

DATE _____

NUMBER 16-2023

TITLE: **AN ORDINANCE AMENDING ARTICLE VI, SPECIAL ZONES AND AREAS, 200-18.1 HANDICAPPED PARKING SPACES. (Sponsored by Councilmember-At-Large Adrienne Wooten)**

WHEREAS, the Americans with Disabilities Act (ADA) became law in 1990; and

WHEREAS, the ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public; and

WHEREAS, the purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else; and

WHEREAS, the ADA gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion; and

WHEREAS, it guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications. The ADA is divided into five titles (or sections) that relate to different areas of public life; and

WHEREAS, in 2008, the Americans with Disabilities Act Amendments Act (ADAAA) was signed into law and became effective on January 1, 2009; and

WHEREAS, the ADAAA made a number of significant changes to the definition of "disability." The changes in the definition of disability in the ADAAA apply to all titles of the ADA, including Title I (employment practices of private employers with 15 or more employees, state and local governments, employment agencies, labor unions, agents of the employer and joint management labor committees); Title II (programs and activities of state and local government entities); and Title III (private entities that are considered places of public accommodation); and

WHEREAS, words are powerful; and

WHEREAS, the words you use and the way you portray individuals with disabilities matters.

WHEREAS, do not assume that people with disabilities are willing to disclose their disability. While some people prefer to be public about their disability, such as including information about their disability in a media article, others choose to not be publically identified as a person with a disability; and

WHEREAS, it is important to choose language that emphasizes what people can do instead of what they can't do is empowering; and

WHEREAS, use language that emphasizes the need for accessibility rather than the presence of a disability; and

WHEREAS, that 'handicapped' is an outdated and unacceptable term to use when referring to individuals or accessible environments.

 A. Wooten

NOW THEREFORE BE IT ORDAINED, that the municipal council of the City of Orange Township does amend Article VI, Special Zones and Areas, 200-18.1 Handicapped Parking.

BE IT FURTHER ORDAINED, that the words handicap, and handicapped will be changed to assessable and removed from the Code of the City of Orange Township in its entirety.

BE IT FURTHER ORDAINED that the word handicapped can also be replaced with the words persons with disabilities when appropriate.

BE IT FURTHER ORDAINED, by the Municipal Council of the City of Orange Township that the words handicapped will be replaced with the words accessible throughout the entire municipal code.

SECTION 1: PROVISIONS

200-18.1 ~~Handicapped~~ Persons with disabilities parking spaces. [Added 4-15-86 by Ord. No. 34-86; amended 12-20-88 by Ord. No. 43-88; 5-21-91 by Ord. No. 14-91; 4-4-95 by Ord. No. 6-95; 8-2-95 by Ord. No. 19-95; 3-7-2017 by Ord. No. 7-2017]

A. Upon adoption of an ordinance, pursuant to N.J.S.A. 39:4-197.6, establishing a restricted parking zone in front of a residence occupied by a ~~handicapped~~ a person or persons with disabilities, the Public Works Department shall issue a permit which identifies a specific motor vehicle and the location wherein it is to be parked as designated in the ordinance. The permit shall be five and one-half (5 1/2) inches by eight and one-half (8 1/2) inches in size, shall bear an appropriate certification of authenticity and shall be displayed prominently within the vehicle when it is parked so as to be seen from the middle of the street. Such permits shall only be issued to persons who can prove ownership and operation of the motor vehicle and residency at the location specified thereon. The fee for each such permit shall be \$100.

B. Each applicant for a restricted parking zone in front of his or her residence shall meet and satisfy all of the requirements set forth in N.J.S.A. 39:4-197.5, 39:4-197.6, 39:197.7, and any other applicable state statute, rule or regulation.

C. The locations described in Schedule XXII (Section **200-52.1**) attached to and made a part of this chapter, are hereby designated as ~~handicapped~~ assessable parking spaces and subject to the provisions of N.J.S.A. 39:4-197.5, et seq.

D. No assessable ~~handicapped~~ parking space shall be established within three hundred (300) feet of any other assessable ~~handicapped~~ parking space, except that where assessable ~~handicapped~~ parking spaces are existing in closer proximity on the effective date of this section, those spaces may remain until the permit holder dies or otherwise permanently ceases to reside in that residence, or until he or she no longer qualifies for an assessable a ~~handicapped~~ parking space under the terms of this section and/or the applicable state statutes;

E. Each applicant for a restricted parking zone in front of his or her residence shall certify on a form provided by the Department of Public Works that he or she has no driveway or garage accessible for use as a parking space;

F. Each applicant for a restricted parking zone in front of his or her residence may only receive one (1) assessable ~~handicapped~~ parking space, limited to that side of the street on which his or her residence is located if there is parking permitted on both sides of the street;

G. Where parking is restricted to one side of the street, the City may make provisions to ensure a an assessable handicapped parking space is available to the applicant at all times;

H. Holders of a temporary assessable handicapped license plates must reapply annually with the Department of Public Works to maintain a restricted parking zone in front of his or her residence once such handicapped assessable parking space has been issued;

I. Every two years, commencing in 1995, the Public Works Department shall send a form to each recipient of an assessable a handicapped parking space containing a certification to be signed by the recipient certifying his or her continuing qualifications and need for an assessable a handicapped parking space. Each form shall contain instructions for its completion and return within 30 days of receipt. It is the applicant's responsibility to notify the Public Works Department in the event that the designated assessable handicapped parking space is no longer required. Within 30 days after the due date for the return of the certifications, the Public Works Department shall submit a list to the City Council of all assessable handicapped parking spaces for which certifications were not returned. The City Council may then act at a subsequent meeting to terminate approval of those assessable handicapped parking spaces for which certifications were not received. In addition, after verification by the Public Works Department, the City Council may act at any time to terminate approval of those assessable handicapped parking spaces held by recipients that have died or have moved from the City of Orange. [Amended 11-6-2019 by Ord. No. 38-2019]

J. Before final adoption of an ordinance establishing an assessable a handicapped parking space, the Department of Public Works shall examine each proposed assessable handicapped parking space and shall report to the City Council if there is any public policy reason for denying approval of the proposed space, including, but not limited to: (1) parking is otherwise prohibited in the area; (2) the restricted space will interfere with the normal flow of traffic; (3) the number and/or nature of commercial establishments in the area make the restricted space burdensome and impractical; (4) the existence of other restricted parking spaces in the vicinity of the proposed space is likely to create an unreasonable burden on neighboring residents. It shall be the responsibility of the City Clerk to send on the day following introduction of an ordinance establishing an assessable a handicapped parking space a written notice to the Public Works Department advising of the date for final adoption of said ordinance.

SECTION 2: INCONSISTENCIES

All other ordinances and parts of ordinances in conflict or inconsistent with this ordinance are hereby repealed but only to the extent of such conflict or inconsistency.

SECTION 3: PURPOSE

All headings within this ordinance are for convenience only and are not deemed to be part of this ordinance.

SECTION 4: FISCAL IMPACT

None

SECTION 4: EFFECTIVE DATE

This ordinance shall take effect as required by law.

Adopted:

Joyce L. Lanier
City Clerk

Tency Eason
Council President