

ORDINANCE NO. 19-2022

AN ORDINANCE AMENDING CHAPTER 22, TRAFFIC AND PARKING, SECTIONS 22-2 ENTITLED PENALTY AND 22-33 ENTITLED HANDICAPPED PARKING OF THE "REVISED ORDINANCES OF THE BOROUGH OF MORRIS PLAINS, NEW JERSEY, 1972" TO ESTABLISH \$250.00 AS THE PENALTY FOR IMPROPER HANDICAPPED PARKING.

WHEREAS, the Borough of Morris Plains is desirous of setting forth the penalty for improper handicapped parking in the Borough of Morris Plains to \$250.00.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Morris Plains, they being the Governing Body thereof, as follows:

Section 1:

Section 22-2 entitled Penalty in Chapter 22 of the Revision is hereby amended, supplemented and revised by deleting the following language:

Unless another penalty is expressly provided by New Jersey statute, any person who violates any provision of this chapter shall, upon conviction thereof be punished by a fine not exceeding \$50.00 or by imprisonment for a term not exceeding 15 days, or both.

And inserting the following in its place and stead:

Unless another penalty is expressly provided by New Jersey statute, or within the applicable section of the Borough Code, any person who violates any provision of this chapter shall, upon conviction thereof be punished by a fine not exceeding \$50.00 or by imprisonment for a term not exceeding 15 days, or both.

Furthermore Section 22-33 entitled Handicapped Parking in Chapter 22 of the Revision is hereby amended, supplemented, and revised by deleting the following language:

- a. Definitions. As used in this article, the following terms shall have the meanings indicated:

HANDICAPPED PARKING SPACE

Any space on public or private property appropriately marked for vehicles for physically handicapped individuals pursuant to any law, ordinance, resolution or regulation, which space has been approved to be so designated by the Chief of Police of the Borough of Morris Plains or his designee.

PHYSICALLY HANDICAPPED INDIVIDUAL

Any individual who has been issued special vehicle identification by the Division of Motor Vehicles pursuant to N.J.S.A. 39:4-205 when using a motor vehicle properly identified pursuant to N.J.S.A. 39:4-206 by a license plate bearing the national wheelchair symbol or windshield identification.

- b. It shall be unlawful for any person to park, stop or stand a motor vehicle in a handicapped parking space unless a physically handicapped individual is either the driver or a passenger in that vehicle.
- c. This article shall be enforced by the Police Department of the Borough of Morris Plains.
- d. Any police officer enforcing this article may, but shall not be required to, place a notice on a vehicle parked in a handicapped parking space notifying the operator thereof that he will issue a summons if the operator does not, within 48 hours, present a satisfactory explanation to the Morris Plains Police Department as to why the motor vehicle

was occupying a handicapped parking space.

And inserting the following in its place and stead:

- a. Definitions. As used in this article, the following terms shall have the meanings indicated:

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- c. This article shall be enforced by the Police Department of the Borough of Morris Plains.
- d. Any police officer enforcing this article may, but shall not be required to, place a notice on a vehicle parked in a handicapped parking space notifying the operator thereof

that he will issue a summons if the operator does not, within 48 hours, present a satisfactory explanation to the Morris Plains Police Department as to why the motor vehicle was occupying a handicapped parking space.

e. Any person who violates this section shall be liable for a fine of \$250.00.

Section 2:

All other provisions of the aforesaid Chapter 22 of the Revised Ordinances shall be unaffected and are hereby continued.

Section 3:

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4:

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid by a Court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance.

Section 5:

This Ordinance shall take effect immediately after final passage and publication.

Introduced: December 1, 2022

Adopted: December 15, 2022

/s/ Jason Karr