

ORDINANCE #2014-05

AN ORDINANCE REQUIRING SNOW AND ICE REMOVAL

WHEREAS, The Board of Commissioners of the Borough of Allenhurst has determined that it is in the best interests of the community to require the owner or owners of premises abutting or bordering upon any street in the Borough to maintain the abutting sidewalks of such streets relative to snow and ice within twenty-four (24) hours after the same shall fall or be formed thereon; and,

WHEREAS, The Board of Commissioners also finds, determines and declares that:

- a. Allenhurst and the residents thereof, may become injured as a result of inadequately maintained sidewalks.
- b. To preserved the safety and health of the community, it is necessary and desirable that the community have safe means of travel on the sidewalks abutting or bordering upon any street in the Borough
- c. Accordingly, the legislature of the State of New Jersey enacted N.J.S.A. 40:48-2 to enable municipal governing bodies to make, amend, repeal and enforce such other ordinances, regulations, rules and by-laws not contract to the laws of the State or of the United Sated, as it may deem necessary and proper for the good government, order and protection of persons and property, and foe the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary ti carry into effect the powers and duties conferred and imposed by this subtitle, or by any law;

NOW, THEREFORE, BE IT ORDAINED by the Borough of Allenhurst, County of Monmouth, State of New Jersey, that the Borough of Allenhurst Revised General ordinances are hereby amended and supplemented as follows:

CHAPTER III

POLICE REGULATIONS

3-13. SNOW AND ICE REMOVAL

3-13.1 Duty to Remove.

The owner or owners of premises abutting or bordering upon any street in the Borough shall remove or cause to be removed all snow and ice from the abutting sidewalks of such streets, or in the case of ice, which may be so frozen as to make removal impracticable, shall cause the same to be thorough covered with sand, salt or other ice removal products within twenty-four (24) hours after the same shall fall or be formed thereon.

3-13.2 Depositing Snow on Streets Restricted.

No person, firm or corporation, the owner, tenant or occupant of any premises abutting on any street shall throw, place or deposit any snow or ice mix upon any street in the Borough, it being the intent and purpose of this provision to prohibit all persons from throwing, placing or depositing snow and ice, which accumulated within the private property abutting the street or sidewalk, upon the sidewalks or streets of the Borough.

3.13.3 Enforcement.

In case snow or ice shall not be removed from such sidewalks or shall be cast, deposited thereon or placed upon the sidewalks or the streets by the owner or owners, tenant or tenants, occupant or occupants of any premises, as provided in subsections 3-13.1 and 3-13.2, the same shall be removed forthwith under the direction of the Director of Public Works or his/her representative, and the cost of such removal as nearly as can be ascertained shall be certified by the Director of Public Works to the Board of Commissioners. The Board of Commissioners shall examine such certification and, if found to be correct, shall cause such cost to be charged against such real estate so abutting or bordering upon such sidewalks. The amount so charged shall forthwith become a lien and a tax upon such real estate or land and be added to, recorded and collected in the same way and manner as the taxes next to be levied and assessed upon such premises, and shall bear interest and be enforced and collected by the same officers and in the same manner as other taxes. The imposition and collection of a fine or fines imposed by the provisions of this section shall not constitute any bar to the right of the Borough to collect the cost as certified for the removal of said snow or ice in the manner herein authorized.

3-13.4 Violations and Penalties.

Any person, firm or corporation violating any of the provisions of this section shall, upon conviction thereof, be subject to the applicable penalty set forth below. Each and every day in which the violation exists shall constitute a separate violation.

- a. For a first offense, within any one (1) calendar year, fifty (\$50.00) dollars, plus costs.
- b. For a second offence, within any one (1) calendar year, one hundred (\$100.00) dollars, plus costs.
- c. For a third or subsequent offense, within any one (1) calendar year, a mandatory Court appearance shall be required and a fine upon conviction of one hundred fifty (\$150.00) dollars up to the maximum amount provided for in section 1-5.1, and the imposition of costs as determined by the Court.

APPROVED: February 25, 2014

ADOPTED: March 11, 2014