

TOWNSHIP OF MONTCLAIR

ORDINANCE AMENDING MONTCLAIR CODE CHAPTER 297 – CHAPTER 297: STREETS AND SIDEWALKS; ARTICLE III: SNOW AND ICE

January 12, 2016
(date of introduction)

WHEREAS, in the course of enforcing Montclair Code, Chapter 297 which regulates the removal of snow and ice, the necessity for modifications and additions to Chapter 297 in furtherance of the purposes of said Chapter became manifest; now, therefore, be it

ORDAINED, by the Township Council of the Township of Montclair, that Montclair Code, Chapter 297 is amended and supplemented as follows:

The indicated sections or subsections are deleted and replaced with the following:

Chapter 297: Streets and Sidewalks

Article III: Snow and Ice

1. §297-31 – Duty of Owner or Occupant of premises

Every owner, lessee, tenant, occupant, or other person having charge of any building, lot of ground or premises in the Township, abutting or bordering upon any public street in the Township shall remove or cause to be removed all snow, slush and/or and ice from the abutting sidewalks of any such street within 12 hours of daylight after the same shall fall or be formed thereon or, in the case of ice which may be so frozen to the sidewalks as to make removal impracticable, shall cause the same to be thoroughly covered with sand, rock salt or similar material within the same period.

For the purposes of this section, “Sidewalk” shall also include that portion of the walkway extending to the roadway pavement that by means of a curb, ramp or incline provides access to crosswalks and/or intersections.

2. §297-32 – Requirements for Removal

A. Requirements for Snow. Removal of any slush and/or loose, granular, or packed snow should be conducted along the full paved width, or a minimum of forty-eight (48) inches wide, of such sidewalks and in a manner that ensures the orderly flow and safety of pedestrian traffic upon such sidewalks.

B. Requirements for Ice. Removal of any ice should be conducted along the full paved width, or a minimum of forty-eight (48) inches wide, of such sidewalks and in a manner that ensures the orderly flow and safety of pedestrian traffic upon such sidewalks. In the event of ice that may be so frozen as to make removal impracticable any owner, lessee, tenant, occupant or other person shall be deemed to be in compliance with this paragraph if such ice is made level and completely covered with sand, sawdust, rock salt, or other

appropriate traction-producing material to prevent slipping and shall, as soon thereafter as the weather shall permit, thoroughly clean such sidewalks.

- C. Any property whose sidewalk leads to a crosswalk shall remove snow, slush and/or ice so as to give clear path of access to the crosswalk.

3. §297-33 – Depositing of snow, slush and/or ice on streets

No owner, lessee, tenant, occupant or other person, having charge of any building or lot of ground in the Township abutting on any street, shall throw, place or deposit any snow, slush and/or ice into or upon any street, or against a fire hydrant or on the loading or unloading areas of a public transportation systems in the Township, except such as falls upon or is formed upon that portion of the property so abutting said street lying within the sidewalk lines thereof. No snow or ice may be deposited on the land of another owner, tenant, or occupant unless said owner tenant, or occupant has agreed to accept same. No person shall authorize or permit removal of snow, slush and/or ice and its depositing upon any street, or against a fire hydrant or on the loading or unloading areas of a public transportation systems in the Township. It is the intent and purpose of this section to prohibit all persons from throwing, casting, placing or depositing snow and ice which accumulated within the private property belonging to said persons upon the sidewalks or streets of the Township.

4. §297-34 – Removal by Township; Lien for Costs

In any case in which snow, slush and/or ice shall not be removed from any sidewalk as required in § 297-31, or shall be cast, deposited, thrown or placed upon any sidewalk or street in violation of § 297-33, such snow slush and/or ice shall be removed by and under the direction of the Township Manager or his designee. The cost thereof shall be certified by the Township Engineer to the governing body, which shall examine such certificate of cost and, if it finds said certificate to be correct, shall cause such cost to be charged against the real estate abutting upon such sidewalks. The amount so charged shall thereupon become a lien and tax upon said real estate and be added to and be a 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. The imposition and collection of any penalty imposed by the provisions of § 297-34 shall not constitute any bar to the right of the Township to collect such assessment of costs as certified for the removal of said snow slush and/or ice in the manner herein authorized.

§297-35 – Violations and Penalties

Any owner, lessee, tenant, occupant or other person who violates any provision of this article shall, upon conviction thereof, be punished by a fine according to the following schedule:

- A. For first offense \$100;
- B. For the second offense and each additional within a six-month period from the date of the previous offense, a fine of not less than \$200 nor more than \$500;

Each day on which a violation of an ordinance exists shall be considered a separate and distinct violation and shall be subject to imposition of a separate penalty for each day of the violation as the Municipal Court Judge may determine.