

FIRST READING: January 19, 2016

ORD. NO. 60-4

2ND & FINAL READING: February 16, 2016

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XV, STREETS AND SIDEWALKS, OF AN ORDINANCE ENTITLED, "AN ORDINANCE ADOPTING AND ENACTING THE REVISED GENERAL ORDINANCES OF THE CITY OF LINDEN, 1999," PASSED NOVEMBER 23, 1999 AND APPROVED NOVEMBER 24, 1999 AND AS AMENDED AND SUPPLEMENTED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LINDEN:

Section 1. That Chapter XV, Streets and Sidewalks, shall be and the same is hereby amended as follows:

ADD SECTION 15-7, OWNER'S RESPONSIBILITY as follows:

15-7 OWNER'S RESPONSIBILITY All sidewalks shall be maintained and kept by the owner or owners of the lots on which the sidewalks front, in good and sufficient condition, even on the surface and so graded as freely to shed water. And in all cases in which at any time such sidewalk is not in the condition required by this section such owner or owners shall cause the same to be replaced to be put in the condition above required.

ADD SECTION 15-8, CONSTRUCTION ALTERATION AND REPAIR TO BE AT EXPENSE OF ABUTTING LANDOWNER:

15-8 CONSTRUCTION ALTERATION AND REPAIR TO BE AT EXPENSE OF ABUTTING LANDOWNER Sidewalks and retaining walls located in the public right-of-way shall be constructed, altered, repaired, replaced or removed at the expense of the abutting landowner.

The town engineer may, from time to time, inform the town council that there is need for particular sidewalks or retaining walls to be constructed, altered, repaired, replaced or removed. The town council may, by ordinance, designate the sidewalks or retaining walls to be constructed, altered, repaired, replaced or removed and the specific work to be performed. Such ordinance shall direct the town engineer to serve notice on the owner or owners of all abutting land, which notice shall contain a description of the work to be done and a statement that unless the owner or owners complete the same within ninety days after service thereof, the town will do the work and the cost thereof will be assessed against the owners. Such notice shall be served in accordance with law. In the event the owner or owners of the abutting land shall not comply with the requirements of such notice, such ordinance shall provide that the town shall cause the required work to be done and paid for out of money of the town available for that purpose, and the entire cost thereof assessed upon the property of the abutting owner or owners as provided by law.

Nothing herein contained shall be construed to relieve any property owner from the obligation of inspecting and maintaining any sidewalks or retaining walls located in the public right-of-way abutting his property, nor be construed as an assumption by the town of any responsibility to inspect sidewalks.

ADD SECTION 15-9, CLEANING OF SIDEWALKS

15-9 CLEANING OF SIDEWALKS All sidewalks shall be kept clean and neat by the occupant or owner of the lot or premises in front of which the sidewalks are constructed. A sidewalk shall be kept free from turf, grass, weeds, stubble, and other foreign substances. The grass and weeds on either side of a sidewalk or the traveled portion of any sidewalk shall be kept to a height not exceeding three (3") inches and all shrubbery and trees shall be trimmed to a height of not less than eight (8') feet above the sidewalk and for a width of at least four (4') feet.

ADD SECTION 15-10, REMOVAL OF ICE AND SNOW

15-10 REMOVAL OF ICE AND SNOW The owner of each and every dwelling, store or other building or lots of ground in the City of Linden, shall within six (6) hours of daylight after any snowfall or accumulation of ice occurs cause the same to be removed entirely from the paved sidewalk or unpaved area normally used as a walkway as follows: for a width of at least two (2') feet on a single family or two (2) family residential lot, and a width of at least four (4') feet on all other lots. In the event that ice may be so frozen as to make removal impracticable, the owner shall cause the sidewalks, walkways, and steps to be thoroughly covered with sand, ashes, sawdust, or rock salt within 6 hour of daylight after any snowfall or accumulation of ice occurs.

