

TOWNSHIP OF WASHINGTON

ORDINANCE NO. 2003-09

AN ORDINANCE AMENDING CHAPTER 106 STREET AND SIDEWALKS OF THE CODE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF WARREN

BE IT ORDAINED by the Township Committee of the Township of Washington, in the County of Warren and State of New Jersey as follows:

1. Chapter 106 Street and Sidewalks shall be hereby amended to include a new section, Article III. "Snow and Ice Removal" as such:

ARTICLE III. SNOW AND ICE REMOVAL

§106-15. Duty to remove.

A. The owner, occupant or tenant of premises abutting or bordering on any street in the township shall remove all snow and ice from the abutting sidewalks of the street or the abutting right-of-way actually used by the public, or in the event of ice which may be so frozen as to make removal impractical, shall cause the same to be thoroughly covered with sand, ashes or other appropriate material, within 12 hours of daylight after the snow falls or the ice forms . . .

B. The owner, occupant or tenant of premises used by the public or business invitees shall remove all snow and ice from the sidewalks, street, rights-of-way and parking areas used by the public in the transaction of business, and in the event of ice which may be so frozen as to make removal impractical shall cause the same to be thoroughly covered with sand, ashes or other appropriate material, within 12 hours of daylight after the snow falls or the ice forms.

C. The obligations set forth in this section do not apply to municipal property owned or operated by the Township of Washington.

§106-16. Depositing snow or ice on street.

No owner, tenant or occupant of premises abutting on a street shall deposit snow or ice on any street, it being the intent and purpose of this provision to prohibit all persons from depositing snow and ice which accumulates within the private property belonging to that person on the sidewalks or streets of the township.

§106-17. Removal by township, lien for costs.

In case the snow or ice is not removed from the sidewalks within the time prescribed or is deposited upon the sidewalks or the street by the owner, tenant or occupant of any premises, it shall be lawful for the Public Works Manager or the officer having charge of the streets of the Township to remove entirely such snow or ice from off the paved portion of the sidewalk or street in front of said lot or lots of land.

§106-18. Costs to become lien.

The cost and expense paid and incurred by the Public Works Manager or other officer for removing such snow or ice from any sidewalk or street and for forming the pathway, where required, shall be ascertained by the Township Committee and certified to the Collector of the Township, and such expense shall be added to and form a part of the tax or taxes next to be levied and assessed on the lot or lots of land in front of which such sidewalk is, from which snow or ice has been removed or the pathway formed, to be collected according to law and shall be a lien upon said lands until paid; and this liability of the owner or owners of the said land shall be in addition to his or her liability to the fine imposed by § 106-19 of this Article.

§106-19. Violations and penalties.

Any person who violates any of the provision of this Article shall, upon conviction thereof, be punishable by a fine and/or imprisonment as follows:

First offense: Not more than two hundred dollars (\$200)

Second offense: Not more than three hundred fifty dollars (\$350)

Third offense: Not more than five hundred dollars (\$500) or by imprisonment in the county jail for a period of not more than ninety (90) days or by both such fine and imprisonment.

2. Chapter 106 Street and Sidewalks shall be hereby amended to include a new section, Article IV, "Construction, Repairs and Replacement of Sidewalk:" as such:

ARTICLE IV. CONSTRUCTION, REPAIRS AND REPLACEMENT OF SIDEWALK

§106-20. Installation of new sidewalks.

A. The Township Committee will determine when to install new sidewalks along existing roads on a case-by-case basis, taking into consideration traffic density, the nature of the street or roadway involved, including whether it is an arterial street or a dead end or cul-de-sac, pedestrian usage, proximity of existing sidewalks on neighboring streets, topography of the street and shoulder area, the width of the right-of-way and comments of property owners in the area or the public. The cost of installing new sidewalks shall be borne by the township.

B. The Land Use Board of the Township of Washington, as appropriate, will base its decision on whether to require sidewalks in connection with an application for development before it on the same criteria and consideration set forth in Subsection A. The cost of constructing such sidewalks shall be borne by the developer.

