

CHAPTER 12. STREETS AND SIDEWALKS

INDEX

ARTICLE 1. BREAKING AND DIGGING IN STREETS, CURBS AND SIDEWALKS

Section

- 12-1. Permit Required.
- 12-2. Application for Permit and Fee.
- 12-3. Deposit Required: Bond and Fees Required.
- 12-4. Display of Permit; Safety Requirements.
- 12-5. Manner of Operation.
- 12-6. Certain Acts Unlawful.
- 12-7. Action by Town; Notice.
- 12-8. Certificate to Council; Costs as Lien.
- 12-9. Violator Liable for Expenses of Town.
- 12-10. Penalty.
- 12-11. Unaccepted Streets.
- 12-12. Excavations in Newly Paved Streets.

ARTICLE 2. BURNING LEAVES

- 12-20. Burning of Leaves, Rubbish, etc., in Streets Forbidden.
- 12-21. Violations.

ARTICLE 3. CATCH BASINS

- 12-25. Interference with Catch Basins Prohibited.
- 12-26. Violations.

ARTICLE 4. CONSTRUCTION, RECONSTRUCTION, PAVING,
REPAVING, CURBING, IMPROVING AND REPAIRING OF
SIDEWALKS AND STREETS

- 12-30. Improvements at Expense of Owner of Land in Front of Which Improvements Shall Be Made.
- 12-31. Common Council to Prescribe Materials and Method.
- 12-32. Improvements to Conform to Established Grade.
- 12-33. Improvements to be Made by Town if Owner Neglects to Do So.
- 12-34. Notice of Improvements to be Made by Town.

12-35. Improvements Made by Town to Become Assessment Against Property.

12-36. Incinerator Ash Paving Material Prohibited

ARTICLE 5. MOVING OF BUILDING OR OTHER OBJECTS
INTERFERING WITH OR OBSTRUCTING STREETS

12-40. Permission Required.

12-41. All Work Under Supervision of Street Commissioner.

12-42. Violations.

ARTICLE 6. PARKING DURING SNOWSTORM, EMERGENCY

12-45. What Constitutes an Emergency.

12-46. Parking Prohibited for 72 Hours or Until Street Cleared.

12-47. Emergency to Continue on all Streets Until Cleared.

12-48. Impounding of Parked Vehicles; Removal Fee; Storage Charge.

12-49. Removal by Tow Truck Operators.

12-50. Sale of Unclaimed Vehicles After Six Months.

12-51. Definition of Vehicle.

12-52. Violations.

12-53. Parking Prohibited on Snow Routes.

12-54. Emergency Closing of Streets.

ARTICLE 7. SIDEWALK CARE AND MAINTENANCE

12-60. Removal of Snow or Ice by Owner or Tenant.

12-61. Violations.

12-62. Removal by Street Commissioner.

12-63. Cost of Removal by Town a Lien on Property.

ARTICLE 8. USE AND OBSTRUCTION OF SIDEWALKS AND STREETS

12-70. Obstruction Forbidden.

12-71. Signs, Awnings, etc., Across Sidewalks and Streets.

12-72. Affixing Signs, Notices, Advertisements, etc., to Trees, Posts, etc., Forbidden.

12-73. Reasonable Business Use of Streets and Sidewalks Allowed.

12-74. Rights, Grants, Franchises Given by Common Council.

12-75. Removal of Obstructions by Police.

12-76. Violations.

ARTICLE 9. OWNER MAINTENANCE OF STREET INTERSECTIONS

12-80. Maintenance and Trimming of Brush, etc.

12-81. Construction and Maintenance of Fences.

12-82. Hardship Variance.

12-83. Violations.

12-84. Notice of Violation.

12-85. Removal of Condition by Town.

ARTICLE 10. PLANTING, CONTROL, PROTECTION AND REGULATION OF SHADE TREES

12-90. Definitions.

12-91. Prohibited Conduct.

12-92. Required Permits: Utility Operations Exception.

12-93. Issuance of Permits.

12-94. Permits Granted to Property Owners.

12-95. Violations and Fines.

ARTICLE 1. BREAKING AND DIGGING IN STREETS,
CURBS AND SIDEWALKS (10-26-92)

12-1. Permit Required.

No person shall, for any purpose whatsoever:

(a) Make or cause to be made any street opening or any penetration, excavation or disturbance of the surface of any portion of any street or within the Town or unaccepted dedicated street; or

(b) Construct, alter or remove any curb, sidewalk, retaining wall, driveway, or drainage facility in or under any street within the Town or unaccepted dedicated street unless he first obtains a permit from the Director of the Department of Public Works.

12-2. Application for Permit and Fee.

(a) Application for permit shall be made in triplicate on the application form provided by the Town for that purpose, and shall be filed with the Director of the Department of Public Works.

(b) Each copy of the application shall be signed by the Director of the Department of Public Works Supervisor or Engineer. One (1) copy shall be retained in his file, one (1) copy to the applicant, and the third copy to the Town Engineer.

(c) Within five (5) working days after the receipt of the application, the Director of the Department of Public Works, Supervisor Street or Town Engineer or his designee shall inspect the premises, review the nature of the work to be done, and either approve or disapprove the application with reason. Work under the permit shall commence within seven (7) days of the issuance of the permit, except work under a permit issued to a public utility shall commence within sixty (60) days of the issuance of the permit. If work is not commenced within that time, the permit shall automatically terminate unless extended in writing by the Town Engineer. The applicant shall notify the Town at least forty-eight (48) hours prior to commencement.

(d) Application for a permit shall be made to the Director of the Department of Public Works and shall contain the following information:

(1) The name, address and phone number of the applicant, contractor and owner.

(2) The name of the street where the opening is to be made and the street number, if any, of the abutting property.

(3) The Town of Hackettstown tax map block and lot number or street address of the property for the benefit of which the opening is to be made.

(4) The nature of the surface in which the opening is to be made.

(5) Character and purpose of the work proposed including the width of the opening.

(6) Time when the work is to be commenced and completed.

(7) Each application shall be accompanied by a set of plans or sketch in duplicate showing the exact location and dimensions of all openings.

(e) This article shall apply to all individuals, corporations, public utilities or other legal entities. It shall not apply to any municipal department. All sections of this Article except for section 12-3 shall apply to the Hackettstown Municipal Utilities Authority. The Hackettstown Municipal Utilities Authority shall not be required to pay the deposit, bond or fees set forth in Section 12-3.

(f) Where the excavation is to be made in a heavily traveled street or where for any other reason it is deemed necessary by the Town to station a police officer near the excavation to direct traffic. The applicant shall also be charged amounts sufficient to compensate the police officer at the excavation, including overtime cost, if any.

12-3. Deposit Required: Bond and Fees Required.

(a) The following minimum deposits will be required for work performed under this Chapter. Said deposits shall be held by the Town for the period of one (1) year, unless otherwise provided by this Chapter:

<u>Type of Opening</u>	<u>Deposit or Bond Amount</u>
Pavement	60.00/sq. yd.
Road Shoulder	20.00/sq. yd.
Lawn Areas	15.00/sq. yd.
Curbing	15.00/sq. yd.
Sidewalk	16.00/sq. yd.

(b) The applicant may, in lieu of a cash deposit, submit a surety bond, which, upon approval by the Town Attorney as to sufficiency and form, shall have the same force and effect as a cash bond. Said bond shall, by its terms, provide for payment of any damages by or from the acts of the applicant or its agents, servants or subcontractors and shall save the Town of Hackettstown

harmless from any suits at law or otherwise which may result from damages sustained by any persons or property as a result directly or indirectly of the work performed under the permit.

(c) Deposits and bonds shall be held by the Town for a period of one (1) year with the exception of deposits by single-family homeowners. At the discretion of the Town Engineer, deposits may be returned to single family homeowners upon completion of the project. However, said homeowners shall continue to be responsible for any repair and maintenance to said project for a period of one (1) year.

(d) There shall be a non-refundable review and inspection fee of three (3) percent of the deposit or bond amount established under paragraph A above or \$25.00, whichever is greater. There shall be non-refundable review and inspection fee for projects limited to sidewalk and driveway apron replacement being performed at owner-occupied one or two family homes. An application is required and there shall be no exception from the fee if the project includes any street opening, pavement, road shoulder or curbing work.

(e) Public utility corporations of the State of New Jersey may file a corporate bond in the amount of ten thousand (\$10,000.00) dollars on a yearly basis in lieu of the cash deposit or surety bond. Inspection fees for utility companies shall be calculated on the basis of the full cash deposit required under Paragraph (a) above or the \$25.00 minimum established in paragraph (d) above, whichever is greater.

(f) The cost of all inspections made by the Director, Supervisor Streets, Town Engineer or his designated inspector shall be disbursed out of the deposit and the balance returned.

(g) In the event the permittee fails to complete the improvement and properly replace the broken curb, sidewalk or pavement within ten (10) days of written notice, weather permitting the Town shall complete the work and deduct the cost of the work from the deposit. If said deposit is insufficient to cover the cost thereof, the applicant shall be held liable therefor.

12-4. Safety Requirements.

In the event the 3% inspection fee does not cover the cost of the Town's inspections, the permittee agrees to pay the additional costs of Inspections. No additional permits will be issued to the permittee until all outstanding inspection fees or costs under paragraph (d) are paid.

(a) The permittee shall have the permit in possession at work site.

(b) The applicant shall properly guard the excavation by the erection of suitable barricades and also by displaying warning lights at night. The applicant shall in all cases provide reasonable safeguards by day and night to protect the traveling public. The applicant shall at all times maintain proper and sufficient drainage to prevent the accumulation of water upon the road to ensure and adequate and safe passage for the traveling public and, in this respect shall carry out, at its own expense, any orders of the Director, Supervisor Streets, Town Engineer or Police.

(c) The permittee shall be liable for any neglect to safeguard the traveling public.

12-5. Manner of Operation.

(a) If the excavation extends the full width of the roadway, at least one-half of it shall be properly backfilled or covered with one inch steel plates secured and pinned properly before the other one-half is excavated, so as not to interfere with traffic. Steel plates may not be used from November through April and may not be left in place for more than 24 hours.

(b) The excavation and backfilling shall be made within the time specified in the permit or within any extension there given by the engineer.

(c) All excavation work shall be coordinated to minimize the period of obstruction.

(d) The maximum width and size of all shall be set forth in the sketch plans submitted with the application and approved by the Town.

(e) Any tunneling under the paved portion of the roadway shall be reviewed and approved by the Town Engineer or Director of the Department of Public Works.

(f) All patching must be in method approved by the Town.

(g) The permittee shall, if possible, make the necessary excavation on either side of the pavement in order to make his connection rather than to excavate the pavement proper. To reach the main on the opposite side, the permittee shall drive a pipe from one (1) excavation to the other so as not to disturb the pavement. All said work shall be done in the manner prescribed under the permit.

(h) (1) The permittee shall use as the material for backfill a Type I - Class B - Bank Run Gravel, or Type 5, compacted in lifts not exceeding one foot to within six (6") inches of the surface after compaction. Existing fill may be reused if it is determined by the Town Engineer to be acceptable. The base course shall then consist of four (4") inches of stabilized base, either lime fly ash or bituminous concrete, and a temporary surface course consisting of two (2") inches of FABC Mix #5.

(2) When authorized by the supervisor or engineer, the contractor shall remove the temporary surface course by a method approved by the municipal engineer and place a final surface consisting of two (2") inches of FABC Mix #5.

(i) All excavated material shall be removed from the roadway and carted away.

(j) In no event shall any street remain wholly or partially obstructed overnight without special permission from the engineer or superintendent. The Hackettstown Police Department shall be notified by the contractor.

(k) All work shall conform to the standard specifications as adopted by the Town, which include curbing, sidewalks, pavements and backfilling. Said specifications shall be a part of this ordinance.

(l) In the case of emergencies, a similar permit shall be taken out within two (2) working days after such emergency opening or excavation is made.

(1) Under no circumstances shall an existing curb or sidewalk be cut or broken, but must be removed at the nearest joint.

(m) To insure adequate protection for any possible damage which may be caused to property or injury to any person or persons, any permittee performing any work under the provisions of this ordinance shall be required to furnish proof to the Town that there is in effect covering said property, public liability insurance issued by an insurance company authorized to transact business in the State of New Jersey, in an amount of not less than one million (\$1,000,000.00) dollars, single limit of liability for incident involving the company or its work or in an amount acceptable to the Town Attorney. The permittee shall also provide bodily injury insurance and property damage insurance in the amounts stated above covering the operation of all motor vehicles owned by the permittee or used by the permittee in the prosecution of the work under the permit. All insurance policies shall provide for the reinstatement of full coverage after the payment of any claim. Whenever, in the opinion of the Town Attorney a permittee is capable of acting as a self-insurer, then the Town Council may waive the provisions of insurance coverage as hereinabove set forth.

12-6. Certain Acts Unlawful.

No person shall:

(a) Cause damage to any street by locking the wheels of any vehicle, attaching a drag or other mechanism to any vehicle;

(b) Use or operate any type of vehicle equipment utilizing any type of traction tread or wheel lugs likely to cause damage to the street;

(c) Obstruct the drainage along any street with dirt, fill, earth, rock, leaves or any other material, equipment or article, or by installing a pipe of inadequate size under a walkway, driveway, or along the street;

(d) Obstruct, interfere with, or divert the flow of water in or from any existing drainage facility carrying storm water or ground water under any street, or across private property;

(e) Do or cause to be done any act including the construction of buildings, private roads, grading, landscaping, or otherwise, which causes or results in restricting or exceeding the capacity of any drainage facility, or in the accumulation of dirt, silt, earth, rock or other materials upon any street or drainage facility, irrespective of the manner or distance by which said water, dirt, silt, earth, rock or other material shall travel before reaching said street or drainage facility;

(f) Place or store building material, supplies or equipment, construction shanties or tool sheds, earth, dirt, stones or any other materials or articles upon any street except while such street is under construction or repair and in connection therewith, and except in connections with work being done by any public utility company or corporation defined in R. S. 48:2-13.

(g) Obstruction of private driveways except where permitted by the engineer or supervisor.

12-7. Action by Town; Notice.

Immediately upon discovery or notification of any violation of the provisions of the preceding section, the Director, Supervisor Streets or Engineer shall issue a written order to the owner or tenant, requiring compliance therewith within ten (10) days. If such person refuses or neglects to comply with the order of the engineer within the stated time limit, the supervisor shall proceed to have the violation corrected by having the required work accomplished.

12-8. Certificate to Council; Costs as Lien.

If the work is done by the Street Supervisor, he shall certify the cost of the work to the Council. The Council shall examine the certificate of cost and if it finds the certificate to be correct, shall cause the cost as shown thereon to be charges against the property benefited. The amount so charged shall

forthwith become a lien upon such property and shall be added to and become and form part of the taxes next to be assessed and levied upon such property benefited, the same to bear interest at the same rate as other taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.

12-9. Violator Liable for Expenses of Town.

Any person who violates any provision of this article with resultant damage to or obstruction of any street, private driveway, curb, sidewalk, gutter, storm drain or culvert, shall be liable for all expenses incurred by the town in repairing said damage or removing said obstructions in additions to the penalty prescribed below.

12-10. Penalty.

Any person who violates any provisions of this Article shall, upon conviction thereof, be punished by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment for a term not exceeding ninety (90) days, or both. Each day that a violation exists, occurs or continues shall constitute a separate offense for the purpose of imposing the penalties referred to above.

12-11. Unaccepted Streets.

Any openings to streets under construction shall be in conformance with pursuant to an approved subdivision or stipulation with all the requirements of this chapter, except the bonding requirements.

12-12. Excavations in Newly Paved Streets

(a) Notice of pending paving; time restriction on excavations. When the Town shall improve or pave any street, the Superintendent of the Department of Public Works shall first give notice by delivering it personally or by posting notice on the premises and by regular mail to all persons owning property abutting on the street about to be paved or improved and to all public utilities and authorities operating in the Town, and all such persons, utilities and authorities shall make all connections, as well as any repairs thereto which would necessitate excavation of the street, within forty-five (45) days from the giving of such notice. The time shall be extended it permission is requested in writing and approved by the Superintendent of Public Works.

(b) Opening newly paved street: restrictions.

No permit shall be issued by the Superintendent of the Department of Public Works to

any person given notice under 12-12 a. hereof which would allow an excavation or opening in a paved or improved street surface less than five (5) years old unless the applicant can clearly demonstrate to the Mayor and Common Council that public health or safety requires that the proposed work be permitted or unless an emergency condition exists.

(c) Opening newly paved street: penalty charge.

If by special permission of the Mayor and Council a permit is issued to open any paved or improved street surface less than five (5) years old, a penalty charge shall be made for the opening, except that the penalty shall be waived in the event the work is of an emergency nature. The penalty charge shall be equal to two percent (2%) of the cost of restoring the opening for each unelapsed month or fraction thereof for the five-year restriction period.

ARTICLE 2. BURNING LEAVES

12-20. Burning of Leaves, Rubbish, etc., in Streets Forbidden.

No person shall burn or cause to be burned any leaves, paper, rubbish or any other refuse or substance of any kind or nature whatsoever in any of the highways, streets, avenues or alleys in this Town. (2-11-24 sl)

12-21. Violations.

Any person who shall violate any provisions of this Article shall, upon conviction thereof, be punished by a fine not exceeding Ten (\$10.00) Dollars, or by imprisonment in the County Jail for a term not exceeding thirty (30) days, or both.

ARTICLE 3. CATCH BASINS

12-25. Interference with Catch Basin Prohibited.

No person shall throw or sweep, or cause to be thrown or swept, into any of the so-called "Catch Basins" on any of the streets or highways of this Town, anything or any refuse of any kind or nature whatsoever, or do any act, or in anywise interfere or do any act that may tend to interfere with said "Catch Basins", thereby preventing or intending to prevent, or which may prevent, the free unobstructed drainage thereof.

12-26. Violations.

Any person who shall violate any provisions of this Article shall, upon conviction thereof, be punished by a fine not exceeding Ten (\$10.00) Dollars, or by imprisonment in the County Jail for a term not exceeding thirty (30) days, or both.

ARTICLE 4. CONSTRUCTION, RECONSTRUCTION, PAVING, REPAVING,
CURBING, IMPROVING AND REPAIRING OF SIDEWALKS AND STREETS

(Note: For State Statute Regulating Sidewalks,
See R.S. 40:65-1, et seq.)

12-30. Improvements at Expense of Owner of Land in Front of Which Improvements Shall Be Made.

Any improvements such as construction, reconstruction, paving, repaving, curbing, recurbings, improving and repairing of sidewalks in this Town shall be made at the expense of the owner or owners of the land in front of which any such improvements as aforesaid shall be made. (3-27-22 sl)

12-31. Common Council to Prescribe Materials and Method.

(a) All sidewalks shall be at least four feet (4') wide.

(b) (i) All concrete sidewalks shall have a minimum thickness of 4". Where sidewalks are subjected to vehicular traffic, the minimum thickness of concrete shall be six (6") inches and the concrete shall be reinforced with a welded wire mesh. N.J.D.O.T. Class 'B' concrete shall be utilized in the construction of concrete sidewalks. The concrete sidewalks shall be placed on a properly prepared subgrade consisting of a minimum of four (4") inches of dense graded aggregate.

(ii) All construction shall be in accordance with the latest specifications of the New Jersey Department of Transportation.

(c) (i) Concrete paving stones may also be used in the Historic District only provided they have a minimum thickness of two and three eighths (2 3/8") inches to provide a compressive strength of 8,000 pounds per square inch. The minimum thickness shall be three and one eighth (3 1/8") inches where sidewalks cross-driveways or are used in driveway applications.

(ii) Concrete paving stones must be constructed on a minimum of six inches (6") of dense graded aggregate in sidewalk areas and a minimum of eight (8") inches at driveways along with a minimum of one and a half (1 1/2") inches of bedding sand.

(iii) Edge restraints must be installed to prevent paving stones from separating at the edges.

(iv) Concrete paving stones must be tamped after placement in the bedding sand until uniformly level and free of movement.

(v) All joints in the paving stones shall be filled by sweeping in fine dry masonry sand.

(vi) The color and pattern of the concrete paving stones are subject to the review and approval of the Design Committee prior to construction.

(d) (i) Bluestone masonry units may be used in the Historic District only provided in that minimum 18" x 18" units, one and one half (1½") inches thick are utilized and all materials are in compliance with ASTM C616-80, the standard specification for sandstone building stone.

(ii) The bluestone masonry units shall be placed on a properly prepared subgrade consisting of four (4") inches of dense graded aggregate and two (2") inches of crushed stone dust or bedding sand.

(iii) Bluestone masonry units shall be tamped after placement in the crushed stone dust or bedding sand until uniformly level and free of movement.

(iv) Edge restraints shall be installed to prevent the units from separating at the edges.

(v) masonry units shall be placed close to one another to minimize joint width. Joints in the bluestone masonry units shall be tilled by sweeping in fine dry masonry sand or crushed stone dust.

(e) All curbing shall be constructed of concrete eight (8") inches in width at the top and nine (9") inches in width at the bottom with a depth of twenty (20") inches. Construction methods shall be in accordance with the latest specifications of the New Jersey Department of Transportation and Addenda thereto.

(f) Any street paving replacement construction or reconstruction shall consist of six (6") inches dense graded aggregate, four (4") inches of bituminous stabilized base course, Mix I-2, and two (2") inches of bituminous concrete surface course, Mix I-5. Prior to the placement of the base and surface courses, the sub-base shall be thoroughly compacted and the edges of the existing pavement shall be clean cut and trimmed.

12-32. Improvements to Conform to Established Grade.

Where the grade of the street, road or highway, or of any of the sections thereof along which any such improvement is proposed to be made shall have been established by law or otherwise previous to the passage of this Article, the said improvement shall be made to conform as nearly as practicable to the grade so established. In every case, the expense of leveling and grading shall be

paid by the Town, and the same approved before any of the improvements hereto are undertaken. (3-27-22 s3)

12-33. Improvements to Be Made by Town if Owner Neglects to Do So.

If the owner of any lands shall neglect, after notice given as herein provided, to make any improvements by this Article directed and required, it shall then be lawful for the Common Council to cause improvements to be made under the direction and supervision of the street commissioner, or to award one (1) or more contracts for making of such improvements (3-27-22 s4)

12-34. Notice of Improvements to Be Made by Town.

Before proceeding to make any such improvements or awarding any contracts for the making thereof, it shall be the duty of the Common Council to cause notice of such contemplated improvements to be given, according to the statute in such case made and provided, to the owner or owners of any land affected thereby. Such notice shall contain a description of the property affected sufficiently definite in terms to identify the same as well as a description of the requirement improvements, and such notice shall also include a notice that unless said improvements shall be completed within thirty (30) days after the service thereof, it is the intention of the Town to make such improvements or cause the same to be done pursuant to this Article and Chapter 152 of the Laws of New Jersey for 1917, its supplements and amendments thereto. (3-27-22 s5)

12-35. Improvements Made by Town to Become Assessment Against Property.

When any of the improvements herein set forth shall be made by the municipality, a true and accurate account of the cost and expense thereof shall be kept and apportioned among the several properties improved, in proportion to the frontage of their respective lands, and a true statement of such cost, under oath, shall be forthwith filed by the officer of the municipality in charge of such improvement with the Clerk of the Common Council and the said Common Council shall examine the same and, if the same is properly made, shall confirm the same and file such report with the collector of taxes of the Town. The said collector of taxes shall record the said assessment in the same book as other assessments.

Every such assessment shall bear interest at eight (8%) percent per annum from the date of filing such report and until paid, and from the date of confirmation shall be a first and paramount lien

upon the respective lands so improved, and shall be controlled and enforced in the same manner as provided by the statute in such case made and provided. (3-27-22 s6 and 7)

12-36. Incinerator Ash Paving Material Prohibited.

The use of incinerator ash or incinerator ash conglomerate as a paving material is prohibited on any road, street or other paved area within the Town of Hackettstown. (7-13-92)

ARTICLE 5. MOVING OF BUILDING OR OTHER OBJECTS
INTERFERING WITH OR OBSTRUCTING STREETS

12-40. Permission Required.

No person shall move any building or buildings or other objects which obstruct or interfere, or tend to obstruct or interfere with the traffic of said streets, or obstruct or interfere with any of the heat, power, light, telephone, telegraph or fire alarm wires or the use thereof, or which may break or otherwise mutilate any of the shade trees of this Town, without first having obtained permission from the Common Council or the Town Engineer, either of which shall have power to make such terms as may be necessary for the welfare of the Town. (3-24-24 sl)

12-41. All Work Under Supervision of Town Engineer.

Permission being granted, all such movings as aforesaid shall be at all times under the supervision of the Town Engineer.

12-42. Violations.

Any person who shall violate any provisions of this Article shall, upon conviction thereof, be punished by a fine not exceeding Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for a term not exceeding ninety (90) days, or both. (3-24-24 s3)

ARTICLE 6. PARKING DURING SNOWSTORM, EMERGENCY

12-45. What Constitutes an Emergency.

When a snowstorm occurs, as hereinafter set forth, which constitutes a serious public hazard impairing transportation, the movement of food and fuel supplies, medical care, fire, health, police protection and other vital facilities of the Town, a State of Emergency shall be deemed to exist. A State of Emergency is hereby declared to exist within the municipal limits of the Town whenever there shall be a snowfall of three (3") inches or more, and such emergency shall be presumed to continue for a period of 72 hours after the cessation of said snowfall. (3-27-61 sl and 2)

12-46. Parking Prohibited for 72 Hours or Until Street Cleared.

In order to afford the Town the opportunity to clear its streets and highways of snow and to open the same during the period of the emergency aforesaid, no vehicle, however propelled, except as herein-provided, shall be allowed to stand or park, whether attended or not, upon any street or highway of the Town, except for picking up or discharging passengers or for picking up or delivering essential merchandise or other commodities, provided, however, that such emergency shall be terminated as to any street or highway when the snow has been plowed therefrom for the full width of the pavement. (3-27-61 s3)

12-47. Emergency to Continue on All Streets Until Cleared.

Such emergency shall continue beyond the 72-hour period above-provided on those streets or highways of the Town from which the snow has not been removed, and no vehicle shall be allowed to stand or park, whether attended or not, on such street or highway until the snow shall have been cleared therefrom. (3-27-61 s4)

12-48. Impounding of Parked Vehicles; Removal Fee; Storage Fee.

Whenever a vehicle has been parked or left standing in violation of the provisions of this Article, the Chief of Police or any police officer so designated by the Chief may move or cause the removal of such vehicle to such place as may be designated by the Chief of Police for the impounding until the person owning said vehicle shall pay the reasonable cost of such removal and storage. Within twenty-four (24) hours after the vehicle has been so removed, the Chief of Police or any member of the Police Department acting for the Chief shall give written notice thereof to the registered owner or

owners if the name or names and address may be ascertained, which notice may be given by personal service or by mail addressed to said owner or owners at their last known address.

12-49. Removal by Tow Truck Operators.

The removal of vehicles as referred to in the aforementioned Section 12-48 to a designated place of impounding shall be carried out only by town truck operators listed on the rotating list maintained by the Police Department.

12-50. Sale of Unclaimed Vehicles After Six Months.

After any vehicle removed as aforesaid has been in the possession of either the Police Department or the Town of Hackettstown for a period of six (6) months, and the owner or owners cannot be found or refuse to receive and remove such vehicle and pay the storage costs thereof, then the Chief of Police may proceed to sell such vehicle in accordance with the provisions of the Laws of the State of New Jersey. (3-27-61 s7)

12-51. Definition of Vehicle.

"Vehicle" as used herein is defined to mean every device in, upon, or by which a person or property is or may be transported upon a highway. (3-27-61 58)

12-52. Violations.

Any person who shall violate any provision of this Article shall, upon conviction thereof, be punished by a fine not exceeding Twenty-five (\$25.00) Dollars.

12-53. Parking Prohibited on Snow Routes. (11-14-94)

(a) In addition, to the parking prohibition set forth in sections 12-46 and 12-47 there shall be no parking of a vehicle on any portion of a snow route whenever snow has fallen and the accumulations is such that is covers the public road, street or highway.

(b) The following streets are hereby designated as snow routes:

- (i) High Street entire length
- (ii) Grand Avenue entire length
- (iii) Washington Street - from Bell's Lane to Grand Avenue
- (iv) Warren Street entire length
- (v) Fifth Avenue entire length
- (vi) Franklin Street - from High Street to Willow Grove

- (vii) Bells Lane - entire length
- (viii) Mitchell Road - from Bell's Lane to first or northerly intersection with Arthur Terrace
- (ix) Miller Street - from High Street to Carol Drive
- (x) Carol Drive - from Miller St. to southerly intersection with Hurley Drive to Connie Terrace
- (xi) Connie Terrace - from Carol Drive to Willow Grove Street
- (xii) Arthur Terrace - entire length.
- (xiii) Mitchell Road - from second or southerly intersection with Arthur Terrace to Bells Lane
- (xiv) Lawrence Drive - from Mitchell Road south to Route 57.
- (xv) Cook Street - from High Street to Liberty Street
- (xvi) Liberty Street- from Cook Street to Main Street

(c) Said snow route parking prohibition shall remain in effect after the snow has ceased, and until the streets, roads or highways have been plowed and/or sanded sufficiently, and to the extent that parking will not interfere with the free flow of traffic.

(d) As used in this section, the term "snow" shall mean any precipitation depositing any accumulation on the surface of the street, roads or highways, including snow, sleet, hail, ice or freezing rain.

(e) As per this section, regulatory and/or warning signs in accordance with N.J.S.A. 39:4-198 shall be erected and maintained.

12-54. Emergency Closing of Streets. (11-14-94)

The Mayor is authorized to close any street or portion thereof to traffic at anytime where in the opinion of the Mayor the closing is necessary to preserve the public safety, health and welfare (Sec. N.J.S.A. 40:67-16.9). Appropriate temporary signs shall be posted advising the public of any emergency closure.

ARTICLE 7. SIDEWALK CARE AND MAINTENANCE

12-60. Removal of Snow or Ice by Owner or Tenant.

The owner or tenant of lands abutting upon a public street of this Town shall and must remove, or cause to be removed, from the abutting sidewalks of said street all snow or ice within twelve (12) daylight hours after the same shall be formed or fall thereon. (3-27-22 s1)

12-61. Violations.

Any owner or tenant who shall violate the above Section 12-60 of this Article shall, upon conviction thereof, be punished by a fine not exceeding Fifty (\$50.00) Dollars, together with the costs of prosecution. (3-27-22 s2)

12-62. Removal by Street Commissioner.

In cases where the owner or tenant shall refuse or neglect to remove the same, in the manner and within the time provided in Section 12-60 hereof, the Common Council may, by or under the direction of the Street Commissioner or other officer, cause the same to be done. (3-27-22 s3)

12-63. Cost of Removal by Town a Lien on Property.

In all cases where snow or ice is removed from the sidewalks under this Article by or under the direction of such Street Commissioner or other officer, such officer shall certify the cost thereof to the Common Council, which shall examine the certificate and, if found correct, shall cause the cost shown thereon to be charged against the lands abutting or bordering such sidewalk. The amount so charged shall forthwith become a lien upon such land and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the collector of taxes and in the same manner as other taxes.

ARTICLE 8. USE AND OBSTRUCTION OF SIDEWALKS AND STREETS

12-70. Obstruction Forbidden.

No person shall obstruct in any manner whatsoever any of the sidewalks and streets of the Town. (5-22-22 s1)

12-71. Signs, Awnings, etc., Across Sidewalks and Streets Forbidden.

No person shall build, construct or maintain any overhead sign, awning, leaderpipe, clothesline or other obstruction in, over and across the sidewalks and streets of this Town without a permit from the Council.

No permit shall be issued for the construction or maintenance of any overhead sign across the sidewalks of the Town unless the bottom of said sign is at least ten (10') feet from the sidewalk. Full specifications as to location, height off sidewalk, method of attaching, and size of sign must be presented to the Council before any permit will be issued. (8-14-61)

12-72. Affixing Signs, Notices, Advertisements, etc., to Trees, Posts, etc., Forbidden.

No person shall place and maintain any stationary sign, post, pole, box or other obstruction on the sidewalks and streets of this Town. No person shall nail, post or cause to be affixed in any manner whatsoever to any tree, tree-box, post or poles in the streets of this Town (including the sidewalk width) any sign, notice, device or other advertisement or in any way disfigure the said trees, tree-boxes, posts or poles. (5-22-22 s3, s4)

12-73. Reasonable Business Use of Streets and Sidewalks Allowed.

Nothing in the above Sections shall apply to any person necessarily using said sidewalks and streets for the loading and unloading of merchandise or other material, in the usual course of business, trade or building; however, should any person or persons allow said obstructions to become a nuisance by an unreasonable use thereof, the street commissioner or other authority shall remove the same or cause it to be done, and the offending person shall be deemed an offender against the respective sections of this Article. (5-22-22 s5)

12-74. Rights, Grants, Franchises Given by Common Council.

This Article shall not apply or be taken to interfere with any rights, grants, privileges or franchises heretofore or hereafter given by said Common Council. (5-22-22 s7)

12-75. Removal of Obstruction by Police.

In addition to the penalties hereinafter-mentioned, it shall be the duty of the Police at all times to abate and remove any unlawful obstruction or nuisance in the above Sections of this Article set forth. (5-22-22 s9)

12-76. Violations.

Any person who shall violate any provisions of this Article shall, upon conviction thereof, be punished by a fine not exceeding One Hundred (\$100.00) Dollars, or by imprisonment in the County Jail for a term not exceeding ninety (90) days. (5-22-22 s10).

12-77. Casting of Snow or Ice.

No person or no owner, tenant or occupant of any premises abutting on any street shall throw, place or deposit snow or ice into or on any street, it being the intent and purpose of this provision to prohibit all persons from throwing, casting, placing or depositing snow and ice which accumulates within the private property belonging to that person on the sidewalks or streets of the Town.

ARTICLE 9. OWNER MAINTENANCE OF STREET INTERSECTIONS

12-80. Maintenance and Trimming of Brush, etc.

The owner or owners, tenant or tenants, of land lying within the limits of the Town of Hackettstown, shall keep all brush, hedges and other plant life growing within ten (10') feet of any roadway within the Town of Hackettstown, and within twenty-five (25') feet of the intersection of any two (2) roadways, cut to a height of not more than two and one-half (2½') feet above the adjacent ground elevation where it shall be necessary and expedient for the preservation of public safety.

12-81. Construction and Maintenance of Fences.

The owner or owners, tenant or tenants, of land lying within the limits of the Town of Hackettstown and forming a corner property, shall not construct or maintain any fences or other structures within a distance of twenty-five (25') feet of the point of intersection of the sidelines of each of the two (2) intersecting streets or roadways, which is more than two and one-half (2½') feet above the adjacent ground elevation where it shall be necessary and expedient for the preservation of public safety.

12-82. Hardship Variance.

In any case where a strict application of this Article would result in undue hardship, the Town Council, upon recommendation of the Chief of Police, may, by resolution, grant a variance from such strict application.

12-83. Violations.

Any owner or owners, tenant or tenants, now maintaining or hereafter maintaining any brush, hedges or other plant life, or any fence contrary to the provisions of this Article, and who shall not remove the same or cause the same to be reduced to the conditions provided in Sections 12-80 and 12-81 of this Article, shall, within ten (10) days after the receipt of written notice from the Police Department to do so, be guilty of a violation of this Article, and upon conviction thereof, shall be punished by a fine not exceeding twenty-five (\$25.00) Dollars. Each day that a violation is permitted to exist shall constitute a separate offense.

12-84. Notice of Violation.

The notices herein provided for shall be given by certified mail, return receipt requested, to the owner and tenant, if any, of the said lands, at the last known address of said owner and/or tenant as shown on the books of the Tax Collector of the Town.

12-85. Removal of Condition by Town.

In addition to the penalties herein provided for by Section 12-83 of this Article, where it appears that the owner or tenant of land and premises so notified as set forth in the preceding sections of this Article fails to comply with the provisions of said Order within ten (10) days from the service thereof, then the Chief of Police of the Town of Hackettstown shall notify the Town Engineer of the existence of such prohibited conditions and request that the same be removed. The Town Engineer, following the receipt of such notice shall cause the removal or correction of the prohibited conditions and the reasonable cost of same shall be charged against said lands; and the amount so charged shall forthwith become a lien upon such lands and shall be added to become and form a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as other taxes; and same shall be levied, collected and enforced by the same officers and in the same manner as other taxes.

ARTICLE 10. PLANTING, CONTROL, PROTECTION AND
REGULATION OF SHADE TREES

12-90. Definitions.

(a) "Shade Tree Commission" shall mean the Shade Tree Commission of the Town of Hackettstown.

(b) The term "street" shall mean:

1. Any street accepted by the Town of Hackettstown as a public street.
2. Municipal Parks and Parkways.

(c) The term "tree" shall mean:

1. Trees and shrubs.

(d) "Person" shall mean every person, firm, association, partnership and corporation.

(e) The term "public utility company" shall refer to: public utility as defined in the Revised Statutes of the State of New Jersey (R.S. 48:2-13) and to the Hackettstown Municipal Utilities Authority.

(f) The term "plant construction" as applied to public utility companies shall mean poles, wires, cables, sub-surface conduits, pipes, manholes, and appurtenant facilities of such companies installed in a street.

12-91. Prohibited Conduct.

(a) No person shall do any of the following acts to any tree on a street, right of way, park, or other property owned or leased by the Town.

1. Cut, prune, climb with spikes, break, damage or remove or kill.
2. Cut, disturb or interfere in any way with any root.
3. Spray with any chemical.
4. Fasten any rope, wire, sign or other device. Nothing herein shall prevent any governmental agency from affixing in a manner approved by the Shade Tree Commission a public notice upon a tree in connection with administering governmental affairs. (Any work on existing fastenings will be done under the supervision of the Shade Tree Commission.)

5. Remove or damage any guard or device placed to protect any tree or shrub.

6. Conduct razing, removal or renovation of any structure if deemed by the Commission to be damaging to neighboring street trees.

7. Place or distribute chemicals, including, but not limited to salt, deleterious to tree health.

8. Maintain a stationary fire or device which emits fumes deleterious to tree health.

9. Remove soil, either for trenching or otherwise.

10. Plant any tree or shrub.

11. Place impervious material such as bituminous concrete around a tree if deemed by the Commission to be damaging to such tree.

12-92. Required Permits: Utility Operation Exceptions.

(a) The Shade Tree Commission may grant to Public Utility Companies a permit for:

1. Tree pruning for line clearance and

2. For the installation and the maintenance of sub-surface and above-ground plant construction if there is no interference with or endangerment to street trees.

(b) Public Utility Companies may, during periods of emergency without specific prior permit:

1. Install temporary attachments to trees and

2. Make emergency sub-surface repairs. Permits shall be obtained at the start of the next work day. A Public Utility Company which interferes with or endangers trees, or fails to obtain the necessary permit, shall be subject to penalties as set forth in Section 12-94 hereof.

(c) Each public utility company shall exercise reasonable diligence in the maintenance of its plant construction so as to avoid damage to trees under the jurisdiction of the Town of Hackettstown Shade Tree Commission.

12-93. Issuance of Permits.

(a) Requests for permits required by the provisions of this Article for the performance of work shall be directed to the Shade Tree Commission, Municipal Building, Town of Hackettstown, New Jersey.

12-94. Permits Granted to Property Owners.

(a) The Shade Tree Commission may grant property owners permission to plant street shade trees under guidelines adopted by the Commission.

12-95. Violations and Fines.

(a) Any person found guilty of violating any of the provisions of this Article shall upon conviction thereof be subject to a fine not exceeding two hundred dollars (\$200.00) for each offense. Each day any violation of this Article shall continue shall constitute a separate offense.