

ORDINANCE NO. 2003-31

An Ordinance Amending and Supplementing Chapter 204 “Streets and Sidewalks” of the Code of the Township of Manalapan

WHEREAS the maintenance of the public right of way in a condition free of obstacles is required for the safety of the general public; and

WHEREAS the existing ordinances of the Township do not provide any regulations on the placement of items in the right of way which may present a hazard to the public; and

WHEREAS although the Property Maintenance Code of the Township references the abatement of any physical condition that is “potentially dangerous to the life, health or safety of persons on, near or passing within the proximity of premises where such condition exists”, it is advantageous to establish specific standards in Chapter 204, Streets and Sidewalks, relating to conditions which specifically impact on the public use of the right of ways.

NOW THEREFORE BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANALAPAN IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY that Chapter 204, Streets and Sidewalks of the Municipal Code of Ordinances of the Township of Manalapan is hereby supplemented by the following Article entitled Rights of Way:

Section 1. – Obstruction Defined. No person shall obstruct the free and lawful passage of pedestrians and vehicles on public sidewalks and upon public rights of way in the township by placing thereon any structures, posts, poles, goods, wares, merchandise or other articles of trade or sale, no shall any person obstruct such public sidewalks or rights of way in any other manner whatsoever.

Section 2. – Duties of Owner, Occupant or Tenant. The owner, occupant or tenant of premises abutting on any street in the Township shall at all times keep the public sidewalk and the area between the public sidewalk and the curb or paved roadway that directly front upon such premises free from all weeds, limbs and branches of trees or shrubs, holes, pits, loose stones, rubbish, paper, debris and other objects and shall otherwise keep the area described in this section free from obstructions of all sorts.

Section 3. – Trimming of Trees and Shrubs. All trees or shrubs planted on private property that stand along public sidewalks and public streets, the branches of which extend over any part of a public sidewalk or a public street, shall be trimmed by the owner, occupant or tenant of the premises that directly front upon that part of the sidewalk or street along which the trees or shrubs stand. Such owner, occupant or tenant shall keep the branches and limbs of such trees or shrubs trimmed and cut so that no limb or branch shall overhang the public sidewalk or the public street at a height of less than 8 feet above ground level.

Section 4. – Exceptions. This ordinance shall not apply:

- a. Where the obstruction is caused by the loading or unloading of goods, wares, furniture or merchandise to and from vehicles in such a manner as to cause a minimum of obstruction which is necessary and unavoidable.
- b. To receptacles for garbage, refuse, and any other material lawfully placed for collection pursuant to the regulations of the Department of Public Works.
- c. To posts, stanchions or other support upon which mail boxes are placed in accordance with United States Post Office Regulations and provided that the post, stanchion or support does not exceed 4 feet in height above ground level and 12 inches x 12 inches (or a diameter of 12 inches) in width. Mailboxes which exceed this requirement are not a permitted structure and remain in the right of way solely at the expense and liability of the abutting property owner.

Section 5. - Reimbursement for Damages caused by official Township activities. Should the Township, through its required maintenance activities, destroy a mail box placed along the right of way, the Township may reimburse the property owner the sum of Fifty Dollars (\$50) for parts and labor. Should the Township, through its required maintenance activities, damage the existing curbing along a street, or the maintained grass area along the street, the Township shall repair said damage using similar materials in a timely manner as weather permits.

Section 6. – Penalties. The penalty provisions of Section 1-17 of the Municipal Code of the Township of Manalapan shall apply to this ordinance.

Section 7. – Effective Date. This ordinance shall take effect immediately upon passage and publication as required by law.

NOTICE OF PUBLIC HEARING

The Ordinance published herewith was Introduced and approved at a meeting of the Township Committee of the Township of Manalapan held on December 3, 2003. This Ordinance will be further considered for final passage after a Public Hearing thereon before the Township Committee of the Township of Manalapan during a meeting to be held on December 17, 2003 at the Municipal Complex, 120 Route 522 and Taylors Mills Road, Manalapan, New Jersey at 8:00 p.m. or as soon thereafter as the matter may be reached, or at any meeting to which that meeting may be adjourned, at which time any and all persons who may be interested therein will be given an opportunity to be heard.

The proposed Ordinance is on file in the Municipal Clerk's Office and copies may be obtained by the public without cost between the hours of 8:30 a.m. and 4:00 p.m. weekdays.

ROSE ANN WEEDEN

Municipal Clerk