

ORDINANCE 2022 -11

AN ORDINANCE OF THE BOROUGH OF CHESTER, MORRIS COUNTY, STATE OF NEW JERSEY, AMENDING PART II (GENERAL LEGISLATION), CHAPTER 205 (STREETS AND SIDEWALKS), ARTICLE V (REMOVAL OF SNOW AND ICE FROM SIDEWALKS AND PARKING AREAS), SECTIONS 205-27 THROUGH 205-32 OF THE CHESTER BOROUGH CODE TO CLARIFY APPLICABILITY OF THE ORDINANCE AND INCREASE THE PENALTIES FOR VIOLATIONS THEREOF

WHEREAS, municipalities are empowered to make, amend, repeal, and enforce its ordinances pursuant to Statute (N.J.S.A. 40:48-1, et seq.); and

WHEREAS, municipalities are required by Statute to follow specific procedures for the passage of ordinances (N.J.S.A. 40:49-2 et seq.); and

WHEREAS, Part II (General Legislation), Chapter 205 (Streets and Sidewalks) Article V (Removal of snow and ice from sidewalks and parking areas), Sections 205-27 through 205-32 of the Borough Code was adopted by Ordinance No. 92-2, and has not been reviewed or amended since adoption; and

WHEREAS, the removal of snow and ice from sidewalks continues to be an issue of public safety and inconvenience; and

WHEREAS, the Ordinance Committee of the Chester Borough Council has reviewed Sections 205-27 through 205-32 and made recommendations for changes to clarify the applicability of the obligations in the event of a snow or ice event, and increase the penalties for failure to comply with those obligations; and

WHEREAS, the Mayor and Council of the Borough of Chester have determined that it is in the best interests of the residents of the Borough of Chester that Part II (General Legislation), Chapter 205 (Streets and Sidewalks) Article V (Removal of snow and ice from sidewalks and parking areas), Sections 205-27 through 205-32 of the Borough Code be amended; and

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Chester, County of Morris, State of New Jersey that Part II (General Legislation), Chapter 205 (Streets and Sidewalks) Article V (Removal of snow and ice from sidewalks and parking areas), Sections 205-27 through 205-32 of the Borough Code is hereby amended as follows:

SECTION 1: §205-27 (Removal of snow and ice required) is hereby amended to read as follows:

- A. The owners of improved or unimproved property abutting any public street or road within the Borough shall remove all snow and ice from the full width of sidewalks abutting their respective property within 24 hours after any snowfall or accumulation of ice occurs. In the event that ice may be so

frozen as to make removal impracticable, the owners of the abutting property shall cause the sidewalks to be thoroughly covered with sand or ice melting materials within 24 hours after the accumulation of such ice. Under no circumstances shall rock salt be used on sidewalks.

- B. The owner of any multi-unit residence, facility, or development; commercial property; office building; shopping center or any other property in the Borough to which the public is invited for business purposes shall remove all snow and ice from the driveways, parking areas, walkways, steps, and fire hydrants located upon such property within 24 hours after any snowfall or accumulation of ice occurs. In the event that ice may be so frozen as to make removal impracticable, the owner shall cause the walkways and steps to be thoroughly covered with sand or ice melting materials within 24 hours after the accumulation of such ice. Under no circumstances shall rock salt be used on sidewalks.

SECTION 2: §205-29 (Prohibition against placing snow or ice on streets or sidewalks) is hereby amended to read as follows:

No person, including the owner, tenant, or occupant (including its designee, contractor or hire of such person) of any premises abutting on any street shall throw, place or deposit upon any sidewalk, road, or street in the Borough, any snow or ice which has accumulated within the private property of such person, owner, tenant, or occupant.

SECTION 3: §205-31 (Violations and penalties) is hereby amended to read as follows:

Any owner, tenant or occupant who fails to comply with any requirement of this article shall, upon conviction, be subject to a fine not to exceed \$1,000 for each and every offense, and every day that a violation of this article continues shall be considered a separate offense.

SECTION 4: §205-32 (Enforcement) is hereby amended to read as follows:

All members of the Chester Police Department, Superintendent of the Borough Department of Public Works, Zoning Officer, and the Code Enforcement Officer are authorized to file complaints for violations of this article.

SECTION 5: If any Chapter, Article, Section or Subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction such decisions shall not affect the remaining portions of this Ordinance.

SECTION 6: All ordinances or rules or regulations of the Borough of Chester, which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 7: This ordinance shall take effect upon passage and publication according to law.

Dated: November 1, 2022

Janet Hoven, Mayor

Attest:

Robin Ghebreah
RMC, Municipal Clerk

LEGAL NOTICE OF PENDING ORDINANCE

Notice is hereby given that the Ordinance published herewith was introduced and passed upon first reading at a meeting of the Mayor and Council of the Borough of Chester, in the County of Morris, New Jersey, held on the 6th day of October 2022. It will be further considered for final passage after public hearing thereon, at a meeting of said Mayor and Council to be held in the Chester Borough Hall, 50 North Road, in said Borough, on November 1, 2022 at 7:00 p.m., and during the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office in said Borough Hall building to members of the general public who shall request the same.

Robin Ghebreah
RMC, Municipal Clerk