

**TOWNSHIP OF CEDAR GROVE
ESSEX COUNTY NEW JERSEY**

AGENDA ITEM: #3(a)

APRIL 6, 2026

PASSED ORDINANCE NO. 26-968

AN ORDINANCE AMENDING CHAPTER 230 OF THE CODE OF THE TOWNSHIP OF CEDAR GROVE ENTITLED RIGHT-OF-WAY CONSTRUCTION AND/OR MAINTENANCE AND ESTABLISHING SUBSECTION 44 OF THE CODE OF THE TOWNSHIP OF CEDAR GROVE ENTITLED: STRUCTURES WITHIN THE PUBLIC RIGHT-OF-WAY PROHIBITED

WHEREAS, N.J.S.A. 40:48-2 provides the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, pursuant to the foregoing statutory authority, the Township Council has promulgated rules and permit requirements for the opening or any penetration, excavation, or disturbance of the surface of any portion of any Township-owned Street, unaccepted dedicated street or private undedicated street in which resurfacing, pavement maintenance or pot hole repair and patching is performed by the Township which are codified at Chapter 230 of the Code of the Township of Cedar Grove ("Code"); and

WHEREAS, the Township Manager has recommended an amendment to Chapter 230 (Streets and Sidewalks), Article V, Right-Of-Way Construction and/or Maintenance, to include a provision prohibiting the placement of objects in the public right-of-way.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Cedar Grove, County of Essex, State of New Jersey, that:

SECTION 1. Chapter 230 (Streets and Sidewalks), Article V, Right-Of-Way Construction and/or Maintenance, of the Code of the Township of Cedar Grove is hereby amended and supplemented to read as follows [additions by **bold**, deletions by ~~strikethrough~~]:

§230-44 Structures Within Right-of-Way Prohibited:

- A. No person shall place a permanent or temporary object or structure, except for refuse and refuse receptacles on their designated collection days, within the roadway or the public right-of-way, unless prior approval is granted by the Township Council.
- B. Violations of this prohibition shall result in the issuance of a summons with a fine in accordance with Section 1-3 of the Township Code with a minimum established penalty of \$100.

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SECTION 2. All other provisions of Chapter 230 of the Code of the Township of Cedar Grove shall remain unchanged.

SECTION 3: Severability. The provisions of this Ordinance are declared to be severable and if any section, sub-section, sentence, clause, phrase, or any other part of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the validity of the remaining sections, subsections, sentences, clauses, and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4: Repeal of Inconsistent Provisions. All ordinances or parts thereof in conflict or inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 5: Codification. This Ordinance shall be a part of the Code of the Township of Cedar Grove as though codified and fully set forth therein. The Township Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Township Clerk and the Township Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Township of Cedar Grove in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

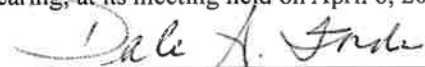
SECTION 6. This ordinance shall take effect twenty days after final passage, adoption, and publication in the manner prescribed by law.

INTRODUCED BY: Councilwoman Peterson

SECONDED BY: Deputy Mayor Maceri

ROLL CALL VOTE				
COUNCILMEMBER	YES	NO	ABSTAIN	ABSENT
Peterson	X			
Skabich				X
Zazzali	X			
Maceri	X			
Mega	X			

I HEREBY CERTIFY the foregoing to be a true copy of an ordinance adopted by the Township Council of Cedar Grove, in the County of Essex, following public hearing, at its meeting held on April 6, 2026.



Dale A. Forde
Township Clerk



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