

**TOWNSHIP OF MAHWAH
ORDINANCE NO. 1812**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XV "STREETS
SIDEWALKS AND SANITATION" OF THE REVISED GENERAL ORDINANCES OF
THE TOWNSHIP OF MAHWAH, SUBCHAPTER 15-1 "IMPEDIMENTS"
TO ADD A NEW SECTION 15-1.3 "UNLAWFUL ACTS"**

WHEREAS, the Township of Mahwah desires to amend and supplement the provisions of Chapter XV "Streets Sidewalks and Sanitation" of the Mahwah Revised General Ordinances, Subchapter 15-1 "Impediments".

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Mahwah as follows:

Section 1. Chapter XV "Streets Sidewalks and Sanitation", Subchapter 15-1 "Impediments", is hereby amended and supplemented in its entirety, as follows:

15-1 IMPEDIMENTS.

15-1.1 Removal from Sidewalks by Owners or Tenants.

The owner or owners, tenant or tenants of the lands abutting or bordering upon the flag or concrete sidewalks of the public streets of the Township shall remove all ice and snow from the portion of such sidewalks whereon such lands abut or border within twelve (12) hours after the same shall be formed or fall thereon and other impediments therefrom within three (3) days after notice to remove the same.

15-1.2 Removal by Township.

In case such owner or owners, tenant or tenants of lands abutting or bordering upon such sidewalks of the public streets of the Township shall fail to remove such snow, ice, grass, weeds or other impediments from sidewalks as required by subsection 15-1.1, it shall be the duty of the Director of Public Works or other officer having charge of the streets of the Township to remove the snow, ice, grass, weeds or other impediments from the sidewalks in front of which the lands abut or border.

15-1.3 Unlawful Acts.

It shall be unlawful to:

- A. Cast, throw or spill dirt, sand, ashes, gravel, brick, stones, wastepaper, lumber or other similar loose material on a Township road.

- B. Mix dry or wet concrete, cement or plaster of any kind or description on the surface of a Township road.
- C. Spill turpentine, kerosene, gasoline, petroleum, lubricating oil or other highly flammable oils or their volatile products, or allow such fluids to escape, on the surface of a Township road; or operate a tank truck or other vehicle from which fluids are permitted to escape.
- D. Flush or cause to be drained or pumped to the surface of a Township road wastewater or fluid of any kind.
- E. Place or cause to be placed on a Township road a permanent or temporary obstruction of any kind.
- F. Post or affix any sign, advertisement, notice, poster, paper, device, or other matter to any public utility pole, shade tree, lamp post, curbstone, sidewalk, or upon any public structure or building, except as may be authorized or required by law.

15-1.4 Lien for Costs of Removal.

The cost and expense paid and incurred by the Street Commissioners or other officers for the removal of such snow or ice, grass, weeds and other impediments from any sidewalk shall be assessed by the Township Council and charged upon the books of the Township against the lands abutting upon or bordering the walks, which, with interest thereon, shall forthwith become a lien on the lands and shall be added to and form a part of the taxes next to be assessed and levied upon such lands and shall be certified by the Township Clerk to the Collector of Taxes for the Township and be collected in the same manner as other taxes. (Ord. #53; 1976 Code §151-3)

15-1.5 Violations and Penalties.

The owner or owners, tenant or tenants of lands abutting or bordering upon any such sidewalk who shall fail or neglect to remove all ice and snow from the portion of such sidewalk whereon such lands abut or border and all grass and weeds and other impediments as required by subsection 15-1.1 shall, upon conviction thereof, be subject to the penalty as stated in Chapter I, Section 1-5. (Ord. #53; 1976 Code §151-4)

Section 2. All other parts, portions and provisions of Chapter IV of the Township of Mahwah Code, be and the same, are hereby ratified and confirmed, except where inconsistent with the terms thereof. In the event of any such inconsistency, the terms of this Ordinance shall be deemed to govern.

Section 3. If any section, paragraph, sub-section, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the

validity of this ordinance as a whole or any part thereof.

Section 4. All ordinances or parts of ordinances of the Township heretofore adopted that are inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect twenty (20) days after final passage, adoption and publication according to law.