§106-21. Replacement of existing sidewalks.

The Township Committee, with the advice and assistance of the Township Engineer, may review the existing sidewalks in the township and draft a priority list for the replacement or repair of sidewalks.

§106-22. Construction materials.

New sidewalks and areas of reconstruction or replacement of existing sidewalks shall be constructed of concrete, slate, bluestone, concrete pavers or other construction material approved by the Township Committee. No asphalt shall be allowed. Construction material for replacement or repair of existing sidewalks shall match other existing sidewalks in the neighborhood and be consistent with the historical nature of the township. The Township Committee shall give final approval to the construction materials called for in the bid specifications of any sidewalk project. Individual property owners who wish to change the material composition of sidewalks abutting their property, at their own cost and expense, must secure permission, in writing, from the Public Works Manager.

§106-23. Width of sidewalks.

The width of all sidewalks in residential areas shall be four feet, unless the Township Committee, after reviewing written recommendations from the Township Engineer, decide that another width is appropriate. Sidewalks in commercial areas shall extend from curb to adjoining building, unless the Township Committee, after reviewing written recommendations from the Township Engineer, decide that another width is appropriate.

§106-24. Maintenance.

The owner, tenant or occupant of the property in front of which a sidewalk passes shall continue to be responsible for all repair, maintenance and replacement of the sidewalk in front of the property so owned or occupied and shall keep the same free from snow, ice, grass, weeds, rubbish and other obstructions.

§106-25. Repair, maintenance or replacement by township, lien for costs.

In case a sidewalk is in such a state of disrepair that it requires repair, maintenance and/or replacement, and an owner, tenant or occupant fails to take such steps to repair, maintain, and/or replace within 60 days of notice from the Township, it shall be lawful for the Street Supervisor or the officer having charge of the streets of the Township to take all necessary actions to repair, maintain and/or replace the sidewalk. Any owner, tenant or occupant may, within 15 days of receipt of notice from the township, make a written application for an extension of time to repair, maintain and or replace to the Township Committee which may be granted for good cause shown.

§106-26. Costs to become lien.

The cost and expense paid and incurred by the Public Works Manager or other officer for repair, maintenance and/or replacement of a sidewalk shall be ascertained by the Committee and certified to the Collector of the Township, and such expense shall be added to and form a part of the tax or taxes next to be levied and assessed on the lot or lots of land in front of which such sidewalk is located, to be collected according to law and shall be a lien upon said lands until paid; and this liability of the owner or owners of the said land shall be in addition to his or her liability to the fine imposed by § 106-27 of this Article.

§106-27. Violations and penalties.

Any person who violates any of the provision of this Article shall, upon conviction thereof, be punishable by a fine and/or imprisonment as follows:

First offense: Not more than two hundred dollars (\$200)

Second offense: Not more than three hundred fifty dollars (\$350)

Third offense: Not more than five hundred dollars (\$500) or by imprisonment in the county jail for a period of not more than ninety (90) days or by both such fine and imprisonment

§106-28. Intentional or negligent damage.

A person, firm or corporation damaging any sidewalk shall be responsible to repair or pay for the repairs to any such damaged sidewalk. Any such repairs shall be made under the direction of the Public Works Manager in accordance with this article.

§106-29. Notice to public.

Before the township embarks on any sidewalk reconstruction or repair or replacement project, the cost of which will exceed \$5,000.00 or which will substantially alter the character and composition of the sidewalk, including, by way of example, replacing slate with concrete, the Township Committee shall hold a public hearing so that input from the public and adjoining property owners may be considered.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Township Committee of the Township of Washington held July 15, 2003 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a meeting of the Township Committee to be held on August 19, 2003 at 7:30 p.m. or as soon thereafter as the matter may be heard, at the Police/Municipal Building, 33 Little Philadelphia Road, Washington, NJ, 07882, at which time all persons interested will be given an opportunity to be heard concerning such Ordinance.

Mary Ann O'Neil, RMC/CMC
Township Clerk