

TOWNSHIP OF MANALAPAN

ORDINANCE NO. 2025-22

AN ORDINANCE OF THE TOWNSHIP OF MANALAPAN AMENDING AND SUPPLEMENTING CHAPTER 204, "STREETS AND SIDEWALKS", OF THE CODE OF THE TOWNSHIP OF MANALAPAN TO DELETE EXISTING CHAPTER 204 AND TO ADOPT A REVISED CHAPTER 204, "STREETS AND SIDEWALKS".

BE IT ORDAINED, by the Township Committee of the Township of Manalapan, in the County of Monmouth, and State of New Jersey as follows:

Section 1. Chapter 204, "Streets and Sidewalks", of the Code of the Township of Manalapan, as amended and supplemented, be and the same is hereby further amended and supplemented by the deletion of Chapter 204, "Streets and Sidewalks" and the substitution therefor of the following new Chapter 204 to read, in full, as follows:

"Chapter 204

STREETS AND SIDEWALKS

ARTICLE I Street Excavations

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| § 204-1. | Permit required; emergency work. | § 204-8. | Right of court action. |
| § 204-2. | Application for permit; fees. | § 204-9. | Deposit of funds. |
| § 204-3. | Rules, regulations and permit conditions. | § 204-10. | Violations and penalties. |
| § 204-4. | Supervision of work. | | |
| § 204-5. | Violations and penalties. | | |

ARTICLE II Curb and Sidewalk Construction

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| § 204-6. | Duty to construct or repair. |
| § 204-7. | Notice to repair. |

ARTICLE III		§ 204-13.	Obstruction prohibited.
Casting of Snow and Ice		§ 204-14.	Duties of owner, occupant or tenant.
§ 204-11.	Casting of snow and ice.	§ 204-15.	Trimming of trees and shrubs.
§ 204-12.	Violations and penalties.	§ 204-16.	Exceptions.
ARTICLE IV		§ 204-17.	Reimbursement for damages caused by official Township activities.
Obstruction of Sidewalks and Rights-of-Way		§ 204-18.	Violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Manalapan as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Department of Public Works — See Ch. 12, Art. III.

Litter in streets — See Ch. 139.

Loitering in streets — See Ch. 141.

Parades and motorcades — See Ch. 163.

Discharge of drains into streets — See Ch. 185, Art. II.

Vehicles and traffic — See Ch. 226.

ARTICLE I

Street Excavations

[Adopted 10-27-1993 by Ord. No. 93-30 as Ch. 192, Art. I, of the 1993 Code]

§ 204-1. Permit required; emergency work.

- A. No person shall dig up and excavate or make any opening in any street, road, avenue, right-of-way, easement, highway or any portion thereof owned or under the jurisdiction of the Township of Manalapan for any purpose whatsoever without having obtained a road opening permit. All such permits shall be issued by the Code Enforcement Officer or the Township Engineer or, in their absence, the Director or Public Works.
- B. Work of an emergent nature to address a condition which immediately threatens public safety or health may be commenced upon the verbal approval of the Mayor, the Township Committeeman in charge of roads, Public Works Director, or Township Engineer prior to starting the work. Full road opening permit application compliance in accordance with Subsection A shall be required the next Township business day.
- C. No person shall dig up and excavate or make any opening in any street, road, avenue or highway owned or under the jurisdiction or to be ultimately dedicated and accepted for ownership and jurisdiction by the Township of Manalapan within five (5) years of completion of any reconstruction, bituminous concrete surface overlay or other construction to improve the surface for the motoring public, unless the work is of an emergent nature to address a condition which immediately threatens public safety or health.
- D. A permit for a road opening of an emergent nature during the 5-year moratorium period shall be subject to the following conditions:
 - (1) The person responsible for the opening of the roadway during the 5-year moratorium period shall perform such final pavement restoration as determined to be necessary in the reasonable discretion of the Director of Public Works or Township Engineer. The required final pavement restoration may involve improvements up to and including full width pavement milling and resurfacing of the roadway along the entire length of the frontage of the property in front of which the roadway was opened or disturbed. The final restoration work shall be performed no less than ninety (90) days nor more than 180 days following the completion of the work associated with the road opening, unless otherwise directed by the Township Engineer or Director of Public Works.