ADD SECTION 15-11, COST OF REMOVAL BY THE CITY

15-11 COST OF REMOVAL BY THE CITY In the event of a violation of the provisions of subsection 15-10, the City may undertake the removal of all snow and ice from the sidewalk abutting a public street or road, and the City may undertake the removal of all snow and ice from driveways, parking areas, walkways, steps and fire hydrants located upon any garden apartment development, nursing home, office building, shopping center or any other property within the City to which the public is invited for business purposes. The cost of such removal shall be certified to the City Committee by the Superintendent of the City Department of Public Works. The City Committee shall examine the certificate and, if found to be correct, shall cause the cost to be billed to the owner of such abutting premises or to the owner of any other premises mentioned in subsection 15-10 as to which snow or ice removal work has been performed by the City, as the owner appears from the latest City tax records. Unless promptly paid, such cost shall be charged against the premises and be

added to and be part of the taxes next to be levied and assessed thereon, and enforced and collected with interest by the same officers and in the same manner as other taxes.

**ADD SECITON 15-12, PROHIBITING PLACING SNOW OR ICE ON STREETS,
SIDEWALKS OR FIREHYDRANTS**

SECTION 15-12 PROHIBITING PLACING SNOW OR ICE ON STREETS, SIDEWALKS OR FIREHYDRANTS No person, including any property owner, shall place, or allow or cause to be placed, snow or ice upon any street, road, sidewalk or municipal right-of-way, nor, without the owner's permission, upon the lands of any property near, adjoining or across the street from the property from which the snow or ice has been removed. No such person shall place such snow or ice in a manner that will obstruct or impede vehicular or pedestrian traffic or block access to any street, road or sidewalk. No person shall place any snow or ice upon or near any fire hydrant. In the event that the plowing of snow or ice in a driveway cannot reasonably be accomplished without moving some snow or ice onto a street, road or right-of-way, such snow or ice shall be immediately plowed back onto the property from which it was moved.

ADD SECTION 15-13 NONCOMPLIANCE; PENALTY

SECTION 15-13 NONCOMPLIANCE; PENALTY a. In all cases where these provisions have not been complied with, a written or printed notice may be given the owner or tenant, in front of which each sidewalk is located, by any member of the Police Force, requiring the owner to cause this section to be complied with within twenty-four (24) hours after the service of such notice.

b. *Penalty.* Any person violating any of the provisions of this section shall be liable upon conviction to the penalty established in Chapter I, Section 1-5.

c. *Removal by City.* In addition to the penalty herein provided, the City of Linden may remove such snow, ice, grass, weeds, and impediments where the owner of any real estate shall fail to remove the same as provided in this section; the cost for City labor and materials, including an administrative surcharge of fifteen (15%) percent associated with the removal of any such snow, ice, grass, weeds, or impediments from any sidewalk, gutter, or public highway by the City, shall be certified to the Tax Collector by the Director of the Department of Community Services with a copy of the certified costs being mailed or provided to the property owner.

d. *Owner to Pay Costs of Removal.* The Tax Collector shall cause such cost to be billed to the owner and to be charged against the real estate so abutting upon such sidewalk, or gutter thereof, and the amount so charged shall thereupon become a lien and tax upon such real estate and

be added to and be part of the taxes next to be levied and assessed thereon, and enforced and collected with interest by the Tax Collector and in the same manner as other taxes are assessed and collected in the City of Linden.

Section 2. The remaining provisions of the Chapter hereby amended and supplemented shall continue in full force and effect to the same extent as if herein fully repeated.

Section 3. If any section, subsection, provision, clause, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such adjudication shall not affect the remaining sections, subsections, provisions, clauses, or portions, which shall be deemed severable therefrom.

Section 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 5. This ordinance shall take effect in the manner provided by law.

PASSED: February 16, 2016

APPROVED: February 17, 2016

ATTEST:

President of Council

Mayor

City Clerk