

DELANCO TOWNSHIP

ORDINANCE 2010-10

**CREATING CHAPTER 240 GOVERNING
“SIDEWALK AND CURB REPAIR”**

WHEREAS, the Township of Delanco has had a policy of requiring sidewalk and curbs to be repaired by those property owners abutting the sidewalks and curbs; and

WHEREAS, N.J.S.A. 40:65-1, et seq. permits municipalities to adopt Ordinances requiring abutting property owners to repair sidewalks and curbs; and

WHEREAS, it is the further intent of the Township Committee to establish responsibility, throughout the Township for maintenance of the area within a public right-of-way between private property lines and the cartway of a street.

WHEREAS, the Township Committee of the Township of Delanco desires to adopt this Ordinance pursuant to the Statute in order to codify the Township’s existing policy.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Township Committee of the Township of Delanco, County of Burlington, State of New Jersey, that the Township Code is hereby amended to add Chapter 240, governing “Sidewalk and Curb Repair” as follows:

Chapter 240. Sidewalk and Curb Repair.

§ 240-1. Applicability.

The owner(s) of every property owner in the Township shall comply with the provisions of this chapter, whether or not such buildings thereon shall have been constructed, altered or repaired before or after the enactment of this chapter. Failure to comply with the provisions of this chapter shall be unlawful conduct by the record owner of the premises. This chapter establishes minimum standards for the initial and continued occupancy and use of all such buildings and does not replace or modify standards otherwise established for the construction, repair, alteration or use of such commercial buildings or premises contained therein.

§ 240-2. Enforcement.

The "Township enforcement officer" shall be defined as the Zoning and Code Enforcement Officer or any other Township official so designated by the Township Administrator to enforce the provisions of this chapter. All Township departments shall cooperate fully with the Zoning and Code Enforcement Officer in the enforcement of the provisions of this chapter. All violation complaints under this chapter may be brought by any resident or the Township Zoning and Code Enforcement Officer.

§ 240-3. Responsibility of owner for area between private property and cartway.

Every property owner in the Township shall be responsible for the maintenance of the area within an abutting public right-of-way between the property lines of the premises in question, extended to the cartway line.

Maintenance responsibilities shall include but are not limited to the following:

- A. All sidewalks and curbs along any and all streets, roads and public places in the Township shall be repaired and kept in repair at the cost and expense of the owner or owners of the lands in front of which such sidewalks and curbs are constructed.
- B. Removal of any and all weeds, litter and other debris.
- C. Sweeping or washing sidewalks and gutters, to keep in dust-free condition.
- D. Maintaining all surfaces in level and safe condition to avoid tripping hazards, (e.g. filling any depressions due to settling of earth, repairing uneven edges of concrete, brick or other hard surface material, etc.)

Responsibilities shall not include maintenance of any streetlight, traffic signal, regulatory sign, public trash receptacle, public bench, bus shelter, public bicycle rack or any equipment or improvements owned and maintained by a public entity.

§ 240-4. Penalties and Enforcement.

The Zoning and Code Enforcement Officer, or such other designee(s) as may be established by the Township Administrator, may cite a property owner in accord with Chapter 222-9(D) of this Code, governing Property Maintenance, in accord with the process and procedures set forth therein.

Any person, firm or corporation who or which violates any provision of this chapter shall, upon conviction, be punishable as provided in Chapter 1, General Provisions, Article II, General Penalty. The Municipal Court of the Township of Delanco shall have jurisdiction to enforce the provisions of this chapter.

§ 240-5. Failure to comply; costs a lien.

In addition to the penalties per section 240-4, if, in the absence of any good and sufficient reason why such work should not be done, said owner fails to make such improvement, within 30 days after service of the notice aforesaid, then the Township Committee may have the work done at the cost and expense of said owner. The Township Engineer shall keep an accurate account of the cost thereof and file a report thereof under oath with the Township Clerk. The Township Committee, after notice to the owner or owners, shall confirm said report and file it with the Tax Collector. Such sidewalk and curb costs shall bear interest from the time of confirmation and shall be a lien on the real estate assessed.

Section 2. Repealer. Any Ordinances inconsistent with this ordinance is hereby repealed to the extent of its inconsistency.

Section 3. Severability. If any provision of this Ordinance is deemed unlawful by a Court is found to be contrary to law by a court of competent jurisdiction, such provision shall be of no force or effect; but the remainder of this Agreement shall continue in full force and effect.

Section 4. Effective date. This Ordinance shall take effect upon proper passage in accordance with the law.

The above entitled ordinance was passed on first reading at a meeting of the Township Committee of the Township of Delanco on June 21, 2010. It will be further considered for final passage after a public hearing at the regularly scheduled meeting to be held on July 19, 2010 at the Municipal Building, 770 Coopertown Road, Delanco, NJ at 7:30PM at which time and place any persons desiring to be heard upon the same will be given the opportunity to be heard. Copies of this ordinance will be made available at the Municipal Clerk's office to members of the general public who shall request them.

Janice M. Lohr, RMC

Municipal Clerk