First Reading

INTRODUCED BY: Councilman Karcic				
SECONDED BY: Councilman Fitzhenry				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
FITZHENRY	X			
CAVADAS	X			
KARCIC	X			
SHEEDY	X			
DEL RUSSO	X			
BOCCHINO	X			
PRONTI				
TOTAL				

Second & Final Reading

INTRODUCED BY: Councilwoman Bocchino				
SECONDED BY: Councilman Del Russo				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
FITZHENRY	X			
CAVADAS	X			
KARCIC	X			
SHEEDY	X			
DEL RUSSO	X			
BOCCHINO	X			
PRONTI				
TOTAL				

ORDINANCE NO. 2335
BOROUGH OF NORTH ARLINGTON
BERGEN COUNTY, NEW JERSEY

AN ORDINANCE TO AMEND CHAPTER 319 OF THE CODE OF THE BOROUGH OF NORTH ARLINGTON ENTITLED "STREETS AND SIDEWALKS"

WHEREAS, the Mayor and Council have determined that there is a need to amend Chapter 319 of the Code of the Borough of North Arlington entitled "Streets and Sidewalks"; and

WHEREAS, the Mayor and Council of the Borough of North Arlington have determined that there is a need to amend Chapter 319, Sections 24 and 25 under Article VI entitled "Sidewalk Construction and Repair;" and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of North Arlington, County of Bergen, State of New Jersey, that Chapter 319, Sections 24 and 25 under Article VI entitled "Sidewalk Construction and Repair" are hereby amended to read as follows (additions in **bold**):

§24 Responsibility of owner.

A. The owner or owners of lands situate within the Borough and abutting upon streets, roads, avenues and public places and portions thereof shall be required, when directed by the governing body, to construct, re-lay, or repair sidewalks in front of his, her or their lands in that portion of the premises allotted for sidewalks, at his, her or their own cost and expense, and shall do so in the manner hereinafter set forth.

(1) Permit is required
No Person, private or public business entity, nor any utility company shall for any purpose, install, construct, re-construct, alter or replace a sidewalk or the right of way area between the street curb and the sidewalk or remove tree roots which may alter a sidewalk or the right of way area between the street curb and the sidewalk within the limits of the Borough without first obtaining a permit from the Construction Department.

(2) Application for Permit
Application for permit shall be made, in writing, on forms to be prescribed and issued by the Construction Department and shall be filed prior to the commencement of any work. The application shall specify the name and address of the applicant; the specific location and description of the proposed sidewalk or related right of way area between the street curb and the sidewalk, including its width, length, and depth; and the individual(s) or business entity for whose benefit the sidewalk and/or related work is to be made, and shall be accompanied by a nonrefundable fee for the issuance of the permit as hereinafter set forth. No work may commence by a permittee until the date set forth in the issued permit, unless previously approved by the Construction Department.

(3) Fee
The applicant shall pay a non-refundable fee to the Borough for the sidewalk permit in the amount of $50.

(4) Escrow.
When a sidewalk replacement project, new construction, alteration of the right of way area between the street curb and the sidewalk, or major repair is deemed by the Construction Office to require additional professional reviews or inspections, an Escrow account will be established by the Construction Department.

§25 Dimensions; materials; inspection.

A. All sidewalks shall be constructed having a four-inch thickness, four feet wide and made of Class B concrete and subject to inspection and approval of the Municipal Engineer.

B. The right of way area between the street curb and the sidewalk must be maintained by the property owner solely with soil and grass; concrete, pavers, gravel, or any other impervious material is prohibited.

(1) Failure to comply with this subsection (B) shall subject the offending party to penalties as set forth in Section 27 of this Chapter.

(2) Any party violating this subsection (B) shall be responsible for the cost of removing and replacing the prohibited impervious material and all costs of inspection of same.

(3) This subsection (B) shall not apply to right of way areas which contain prohibited impervious material prior to September 1, 2021, however, any property owner who undertakes any construction which alters such a right of way area must bring such area into compliance with this subsection (B) at the time the alterations are complete.

IT IS FURTHER ORDAINED that the remainder of Chapter 319 of the Code of the Borough of North Arlington shall remain in full force and effect; and

IT IS FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent herewith are hereby repealed; and

IT IS FURTHER ORDAINED that if any parts, sections, provisions, or the total of any of the above provisions are held to be invalid or unenforceable in any court, the findings or judgments of which court are applicable to the State of New Jersey, the balance and remainder of such provisions shall remain in full force and effect as an Ordinance of the Borough of North Arlington; and

IT IS FURTHER ORDAINED that this Ordinance shall become effective twenty (20) days after the adoption and publication according to law.

APPROVED: _____
Daniel H. Pronti, Mayor

ATTEST: _____
Kathleen Moore, Borough Clerk

DATED: October 14, 2021

PUBLIC NOTICE

PUBLIC NOTICE IS HEREBY GIVEN THAT AT A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF NORTH ARLINGTON HELD ON THURSDAY, September 9, 2021 THE ABOVE ORDINANCE WAS INTRODUCED AND PASSED ON ITS FIRST READING. SAID ORDINANCE SHALL BE TAKEN UP FOR FURTHER CONSIDERATION FOR FINAL PASSAGE AT A REGULAR MEETING OF THE MAYOR AND COUNCIL TO BE HELD IN THE COUNCIL CHAMBERS, BOROUGH HALL, 214 RIDGE ROAD, NORTH ARLINGTON, BERGEN COUNTY, NEW JERSEY ON October 14, 2021, 7:00PM OR AS SOON THEREAFTER AS THE MATTER CAN BE REACHED, AT WHICH TIME AND PLACE ALL PERSONS WHO MAY BE INTERESTED THEREIN SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD CONCERNING SAME. DURING THE WEEK PRIOR TO AND UP TO AND INCLUDING THE DATE OF SUCH MEETING, COPIES OF SAID ORDINANCE WILL BE MADE AVAILABLE AT THE BOROUGH CLERK'S OFFICE TO THE MEMBERS OF THE GENERAL PUBLIC WHO SHALL REQUEST SAME.

Kathleen Moore, RMC
Borough Clerk