

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE NO. 211-2010

AN ORDINANCE OF THE CITY OF CAPE MAY AMENDING
CHAPTER 7, SECTION 7-37.5 OF THE CAPE MAY CITY CODE
ENTITLED “RESERVED HANDICAPPED PARKING ON
STREET”

WHEREAS, Section 7-37.5 of the Cape May City Code (the “City Code”) currently permits handicapped parking at certain designated parking spaces within the City of Cape May (the “City”); and

WHEREAS, N.J.S.A. 39:4-197.6, *et seq.* allows a municipality to issue a permit to a handicapped property owner so as to allow restricted parking for one motor vehicle at a space designated for the sole benefit of such property owner at or adjacent to the property owner’s residence;

WHEREAS, Harvey Allen, the owner or occupant of 228 Windsor Avenue (the “Property Owner”) has requested that the City Council of the city of Cape May (the “City Council”) designate a handicapped parking space in front of the residence; and

WHEREAS, the City Council desires to amend the Code in order to permit handicapped parking at all times at a designated parking space located at 228 Windsor Avenue in accordance with the terms and conditions set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Cape May, County of Cape May, State of New Jersey, as follows:

1. Chapter 7, Section 7-37.5 of the City Code entitled “Reserved handicapped parking on street” is hereby amended as follows (inserted language is underlined, deleted language is ~~strikethrough~~):

§ 7-37.5. Reserved handicapped parking on street.

In accordance with N.J.S.A. 39:4-197.7, the following on-street location(s) is (are) designated as Reserved Handicapped Parking Spaces for use by the person named below until such time as that person no longer resides at the property adjacent to the designated parking space:

| <u>NAME OF STREET</u> | <u>SIDES</u> | <u>LOCATION</u> | <u>NAME OF PERSON</u> |
|-----------------------|--------------|--|-----------------------|
| Hughes Street | South | Beginning 130 feet west from westerly curblin e of Stockton Avenue to a point 22 feet west thereof | Marguerite Graham |

| | | | |
|-----------------------|-------------|--|---------------------|
| Washington Street | South | Beginning 189 feet west from westerly curbline of Madison Avenue to a point 22 feet west therefrom. | Wingrove Rosewag |
| Washington Street | West | Beginning 160 feet north from the northerly curbline of Madison Avenue to a point 20 feet north therefrom. | Carol M. Boyd |
| <u>Windsor Avenue</u> | <u>West</u> | <u>400' North from the northerly curbline of North Street to a point 20' therefrom</u> | <u>Harvey Allen</u> |

Such spaces are for use only by the person so designated provided such persons have been issued a special vehicle identification car or plates or placards by the New Jersey Motor Vehicle Commission, or a temporary placard by the Chief of Police. No other person shall be permitted to park in these spaces. In addition, such designated person shall provide the City Clerk and the Chief of Police with a copy of the vehicle registration of the vehicle to be parked at the designated location, and no other vehicle shall be permitted to park in the designated space. Each designated person shall also notify the City Clerk and Chief of Police of any change in the vehicle and shall provide a copy of the vehicle registration for any replacement vehicle. The designated person shall only be permitted to register one vehicle with the City for such purpose. Such designated parking place shall terminate automatically and without further ordinance either (i) upon the death of the designated person or (ii) at such time that the designated person no longer resides at the property adjacent to the designated location.

Such designated parking place shall not be permitted unless there is no off-street parking available to the designated person at the designated person's residence. For the purposes of this section, the availability of a driveway parking permit pursuant to Section 7-54 shall constitute off-street parking. All determinations as to the availability of off-street parking shall be made by the Chief of Police, in the Chief's sole discretion.

2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provision of this Ordinance are hereby declared to be severable.

4. This Ordinance shall take effect within twenty (20) days after final passage and publication as provided by law.

ATTEST:

CITY OF CAPE MAY, a municipal corporation of
the State of New Jersey

Diane L. Weldon, City Clerk

BY: _____
Dr. Edward J. Mahaney, Jr., Mayor

NOTICE

This Ordinance was introduced at a regular meeting of the City Council of the City of Cape May, held on September 21, 2010 and was considered for final passage and adopted at a meeting of the City Council held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on October 19, 2010.

Diane L. Weldon, City Clerk

| Roll Call | Ayes | Nays | Absent | Abstain |
|------------------|-------------|-------------|---------------|----------------|
| Favre | | | | |
| Kurkowski | | | | |
| Steenrod | | | | |
| Swain | | | | |
| Mahaney | | | | |

Introduced:

First Publication:

2nd Reading & Adoption:

Final Publication:

Effective Date: