

ORDINANCE 2017-07
COUNTY OF BURLINGTON
TOWNSHIP OF NORTH HANOVER

AN ORDINANCE OF THE TOWNSHIP OF NORTH HANOVER, BURLINGTON COUNTY AMENDING THE CODE OF THE TOWNSHIP OF NORTH HANOVER BY ADDING NEW SECTION ENTITLED "MAINTENANCE OF SIDEWALKS, DRIVEWAY APRONS AND CURBS"

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of North Hanover in the County of Burlington, State of New Jersey that the Code of the Township of North Hanover is hereby amended by adding new section entitled "Maintenance of Sidewalks, Driveway Aprons and Curbs" as follows:

SECTION I. Maintenance of Sidewalk, Driveway Apron and Curb

A. Purpose. The Township has determined that there is a need to address the repair and or replacement of certain sidewalks and curbs throughout the Township. It being the further intent of the Township Committee that sidewalk and curb replacements be done by the abutting property owner for all sidewalks and curbs requiring repair or removal both presently and as the need arises and after the completion of any sidewalk replacement program. It is the purpose of this section to establish a procedure whereby sidewalks and curbs will be replaced, assigning the responsibility to the abutting landowner, and assessing for costs where the Township is forced to replace the sidewalk and curb.

B. Definitions. As used in this section:

a. "Street" shall mean any road, highway, public way, public alley, easement or other right-of-way accepted or maintained by the township as a public street including unimproved areas within the right-of-way, or any road or access way which, while not accepted or maintained by the township, is open to use by the public, as well as any State or county road or highway over which the township has acquired jurisdiction by agreement.

b. "Sidewalk" shall mean any surface provided for the exclusive use of pedestrians, including the area between the curb of any street and the property line adjacent thereto, or, if there is no curb, the area between the edge of the street and the property line adjacent thereto, and shall include the public right-of-way along such street or sidewalk and shall include the paved area between the curb and right-of-way line at driveways commonly known as a "driveway apron".

C. Responsibility of Property Owner.

a. Where the lands of any owner abut a street, it shall be the responsibility of such property owner to keep the area between the property line and the street line, including the sidewalk, driveway apron and curb as the case may be, in good repair. The street line for the purposes of this article is designated as the edge of the paved surface of the street.

b. It shall be the duty of any owner of land abutting a public street to repair any curb if damaged by the property owner's actions or the actions of the property owner's lessee, tenant, employees, agents or occupants of the property.

D. Order to Repair. If it comes to the attention of the Township that the area described in paragraph C above is kept in such a state of disrepair as to endanger the health and general welfare of the citizens of the township, the appropriate Township official may order the property owner to repair the area upon notice in writing to be served upon the owner or occupant of such lands requiring the necessary specified work to such sidewalk or curb to be done by such owner within a period of 30 days from the date of service of such notice, such notice to be served postage prepaid to the address of the property owner as provided by the tax assessor. If his/her address cannot be ascertained, then the notice may be inserted for four weeks, once a week, in an official newspaper of the township.

E. Repair by Township; Recovery of Costs. If the owner of the lands in question shall refuse or neglect to abate or remedy the condition within thirty (30) days following receipt of notice pursuant to paragraph D, it shall be lawful for the appropriate Township official, upon filing of proof of service or publication of the aforesaid notice with the Township's Municipal Clerk and Township Administrator and upon the Township Administrator's direction, to cause the required work to be done and paid for out of the monies of the Township available for that purpose. Upon completion of the work, the amount expended therefore shall be certified by the Chief Financial

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Officer to the Township Committee. The Township Committee upon receipt of the certification of charges shall by resolution certify the amount of the cost of such work and shall create same as a lien upon the lands abutting the sidewalk or curb where such work was done. Said lien shall become an assessment for local improvements to the same extent and manner as local improvement liens are in the Township and shall be collected in the manner provided by law for the collection of such other assessments and shall bear interest at the same rate.

Nothing herein shall prohibit the Township from commencing an action to recover the amount expended against the owner of land in any court having competent jurisdiction thereof. A certified copy of the aforesaid amount shall in such action be prima facie evidence of the existence of the debt due from the owner/occupant to the Township.

SECTION II. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance. All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION III. This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by the law.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Deputy Mayor DeBaecke	X		X			
Committeeman Doyle		X	X			
Committeeman Kocubinski			X			
Committeeman O'Donnell			X			
Mayor DeLorenzo			X			

NOTICE

This Ordinance published herewith was introduced and passed upon first reading at the regular meeting of the Township Committee of the Township of North Hanover held on July 6, 2017. It will be further considered for final passage after a public hearing to be held on July 20, 2017 at the Municipal Building, 41 Schoolhouse Road, Jacobstown, NJ at 7:00 p.m. or as soon thereafter as the matter may be heard, at which time and place any persons desire to be heard upon the same will be given an opportunity to be heard. Copies are available free of charge at the Municipal Clerk's Office prior to the public hearing.

Mary Picariello, RMC/CMR/CTC
Township Clerk

NOTICE

The ordinance read by title upon second reading herewith has been adopted at the meeting of the Mayor and Township Committee of North Hanover Township, held on July 20, 2017 and the 20 day period of limitation within which a suit, action or validity of such ordinance can be commenced, has begun to run from the date of the publication of this notice.

Mary Picariello, RMC/CMR/CTC
Township Clerk

Vote to Adopt Ordinance 2017-07:

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Deputy Mayor DeBaecke	X		X			
Committeeman Doyle			X			
Committeeman Kocubinski			X			
Committeeman O'Donnell		X	X			
Mayor DeLorenzo			X			