- (2) In addition to performing the required final pavement restoration, the person responsible for the opening of the roadway during the 5-year moratorium period shall pay a Newly Paved Roadway Restoration Fee, which shall be calculated pursuant to §204-2B. All such fees shall be used for the paving, repaving, repair and construction of curbs and roadways in the township.
- (3) The person responsible for the opening of the roadway during the 5-year moratorium period shall pay the required newly paved roadway restoration fee within ninety (90) days of notification of the fee required, unless an alternative payment schedule is agreed upon by the Township and established in writing.
- (4) Should the newly paved roadway restoration fee not be paid within the time required, the amount of the fee may be imposed by resolution of the Township Committee as a lien upon the property of the permittee or collected in a summary action in the Superior Court of New Jersey, Monmouth County pursuant to R.4:67.
- (5) In addition to the requirements defined herein, the person responsible for the opening of the roadway during the 5-year moratorium period shall be remain responsible for the condition and maintenance of any temporary restoration associated with the road opening until such time as the final pavement restoration is completed and approved by the Township.
- (6) The fees associated with an emergency roadway opening during the 5-year moratorium period shall be as defined in §204-2.B
- (7) Request for relief from any of the provisions of §204-1.C may be submitted to the Township Committee through the office of the Township Clerk. Such a request shall clearly indicate the specific provisions from which relief is being requested and shall require the submission of written justification for the request. The non-refundable fee for such requests is \$500.

§ 204-2. Application for permit; fees.

- A. Information required. Every applicant for a road opening permit shall make application on the form provided by the Township. The application shall be in quadruplicate and shall contain the following information.
 - (1) Application information:
 - (a) Date of commencement and completion.
 - (b) Expected hours of work for the project.
 - (c) Street to be opened and nearest intersecting street(s).

- (d) Dimension of road, right-of-way, pavement, physical features as related to proposed road opening.
 - (e) Existing underground utilities within road opening area.
 - (f) Proposed means of traffic and pedestrian safety, control and detour plan (when applicable).
 - (g) Special conditions.
 - (h) Purpose of road opening.
 - (i) Name, address and phone number and emergency phone number of applicant and contractor.
 - (j) And such additional information as the Township Committee may by resolution require from time to time.
- (2) The application shall further provide that the applicant agrees to open no greater part of the road, street or highway at any time than shall be approved by the Code Enforcement Officer, Township Engineer or other person in charge for the Township. The Code Enforcement Officer shall refer the permit application to the Director of Public Works and any other Township officials of interest in the application, including but not limited to Police Department and Construction Code Official, for review and comment prior to the issuance of the permit. Copies of the approved permit shall be issued to the Police Department, Public Works Department and Township Engineer. The original shall be retained by the Code Enforcement Officer. Permits shall be for a three-month period, and expired permits may be renewed upon written request.

B. Fees and deposits.

- (1) No work shall be commenced until all fees and deposits are posted as follows:
- (a) Nonrefundable application fee: \$150. **[Amended 5-11-2005 by Ord. No. 2005-15]**
 - (b) Nonrefundable inspection fee: \$200 minimum, for 4-foot by 4-foot opening or smaller.
 - (c) For openings greater than four (4) feet by four (4) feet, inspection fee shall be \$200 plus \$1 per square foot over 4-foot-by- 4- foot opening. However, depending upon the scope and nature of the proposed roadway opening and project necessitating same, the required inspection fee may be as calculated by the Township Engineer pursuant to the provisions of the Municipal Land Use Law.

