

**TOWNSHIP OF CHESTERFIELD
ORDINANCE NO. 2011-1**

**AN ORDINANCE TO AMEND CHAPTERS 164
CODE OF THE TOWNSHIP OF CHESTERFIELD
ENTITLED, "SNOW AND ICE REMOVAL"**

BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Chesterfield, County of Burlington, State of New Jersey, as follows:

ARTICLE I. AMENDED SECTION.

A. Chapter 164 of the Code of the Township of Chesterfield, entitled "Snow and Ice Removal", which was recently amended by Ordinance 2010-21, is hereby further amended as to Article I, "Private Streets", involving Sections 164-1, -2 and -3, is hereby amended to revise the text of those paragraphs, and the title of the Article, to now read as follows:

"ARTICLE I.

Private Streets/Bike Paths/Sidewalks

Section 164-1. Purpose and Authority. It is the purpose of this Article to address situations in which the owners and or developers of certain private streets, sidewalks, bike paths, and other paved common areas not yet dedicated to, and/or accepted by the Township, have not adequately and/or expeditiously provided for certain removal of snow and ice from those areas. The failure to properly address those weather conditions jeopardizes the health and safety of municipal residents, visitors, and both the traveling and pedestrian public. This Article is adopted pursuant to the authority vested in the governing body pursuant to N.J.S.A. 40:48-2 and such other enabling legislation as may be applicable.

Section 164-2. Definitions. As used in this Article, the following terms shall have the following meanings indicated:

- A. Private Streets shall include those streets, roads, alleyways or highways either dedicated to but not yet accepted by the Township, those intended to be dedicated to the Township, but not yet offered for dedication, and those not intended to be dedicated to the Township, but open for public use, and any and all streets within any approved subdivision, as that term is defined in Chapter 130, Land Development, of the Code of the Township of Chesterfield.
- B. **Private sidewalks, bike paths and other common areas** - - shall include those bike paths, sidewalks, or other paved common areas either dedicated to, but not accepted by the Township, those intended to be dedicated to the Township, but not yet offered for dedication, and those not intended to be dedicated to the Township, but open for public use and any and all sidewalks, bike paths, or other common areas which are paved and/or otherwise identified for pedestrian traffic within any approved subdivision (major or minor) as that term is defined in Chapter 130, Land Development, of the Code of the Township of Chesterfield.

Section 164-3. Responsibilities of Owners of Private Streets, Sidewalks, Bike Paths, and other common areas.

- A. The owner or owners and or developers of private streets, private sidewalks, bike paths or other paved common areas, in Chesterfield Township, are hereby required to remove all snow and ice from the paved portion of said private streets, sidewalks, bike paths, and other paved common areas, within twelve (12) hours after the same shall fall or be formed thereon, provided that the snowfall is in excess of two inches (2"), as measured on the Chesterfield Township Municipal parking lot, 300 Bordentown-Chesterfield Road, or that sufficient ice or slippery conditions have developed so as to create driving,

walking, or bicycling hazards. The owner or owners and or developers, as provided for in this Section, shall include all developers of subdivisions and other residential or commercial developments which have yet to be dedicated and/or accepted by the Township.

B. In the case of all such subdivisions and residential or commercial developments, the owner and/or developer shall designate a contact person, with an address and telephone number, who can be notified by the Township in the event that the Township determines that the owner and/or developer is not promptly complying with the provisions of this Section. It shall be the owners and/or developers' sole responsibility to have the contact person available during such times as specified above. In the event that the Township cannot reach the owners and/or developers' contact person(s), and obtain prompt compliance with the removal of snow and/or ice, the Township may undertake the snow and ice removal work required, and have the option to enforce same via the enforcement penalties under Section 164-5, or shall have the right to seek recovery of the costs of same in an appropriate Court of competent jurisdiction. In the event the Township is required to institute suit to collect for the costs incurred in removing said work, then and in that event, the owners and/or developers shall be responsible attorney's fees and costs incurred by the Township in pursuit of said claim.

C. In the event that the owners and/or developers of the properties described in this Article are not the same entity or person, then it is the intent of the governing body of the Township of Chesterfield, that the owners and developers shall be jointly and severally liable to and responsible for, compliance with the provisions of this Ordinance.

ARTICLE II. REPEALER, SEVERABILITY AND EFFECTIVE DATE.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

CHESTERFIELD TOWNSHIP COMMITTEE

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Introduced:

Adopted: