

## ORDINANCE #7-15

### AN ORDINANCE AMENDING SECTION 5 OF CHAPTER IV (POLICE REGULATIONS / SNOW AND ICE REMOVAL) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT

**WHEREAS**, the Borough of Keyport prides itself on being a walkable town, a place where residents can walk to local shops and restaurants, and school-aged children can walk to school in lieu of being transported by bus; and

**WHEREAS**, it is important for the health safety and welfare of Borough residents that property owners clear all snow and ice sidewalks abutting their property in a timely manner; and

**WHEREAS**, the Mayor and Council deem it in the best interests of the Borough of Keyport to revise Section 5 of Chapter VI of the Revised General Ordinances of the Borough of Keyport, as last revised by Ordinance 5-11, accordingly; and

**WHEREAS**, although no revisions are to be hereby made to Sections 4-5.3 through 4-5.5, all of Section 5 is reprinted below so that property owners of the Borough of Keyport may better understand what is required of them hereunder.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Keyport as follows:

#### **Section 1. Amendments.**

#### **4-5 SNOW AND ICE REMOVAL.**

**4-5.1 Removal Required.** Any owner or owners, occupant or occupants, tenant or tenants, building superintendent, rental agent, owner or manager of any residential or commercial property, including but not limited to single family, two family or multifamily dwellings, including rooming and boarding houses, townhouses, condominiums, apartments or rooms over or otherwise part of commercial properties, garden apartment complexes or any other premises abutting or bordering upon any public street in the Borough, shall remove all snow and ice from the abutting sidewalks of such streets, and from the streets, roadways and parking areas of each townhouse, condominium, garden apartment complex or other multifamily dwelling, or in the case of ice which may be so frozen as to make removal impractical, shall cause the same to be thoroughly covered with sand within twenty-four (24) hours after the same shall cease to fall or be formed thereon, or within twenty-four (24) hours of the end of any state of emergency declared by the Governor, the Mayor or other appropriate executive authority. This twenty-four (24) hour period may be extended during severe conditions by a Resolution of the Borough Council.

**4-5.2 Prohibition of Removal of Snow and Ice onto Borough Streets.** The removal of snow and ice as required in subsection 4-5.1 shall not be accomplished by plowing, shoveling or otherwise moving the snow and ice onto streets within the Borough.

**4-5.3 Removal by Borough.** In all cases where the owners, occupants, tenants, or other individuals enumerated in subsection 4-5.1 shall fail to comply with that subsection, the Borough shall remove the snow or ice by and under the direction of the Superintendent of Public Works or such other official in charge of the care and maintenance of the Borough streets.

**4-5.4 Payment for Removal by Borough.** In all cases where snow or ice shall have been removed by and under the direction of the Borough, the Borough official in charge shall certify the cost of removal to the Borough Council, and the Borough Council shall examine the certification and if found correct, shall cause the cost so certified to be charged against the lands and premises and the amount so charged shall forthwith become a lien upon the

land and premises and shall be added to and become part of the taxes to be assessed and levied upon the lands and premises, the same to bear interest at the same rate as taxes and shall be collected by the same officials and in the same manner as taxes. The liability for the cost of the removal shall be in addition to any penalty provided for elsewhere in this section.

**4-5.5 Violation; Penalty.** Any person violating any provision of this section shall, upon conviction thereof, be subject to the penalties stated in Section 1-5 of Chapter 1. These penalties shall be in addition to the liability for the cost of the removal provided for elsewhere in this section.

**Section 2.** All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 3.** 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.

**Section 4.** This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

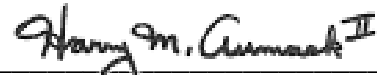
Introduced: March 3, 2015

Public Hearing: March 17, 2015

Adopted: March 17, 2015



Valerie T. Heilweil, RMC  
Borough Clerk



Harry M. Aumack, II, Mayor  
Borough of Keyport