- (d) Refundable performance guarantee: \$500 minimum, for 4-foot by 4-foot opening or smaller.
- (e) For openings greater than four (4) feet by four (4) feet, performance guarantee shall be \$500 plus \$3 per square foot over 4-foot-by- 4-foot opening, or as otherwise calculated and required by the Township Engineer.
- (f) For emergency road opening permits issued during the 5-year moratorium period, the nonrefundable application and inspection fees and performance guarantee shall be triple (3X) the amounts calculated as per §204-2.B(1)(a) through §204-2.B(1)(e) above.
- (g) All performance guarantees shall be posted in cash, unless an alternative form is approved by the Township Engineer and Township Attorney.
- (h) Newly Paved Roadway Restoration Fee (NPRRF) shall be calculated as follows:
 - The “base restoration cost” (BRC) shall be calculated by the Director of Public Works or Township Engineer and shall include all costs necessary for the Department of Public Works or its contractor to complete the full width pavement milling and resurfacing of the roadway along the entire length of the property in front of which the roadway was opened. BRC shall include all costs associated with the use of Township personnel and/or equipment, as calculated by the Department of Public Works.
 - The “net restoration cost” (RC) shall be the difference between BRC and the actual cost of the final pavement restoration required by §204-1.D(1). NRC shall be calculated by the Director of Public Works or Township Engineer based upon invoices and/or other documentation provided by the contractor or permittee to confirm the actual cost of the final pavement restoration. The actual cost of the final pavement restoration shall not include any costs associated with the initial road opening or the temporary restoration.
 - NPRRF shall be calculated as a percentage of the NRC based upon the timing of the initial disturbance of the roadway under the 5 year moratorium, as follows:

TIMING OF INITIAL DISTURBANCE (FOLLOWING COMPLETION OF ROADWAY PAVEMENT	NEWLY PAVED ROADWAY RESTORATION FEE
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RESURFACING)	
1 day to 1 year	100% of Net Restoration Cost
1 year + 1 day to 2 years	80% of Net Restoration Cost
2 years + 1 day to 3 years	60% of Net Restoration Cost
3 years + 1 day to 4 years	40% of Net Restoration Cost
4 years + 1 day to 5 years	20% of Net Restoration Cost

- (i) Road Opening Permits for roadways that have been reconstructed, resurfaced, or otherwise modified to improve the travel lane surface for the motoring public greater than five (5) years but less than ten (10) years prior to the proposed disturbance associated with the Road Opening Permit shall be subject to a NPRRF in the amount of 5% of the NRC. All such fees shall be used for the paving, repaving, repair and construction of curbs and roadways in the township.
- (2) The acceptance of the work by the Township Engineer or Public Works Director shall be issued in writing. In the event that the work shall not be satisfactorily completed in accordance with the provisions of this Article and is not accepted by the Township Engineer or Public Works Director the Township may at its option do the necessary work, and the costs thereof, as well as any and all other associated administrative, engineering, legal and other costs, shall be deducted from the performance guarantee posted by the permittee.
- (3) Within four (4) weeks of the completion of the work by the Township, the final charges will be billed to the permittee, and the original performance guarantee will be credited against the total cost. Should the performance guarantee exceed the amount of total cost, the balance will be returned to the permittee upon approval and acceptance of the work by the Township Engineer or Public Works Director. The cost to the Township for doing the work will be determined by the Township Engineer or Director of Public Works and shall include the actual cost

of all material and labor incurred by the Township in connection therewith. The Township Engineer or Director of Public Works may delay approval and acceptance for a reasonable period of time, not to exceed one (1) year, to allow the backfill of any opening to settle and to determine that the pavement restoration is sound and proper.

- (4) If the work is satisfactorily performed and accepted by the Township Engineer or Public Works Director, the performance guarantee shall be returned within 45 days of acceptance.
- C. Yearly deposit. Whenever any public utility or authority shall anticipate more than one street opening or excavation per calendar year, such authority may post either in cash or by letter of credit one deposit in an amount and form as provided above for the calendar year or part thereof to cover the costs of such work. Public utilities authorities with assets of more than \$1,000,000 may post a corporate bond or letter of credit in an amount less than \$50,000. to cover the anticipated work for the year.
- D. Blanket bond. A licensed contractor who anticipates performing work for residents which will require the posting of more than one but less than 10 refundable roadway restoration deposits, pursuant to Subsection B herein, may post a blanket bond in the amount of \$5,000 on behalf of the residents. The bond shall be in a form acceptable to the Township Attorney and shall not be canceled until all road restoration work guaranteed by said bond has been inspected and improved by the Township. This provision shall be subject to approval by the Township Engineer or Director of Public Works dependent upon the scope, number and nature of the roadway openings anticipated.

§ 204-3. Rules, regulations and permit conditions.

