (5) The applicant shall complete an application for an accessible parking space with the Highland Park Police Department, providing the vehicle's license plate number and/or accessible placard number with expiration date for verification.
- (6) The applicant, or the member of the applicant's family qualifying for restricted parking, has a valid and current windshield placard or wheelchair symbol license plate issued by the New Jersey Motor Vehicle Commission.
- (7) The applicant must be able to demonstrate that off-street parking is inaccessible.
- (8) The requested on-street accessible parking space shall be installed in front of the applicant's property pursuant to N.J.S.A. 39:4-197.6, unless:
 - (a) The requested space conflicts with any parking restriction already in place;
 - (b) There is not at least a twenty-two-foot frontage on a public street in front of the applicant's residence; or
 - (c) The requested space is otherwise deemed unfeasible by the Highland Park Police Department. In the event at least one of (a), (b), or (c), above, are found to be present, then the requested space shall be designated by the Highland Park Police Department as near to the applicant's property as practicable.
- (9) The applicant shall agree to advise the Highland Park Police Department when the on-street accessible parking space is no longer required.

C. Any restricted parking zone created under this section shall be available for use by any person who has qualified for, and possesses, a valid and current windshield placard or wheelchair symbol license plate, as issued pursuant to N.J.S.A. 39:4-204 et seq.

§ 278-17 Designation of on-street accessible parking spaces.

In accordance with the provisions of N.J.S.A. 39:4-197-6, the following criteria shall apply to the designation of on-street accessible parking spaces:

- A. There shall be permitted throughout the Borough a maximum of 26 on-street accessible parking spaces, two spaces within each of the 13 voting districts within the Borough.
- B. As provided for in § 278-16 hereinabove, application shall be made to the Highland Park Police Department for an on-street accessible parking space. These applications will be reviewed and approved on a first-come first-served basis. Once the two on-street accessible parking spaces have been designated within each voting district, the Highland Park Police Department will compile a waiting list of others eligible to qualify for said on-street accessible parking spaces.
- C. A renewal application must be submitted annually to the Highland Park Police Department for any approved on-street accessible parking space. If the renewal application is not submitted, the space shall be eliminated and the parking space for the next eligible applicant on the Highland Park Police Department's waiting list shall be designated.
- D. The following on-street locations are designated as accessible parking spaces. Such spaces are for the use by persons who have been issued windshield placards or wheelchair symbol license plates, pursuant to N.J.S.A. 39:4-204 et seq.

Voting District	Name of Street	Location
1	Redcliffe Avenue	4 Redcliffe Avenue
2	South 2 nd Avenue	Between Harper Street and Hill Street

3	Felton Street	Between Benner Street and Donaldson Street
3	South 2 nd Avenue	29 South 2 nd Avenue
4	Benner Street	Between South 3 rd Avenue and South 4 th Avenue
4	Harper Place	Between South 3 rd Avenue and South 4 th Avenue
4	Magnolia Street	Between South 3 rd Avenue and South 4 th Avenue
5	Mansfield Street	Between South 4 th Avenue and Grove Avenue
5	South 4 th Avenue	Between Raritan Avenue and Magnolia Street
6	South 6 th Avenue	Between Mansfield Street and Benner Street
6	South 8 th Avenue	Between Benner Street and Eden Avenue
6	South 7 th Avenue	Between Benner Street and Eden Avenue
12	South 11 th Avenue	Between Aurora Street and Eden Avenue

Section 3. This Ordinance shall take effect upon final passage and publication in accordance with law and shall take effect upon the date of final publication.

Introduced and Passed
on First Reading: September 15, 2020

Adopted: October 6, 2020

Approved: October 6, 2020

Attest:

Joan Hullings, Municipal Clerk

Gayle Brill-Mittler, Mayor