

TOWNSHIP OF EVESHAM

ORDINANCE NO. 35-10 -99

**ORDINANCE AMENDING CHAPTER 109
OF THE CODE OF THE
TOWNSHIP OF EVESHAM ENTITLED
"PARKING FOR HANDICAPPED"**

WHEREAS, pursuant to N.J.S.A. 39:4-197.6, any municipality may, by ordinance, establish a restricted parking zone in front of a residence occupied by a handicapped person if a windshield placard or wheelchair symbol license plates have been issued 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, by the Division of Motor Vehicles pursuant to the provisions of P.L. 1949, c.280 (C.39:4-204 et seq.), provided the permitting thereof would not interfere with the normal flow of traffic.

WHEREAS, Chapter 109 of the Township Code establishes handicapped parking areas on property that is open to the public or to which the public is invited; and

WHEREAS, the Township Council of the Township of Evesham deems it to be in the best interests of its residents to provide resident handicapped on-street parking zones in front of residences occupied by handicapped persons.

BE IT ORDAINED by the Township Council of the Township of Evesham that Chapter 109 be amended to provide for resident handicapped on-street parking, as follows:

Section One: Chapter 109 shall have a new title: "Parking for Handicapped: Article I. Handicapped Parking on Property Open to the Public; and Article II. Resident Handicapped On-Street Parking."

Section Two: The existing §109-1 through §109-4 shall be included in "Article I. Handicapped Parking on Property Open to the Public".

Section Three: A new "Article II. Resident Handicapped On-Street Parking" shall be added as follows:

§109-5. Purpose.

The purpose of this chapter is establish a restricted parking zone, by ordinance, in front of a residence occupied by a handicapped person, which person has been issued a windshield placard or wheelchair symbol license plates for the vehicle owned by the handicapped person.

§109-6. Statutory authority.

This chapter is enacted in accordance with N.J.S.A. 39:4-197.6. which does confer upon the Township a right to establish resident handicapped on-street parking in order to preserve and safeguard the public health, safety and welfare.

§109-7. Criteria.

1. The person requesting on-street resident handicapped parking is a resident of Evesham Township who shall make application to the Evesham Township Police Department. The application shall be reviewed, and approved or denied, by the Chief of Police of Evesham Township. A negative determination may be appealed to the Township Council if a request, from the resident aggrieved, is received within twenty (20) days from the date of the Chief's declination.
2. The person requesting on-street resident handicapped parking has been issued a wheelchair symbol license plate or windshield placard issued by the New Jersey Division of Motor Vehicles, which is properly displayed in either the handicapped resident's vehicle, or the vehicle of an immediate family member who also resides at that location.
3. The subject property passes an on sight inspection by the Evesham Township Police Department, which inspection shall determine whether handicapped parking will interfere with the normal flow of traffic, or whether there is immediate adjacent off-street parking available to the applicant.
4. The applicant complies with the provisions of N.J.S.A. 39:4-138(o) and 39:4-197.6 regulating handicapped parking in designated spaces.
5. Upon approval of an applicant's request for resident handicapped on-street parking, the Township will enact an appropriate ordinance designating the name of the subject street, the side of that street where the resident resides, and a description of the allowed parking area in front of the subject residence. Such designation shall be within the property lines

of the subject residence, but otherwise shall be subject to the discretion of the Police Department and the Chief of Police.

§109-8. Violations and penalties.

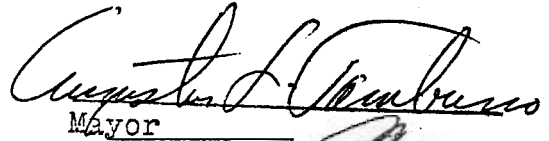
Any person improperly parking in a properly designated resident handicapped restricted parking space shall be subject to the penalties under N.J.S.A. 39:4-203 and 39:4-207.7.

Section Four: All existing ordinances of the Township of Evesham which are inconsistent with the provisions of this Ordinance are hereby repealed.

Section Five: This Ordinance shall take effect immediately upon approval and publication according to law.

Adopted on second and final reading on

October 5, 1999


Mayor

Attest Carmela Borjicio, Deputy
Clerk