- A. Compliance with regulations; revocation of permit. Every permittee issued hereunder shall fully comply with all rules, regulations and conditions of this Article. In addition to any other remedies available to the Township, the Township shall have the right, at any time when the interest of the public so requires upon failure of the permittee to comply with any of the rules, regulations and conditions, to suspend or revoke any permit issued. Revocation may be by a written notice, served upon the permittee, the foreman or other person in charge of the work of the applicant or any other person named in the application.
- B. A hearing on any permit revocation or suspension before the Township Committee may be held upon the request in writing made by the permittee to the Township Clerk. Said hearing shall be held within 30 days of the request. Failure to hold such a hearing shall be deemed a denial of the appeal.

C. Protection for traveling public.

- (1) The permittee shall keep the opening properly guarded with barricades, barriers, fencing, signage, flagmen, warning lights and other devices as required to protect the pedestrian and motoring public in all day, night and inclement weather conditions. In doing the work, there shall be as little interference as possible with travel along the road, and no greater part of the road shall be opened any time than shall be allowed by the Township Engineer, Township Police Department, or other Township official in charge. Transverse openings, involving the full width of the paved travel lane shall be made so that only 1/2 of the paved travel lane will be obstructed at any one time. The work shall be scheduled and executed to present a minimum of inconvenience to the traveling public. Where feasible, pipes, mains and conduits shall be bored under all pavements. Tunnels may be driven if and where directed.
- (2) All signs, markers, barriers, lights or other warning devices placed upon a roadway during construction shall be of a type approved by the current United States Department of Transportation "Manual of Uniform Traffic Control Devices" prior to their placement.
- (3) The permittee shall submit a detailed roadway detour plan at all times when the road is not to be continuously open to the motoring public. The plan shall include details as to the placement of all caution, warning and detour signs; barriers, barricades, lights, uniformed traffic control officers, detour routes and any other information as may be required by the Township. Said plans shall be approved by the Township Engineer and Police Department prior to implementation.
- (4) The Code Enforcement Officer, Township Engineer, Public Works Director and any other responsible Township official shall be notified at least 48 hours before a street is opened. The permittee also shall provide notification of an approved road closing and detour plan at least seven days in advance of the road closure to the Township Police Department, Public Works Department, Township Clerk, Gordons Corner and Millhurst Fire Companies, the Township EMS contractor, Englishtown-Manalapan School District, Freehold Regional High School District and any other party directed by the Township.

D. Protection from suits. The permittee shall hold harmless the Township of Manalapan, its officers and employees from and against any loss, injury or damage resulting from any negligence or fault of the permittee, his or its agents or servants in connection with the performance of the work covered by the permit.

E. Time limit. In case the work has not been completed before the day of expiration of the permit, and the permittee has not requested an extension of time, the Township Engineer or other person in charge may take steps to backfill the trench and install

pavement over the opening for which the permit has been issued. The permittee shall be responsible for all costs incurred by the Township.

- F. Removal of the existing pavement. Existing pavement shall be marked with a neat straight line to indicate the portion of the street to be opened. Pavement cutting shall be accomplished with a saw or by other such means as will produce a straight vertical cut with no uneven edges and without damaging adjoining pavement. The existing pavement shall be further removed to a total width of at least twenty-four (24) inches wider than the trench width, twelve (12) inches on each side of the trench excavation upon complete backfilling of the roadway excavation to the satisfaction of the Township. Removal of pavement by a rotating cutting blade/trencher (i.e., Ditch Witch) shall not be permitted unless the trencher provides a pavement opening wide enough to properly backfill and compact the trench and restore the pavement mechanically.
- G. Excavation. The work shall be so conducted as not to interfere with any existing water main, sewer, gas, electric power, cable television, or telephone connections with houses or to damage any existing trees or roots thereof, without permission of the proper authorities. It shall be the permittee's responsibility to arrange for the notification, location and mark out of all utilities prior to commencement of any excavation. Noncompliance will result in a stop order from the Township Engineer, Public Works Director, Code Enforcement Officer or Construction Official. All rock within five (5) feet of a water main or other pipe which will be damaged thereby shall be removed without blasting.
- H. Backfilling and temporary paving.
 - (1) The permittee shall completely backfill and compact the excavation and the trench with sand, gravel, NJDOT quarry process stone or other proper materials as approved by the Township Engineer or Director of Public Works, acceptably compacted in six-inch lifts mechanically as required and shall remove excess material from the worksite. All backfilling and compaction shall be done in accordance with current New Jersey Department of Transportation standard specifications.
 - (2) Longitudinal ditches shall be compacted by rolling with suitably heavy mechanical, self- powered rollers or mechanical vibratory rollers or compactors. Dual-tired trucks, rubber-tired loaders or tracked equipment shall not be used for that purpose. If for any reason immediate replacement of pavement is not feasible, the excavation shall be backfilled and consolidated as specified above, after which not less than eight (8) inches of bituminous stabilized base (Mix I-2 or approved equal) shall be affixed in accordance with current New Jersey Department of Transportation standard specifications as soon as

conditions permit.

