

Ordinance #201 7-1181

**AN ORDINANCE OF THE BOROUGH OF MANVILLE
PROVIDING FOR THE REMOVAL OF SNOW, ICE AND SLEET
FROM SIDEWALKS, TEMPORARY SIDEWALKS, AND ADJACENT ROADWAYS
IN THE BOROUGH OF MANVILLE,
AND REPEALING AND REPLACING ORDINANCE #1965-313**

WHEREAS, the Mayor & Council find that it is in the best interest and safety of the residents of the Borough to require property owners to remove snow, ice or sleet from properties in a timely manner, and to prohibit property owners from causing such snow, ice or sleet to be dumped into adjacent streets or roadways; and

WHEREAS, Ordinance #2012-1109, Section 8. Abatement of nuisance; correction of defect; lien against premises, states:

The Borough Council, by resolution of its governing body, may abate a nuisance, correct a defect or put the premises in proper condition so as to comply with the requirements of any municipal ordinance or state law applicable thereto, at the cost of the owner or lessor, and expend municipal funds for such purpose and charge the same against the premises, and the amount thereof as determined by the governing body of the municipality shall be a lien against the premises.

NOW, THEREFORE

BE IT ORDAINED by the Mayor and Council of the Borough of Manville, in the County of Somerset and State of New Jersey, as follows:

1. The property owner of record of any building or lands abutting or bordering any street, avenue or highway in the Borough of Manville, upon which there is a sidewalk or temporary sidewalk which, together, with adjacent sidewalks is 100-feet or more in length, shall within twelve (12) hours after snow, ice or sleet shall have stopped falling or accumulating thereon: shall remove or cause to be removed all snow, ice or sleet from the sidewalk or temporary sidewalk abutting said building or lands. (It is the intent of the 100-foot length requirement in this section that if, by way of example, a homeowner has less than 100-feet of sidewalk frontage and the neighbors on each side have no sidewalk at all, then that homeowner shall have no requirement to remove snow from that short isolated sidewalk that does not connect to any other sidewalks).

2. It is prohibited for any such property owner, or any tenant, employee or agent of same, when removing or causing to be removed, snow, ice or sleet in accord with section 1 of this Ordinance, to cause such snow, ice or sleet to be thrown or placed into any public roadway or right-of-way, whether by operation of a snowblower, plow, hand-shovel, or in any other manner, to a distance of more than 1 foot from the curblineline or roadway edge.

3. Upon any violation of Section 1 of this Ordinance, (a) the snow, ice or sleet on the sidewalk or temporary sidewalk shall be removed under the direction of the Borough Administrator, Borough Engineer, Director of Public Works, and/or the Borough Zoning/Property Maintenance Officer, and (b) said responsible party shall be subject to a charge for said abatement in the amount of \$100 for up to 100-feet of sidewalk or temporary sidewalk, plus \$1 for each additional foot of sidewalk or temporary sidewalk, and (b) the Borough Administrator, Borough Engineer, Director of Public Works, and/or the Borough Zoning/Property Maintenance Officer shall certify said charge to the Tax Collector, which shall be a lien against that property on the tax records.

4. Upon any violation of Section 2 of this Ordinance, (a) the snow, ice or sleet in the adjacent street or roadway shall be removed under the direction of the Borough Administrator, Borough Engineer, Director of Public Works, and/or the Borough Zoning/Property Maintenance Officer, and (b) said responsible party shall be subject to a charge for said abatement in the amount of \$250 (b) the Borough Administrator, Borough Engineer, Director of Public Works, and/or the Borough Zoning/Property Maintenance Officer shall certify said charge to the Tax Collector, which shall be a lien against that property on the tax records.

5. Repeal: Ordinance No. 1965-313 is hereby repealed and replaced by this Ordinance.

6. Severability: In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

7. Inconsistency with other Ordinances: Should any provision of this ordinance be inconsistent with the provisions of any other prior ordinances, the inconsistent provisions of such other prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

8. Effective Date: This ordinance shall be effective ten (10) days after final approval and publication in accordance with law.

Borough of Manville,

A handwritten signature in black ink that reads "Richard M. Onderko". The signature is written in a cursive style with a large initial 'R'.

Richard M. Onderko, Mayor

ORDINANCE #201 7-1181

FIRST READING:

ROLL CALL

| Introduced | Seconded | Council | Yes | No | Abstain | Absent |
|------------|----------|----------------------|-----|----|---------|--------|
| √ | | SZABO | √ | | | |
| | | CAMACHO | √ | | | |
| | | MAGNANI | √ | | | |
| | | PETROCK | √ | | | |
| | | PETRONE | √ | | | |
| | √ | SKIRKANISH | √ | | | |
| | | | | | | |
| | | MAYOR ONDERKO | | | | |

INTRODUCED this 13th day of **February**, 2017

Patricia A. Zamorski

Attest: Patricia A. Zamorski, Borough Clerk

SECOND READING:

ROLL CALL

| Introduced | Seconded | Council | Yes | No | Abstain | Absent |
|------------|----------|----------------------|-----|----|---------|--------|
| √ | | SZABO | √ | | | |
| | | CAMACHO | √ | | | |
| | | MAGNANI | √ | | | |
| | | PETROCK | √ | | | |
| | | PETRONE | √ | | | |
| | √ | SKIRKANISH | √ | | | |
| | | | | | | |
| | | MAYOR ONDERKO | | | | |

ADOPTED this 27th day of **February**, 2017.

Patricia A. Zamorski

Attest: Patricia A. Zamorski, Borough Clerk