- I. Temporary restoration of bituminous pavement. After the backfilling and compaction of the trench has been completed as above specified, temporary replacement of the bituminous pavement shall be made by the permittee. Bituminous pavement replacement shall consist of a minimum of eight (8) inches of bituminous stabilized base course (Mix I-2 or approved equal) in accordance with current New Jersey Department of Transportation standard specifications to a total width of twenty-four (24) inches wider than the trench width, twelve (12) inches on each side of the trench excavation. The temporary pavement shall be installed up to the top of the excavation and compacted with a roller such that it is level with the adjacent, existing, undisturbed roadway. Prior to the placement of the bituminous concrete pavement, all vertical edges of existing pavement adjacent to the road opening shall be prepared and tack-coated in accordance with current New Jersey Department of Transportation standard specifications. The permittee shall be responsible for the condition and maintenance of the temporary restoration, including any necessary repair, until such time as the final restoration is completed and accepted by the Township.
- J. Final pavement restoration. After a settlement period of not less than ninety (90) days nor more than 180 days, unless otherwise directed by the Township Engineer or Director of Public Works, final pavement restoration shall be performed by the permittee in the following manner:
 - (1) The temporary pavement restoration shall be milled to a minimum depth of two (2) inches. The limits of the milling shall be at least twelve (12) inches beyond the limits of the temporary pavement restoration. Pavement milling shall result in a neat, clean vertical edge along the perimeter of the milling area; saw cutting may be required. All milling areas shall be rectangular, or if approved by the Township Engineer or Director of Public Works provide a neat and regular geometry with straight lines. Limits of milling shall be marked out by the permittee and approved by the Township Engineer or Director of Public Works prior to performance of any work.
 - (2) Final bituminous pavement resurfacing consisting of a minimum of two (2) inches of fine aggregate bituminous surface course (Mix I-5 or approved equal) in accordance with current New Jersey Department of Transportation standard specifications shall be installed within the milled area as soon as possible after the completion of the milling. Prior to the placement of the bituminous surface course pavement, all surfaces and vertical edges of the milled area shall be prepared and tack-coated in accordance with current New Jersey Department of Transportation standard specifications.

- (3) Pavement striping shall be restored / replaced by the permittee if, where, and as directed by the Township Engineer or Director of Public Works. Any required pavement striping shall be installed immediately
- K. The Township Engineer or Director of Public Works may authorize the installation of an alternative final restoration if they determine that the road opening is small and temporary and final pavement restoration procedure outlined above will result in a finished product that is inferior to the alternative. However, any such alternative final restoration shall include infrared repair of the roadway opening to eliminate all asphalt joints.
- L. The Mayor and Township Committee reserve the right to remove and replace any defective patch work made by the permittee and charge the cost of labor and materials for such removal and replacement to the permittee, in accordance with the charges provided for under § 204-2B.
- M. In no event shall any opening or excavation be made in any public street, road or highway within the Township of Manalapan which shall be of a greater size or length than can be filled in and completed by the available material and equipment located at the site for the doing of said work at the end of each day.
- N. If any opening herein authorized is not completely enclosed at night or is partially completed and not finished, then during the hours of dark that such excavation continues in existence there shall be, in addition to any other precautions required for the safety of the public during the daytime, sufficient barriers which shall be lighted so as to enable the public using said public street, road or highway to be warned of the presence of same therein, which lights so used shall be provided, installed and maintained in accordance with the current United States Department of Transportation "Manual of Uniform Traffic Control Devices." This requirement shall be a minimum requirement in connection with any such excavation left unattended or exposed at night and shall not relieve any person from providing other adequate barriers and lights and trench plates as may be reasonably required to safeguard the public.

§ 204-4. Supervision of work.

- A. All work performed by the applicant in connection with the making of openings in the public streets, roads and highways within the Township and the completion thereof, under any permits issued hereunder, shall be done only under the immediate supervision of the Director of Public Works, Township Engineer or his representatives, and the applicant shall be responsible for obtaining the presence of the Public Works Director or Township Engineer or his representatives for such supervision at the site before the work may proceed. All expenses and fees incurred

in connection with such supervision shall be charged to and paid for by the applicant through the nonrefundable inspection fee. However, if the inspection fee is insufficient to cover the actual Township costs for supervision of the work, the applicant shall be responsible for any additional costs that may be incurred.

B. Winter requirements: During the period between November 30 and March 31 of any year, road opening permits shall be subject to the following conditions:

- (1) All road openings shall be temporarily restored consistent with §204-3 above at the end of each day. This temporary pavement shall consist of a minimum of eight (8) inches of bituminous stabilized base course (Mix I-2 or approved equal) in accordance with current New Jersey Department of Transportation standard specifications; the asphalt shall be installed up to the top of the excavation and compacted with a roller such that it is level with the existing, undisturbed roadway surface.
- (2) The permittee shall be fully responsible for the condition, maintenance and repair of the temporary pavement restoration, including but not limited to repairing any settlement, during the winter period. Any necessary corrective work or repair shall be performed within 48 hours of notification by the Township Engineer or Director of Public Works. Should the permittee fail to complete such required corrective work or repair within 48 hours, said work may be performed by the Department of Public Works, and the permittee will be responsible for any associated costs.
- (3) Final restoration of the road openings, consistent with §204-3 above shall be completed no later than June 30 following the end of the winter period during which the permitted work was performed. Final restoration shall not be performed until a minimum of 90 days after the completion of any temporary restoration work to allow for settlement of the trench and temporary pavement restoration.
- (4) The Township Engineer and/or Director of Public Works shall retain the right to deny any road opening permit application for work during the winter period if they determine that the work cannot be satisfactorily completed or properly maintained due to winter conditions, the scope and nature of the proposed work or any other reason.

§ 204-5. Violations and penalties. [Added 2-28-1996 by Ord. No. 96-02]

Any person, firm, corporation, utility or entity found to be in violation of this chapter or any condition imposed in accordance with this chapter or any permit granted pursuant thereto or any specification adopted by the Township of Manalapan be subject to a fine not exceeding the sum of \$2,000 or imprisonment for a period not exceeding 90 days or

both at the discretion of the Judge of the Municipal Court of the Township of Manalapan. In addition, the Court may order restitution and/or replacement of any street, sidewalk or pavement improperly removed and/or replaced.

ARTICLE II
Curb and Sidewalk Construction
[Adopted 10-27-1993 by Ord. No. 93-30 as Ch. 192, Art. II, of the 1993 Code]

§ 204-6. Duty to construct or repair.

It shall be the duty of any owner of land abutting upon a public street or public sidewalk in the Township to construct, repair, alter or reinstall any sidewalk or curb, or section thereof along all frontages of their property.

§ 204-7. Notice to repair. [Amended 11-8-1995 by Ord. No. 95-27]

If the Township determines that any sidewalk or curb, or section thereof, is in need of construction, repair, alteration or reinstallation, the owner or occupant of land abutting such public street or public sidewalk shall be required to perform the necessary curb or sidewalk improvements within a specified period of time which shall be at least thirty (30) days from the date of service of a notice from the Code Enforcement Officer, Township Engineer, Director of Public Works, or other authorized Township Official requiring such improvements.

- A. Whenever any lands are unoccupied and the owner cannot be found within the Township the notice may be mailed, postage prepaid, to his post office address if the same can be ascertained.
- B. In case such owner is a nonresident of the Township or his post office address cannot be ascertained then the notice may be inserted for four weeks, once a week, in some newspaper of the Township.
- C. In case the owner or occupant of such land shall not comply with the requirements of such notice, it shall be lawful for the Department of Public Works of the Township upon filing due proof of the service or publication of the aforesaid notice in the appropriate department of the Township, to cause the required work to be done and paid for out of the moneys of the Township available for that purpose.
- D. The cost of such work shall be certified by the department or person having charge thereof to the department or person having charge of the collection of assessments in the Township.
- E. Upon adoption of a resolution by the Township Committee, the amount of the cost of such work shall be and become a lien upon the abutting lands in front of which such work was done to the same extent that assessments for local improvements are liens in the Township, and shall be collected in the manner provided by law for the collection of such other assessments and shall bear interest at the same rate.

§ 204-8. Right of court action.

The Township shall also have the right to maintain an action against the owner or occupant of said lands in any court having competent jurisdiction thereof.

§ 204-9. Deposit of funds.

All moneys recovered or paid to the Township under the provisions of § 204-7 shall be credited to the account out of which the cost of such work was paid.

§ 204-10. Violations and penalties.

In addition to the remedy provided to the Township in § 204-7 hereof, any owner or occupant of lands abutting said sidewalk or curb, or both, who shall violate this article subsequent to notice having been given as aforesaid, shall, upon conviction of such violation be liable to the payment of a fine and penalty of not more than \$2,000 or imprisonment for not more than 90 days, or both, for each and every violation.

ARTICLE III
Casting of Snow and Ice
[Adopted 10-22-2003 by Ord. No. 2003-23]

§ 204-11. Casting of snow and ice.

No owner, tenant or occupant of any premises abutting any street, nor any person working for or on behalf of any owner, tenant or occupant, shall throw, place or deposit any snow or ice upon the public street or public right-of-way in front of their property. The intent of this section is to prohibit all persons from throwing, placing or depositing snow or ice from any private driveway, parking area or walkway in front of the property upon the municipal street, sidewalks or other portions of the right-of-way of the Township.

§ 204-12. Violations and penalties.

Any person who violates any provision of this article shall, upon conviction thereof, be punishable by any combination of the following: a fine not exceeding \$2,000, imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days.

ARTICLE IV
Obstruction of Sidewalks and Rights-of-Way
[Adopted 12-17-2003 by Ord. No. 2003-31]

§ 204-13. Obstruction prohibited.

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, nor shall any person obstruct such public sidewalks or rights- of-way in any other manner whatsoever.

§ 204-14. Duties of owner, occupant or tenant.

The owner, occupant or tenant of any property fronting on any street in the Township shall at all times keep the public sidewalk and the area between the front lot line of the property and the curb or paved roadway that directly front upon such property 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. This requirement is applicable to all handicap curb ramps that are present along the frontage of any property.

§ 204-15. Trimming of trees and shrubs.

All trees, shrubs or other vegetation planted on private property that stand along public sidewalks and/or public streets, the branches of which extend over any part of a public sidewalk and/or a public street, and all trees, shrubs and other vegetation within the portion of the Township's right-of-way between the front lot line of any property and the curb or pavement edge directly in front of the property, 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 eight (8) feet above ground level. The trees, shrubs and other vegetation in these areas shall also be subject to the applicable requirements of Chapter 176 of the Township Code (Property Maintenance).

§ 204-16. Exceptions.

This article 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 and temporary 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 or authorized refuse collection contractor.
- C. To posts, stanchions or other support upon which mailboxes are placed in accordance with United States Post Office regulations and provided that the post, stanchion or support does not exceed four feet in height above ground level and 12 inches by 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.

**§ 204-17. Reimbursement for damages caused by official Township activities.
[Amended 4-10-2024 by Ord. No. 2024-05]**

Should the Township, through its required maintenance activities, destroy a mailbox placed along the right-of-way, the Township may reimburse the property owner up to the sum of \$100 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.

§ 204-18. Violations and penalties.

The penalty provisions of § 1-17 of the Municipal Code of the Township of Manalapan shall apply to this article."

Section 2. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies.

Section 3. If any section, subsection, paragraph, sentence, or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

Section 4. This Ordinance shall take effect upon its passage and publication according to 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 September 25, 2025 and 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 October 29, 2025 at the Municipal Complex, 120 Route 522 and Taylors Mill Road, Manalapan, New Jersey at 7:30 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 in its entirety is on file in the Municipal Clerk's Office and copies may be obtained without charge between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday. A complete copy may also be obtained from the Manalapan Township web-site www.mtnj.org by clicking on the Ordinance title listed on the Agenda posted for the Township Committee meeting of October 29, 2025.

SHARI ROSE, RMC
Municipal Clerk