

**LEGAL NOTICE  
ORDINANCE NO. 57  
2024  
TOWNSHIP OF WAYNE  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY**

**AN ORDINANCE TO AMEND CHAPTER 180 (STREETS AND SIDEWALKS), ARTICLE I (GENERAL PROVISIONS), II (EXCAVATIONS; STREET NUISANCES), ARTICLE IV (SIDEWALK CLEARANCES; REMOVAL OF SNOW, ICE AND VEGETATION) AND ARTICLE VI (SIDEWALK REPAIRS) OF THE CODE OF THE TOWNSHIP OF WAYNE**

**WHEREAS**, N.J.S.A. 40:48-2 provides that 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 180 of the Code of the Township of Wayne ("Code"); and

**WHEREAS**, the Township Engineer has recommended amendments to Chapter 180 (Streets and Sidewalks), Article I (General Provisions), Article II (Excavations; Street Nuisances), Article IV (Sidewalk Clearances; Removal of Snow, Ice and Vegetation and Article VI (Sidewalk Repairs).

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Wayne in the County of Passaic, State of New Jersey, as follows:

**SECTION 1.** Chapter 180 (Streets and Sidewalks), Article I (General Provisions), Section 180-1 (Definitions) of the Code of the Township of Wayne is hereby amended and supplemented to read as follows [additions by **bold**, deletions by ~~strikethrough~~]:

Article I General Provisions

§ 180-1. Definitions

**Sidewalk Area - The area adjacent to a public Street that includes the full right-of-way width, including the paved sidewalk, grass, gravel, or dirt, as well as, public drainage facilities, measured from inside of the curb, to the property line directly in front.**

**SECTION 2.** Chapter 180 (Streets and Sidewalks), Article II (Excavations and Street Nuisances), Section 180-10 (Certain Acts Unlawful) of the Code of the Township of Wayne is hereby amended and supplemented to read as follows [additions by **bold**, deletions by ~~strikethrough~~]:

Article II Excavations and Street Nuisances

§ 180-10. Certain Acts Unlawful

**H. Permit brush, hedges, trees, or other vegetation to extend beyond the curb into a Roadway that may cause obstructions to vehicular traffic. Existing vegetation may remain above an existing Roadway, so long as, the height of the vegetation is not less than 17 feet as measured from the existing Roadway pavement.**

**SECTION 3.** Chapter 180 (Streets and Sidewalks), Article IV (Sidewalk Clearances; removal of snow, ice and vegetation) of the Code of the Township of Wayne is hereby amended and supplemented to read as follows [additions by **bold**, deletions by ~~strikethrough~~]:

Article IV Sidewalk Clearances; Removal of snow, ice and vegetation)

§ 180-21. Vegetation Removal

~~The owner or tenant of lands abutting or bordering on the sidewalks of a public street in the Township shall remove or cause to be removed any vegetation, brush or tree growth where the same is growing in, on or over said sidewalk area or where the same obstructs in any manner said sidewalk area within three days after notice to remove the same. Said notice shall be given or caused to be given by the Township Engineer.~~

**The owner or tenant of lands that abut a Sidewalk Area of a public street shall keep the Sidewalk Area clear of vegetation that may cause obstructions to pedestrian foot-traffic. Existing vegetation may remain within Sidewalk Area where no sidewalk exists, so long as, the vegetation is at a height not less than 8 feet as measured from the surface of the Sidewalk Area. The owner or tenant shall clear such vegetation within three days after notice has been received or be subject to the penalty provisions contained in Section 180-25.**

**SECTION 4.** Chapter 180 (Streets and Sidewalks), Article VI (Sidewalk Repairs) of the Code of the Township of Wayne is hereby amended and supplemented to read as follows [additions by **bold**, deletions by ~~strikethrough~~]:

Article VI Sidewalk Repairs

§ 180-31. Definitions.

~~Sidewalk or Sidewalk Area - Includes the area extending from the inside of the curb, and does not include the curb, to the property line in front of which said sidewalk is located. Such "sidewalks" or "sidewalk areas" shall be kept in good repair by the owner or owners of the property in front of which said "sidewalk areas" are located.~~ **The owner or tenant of lands that abut a Sidewalk Area of a public street shall keep the Sidewalk Area clear of vegetation that may cause obstructions to pedestrian foot-traffic. Existing vegetation may remain within Sidewalk Area where no sidewalk exists, so long as, the vegetation is at a height not less than 8 feet as measured from the surface of the Sidewalk Area. The owner or tenant shall clear such vegetation within three days after notice has been received or be subject to the penalty provisions contained in Section 180-25.**

**SECTION 5.** All other provisions of Chapter 180 of the Code

of the Township of Wayne shall remain unchanged.

**SECTION 6: 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 7: 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 8: Codification.** This Ordinance shall be a part of the Code of the Township of Wayne 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 Wayne 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 9.** This ordinance shall take effect in the manner prescribed by law at N.J.S.A. 40:69A-181.

ATTEST:

\_\_\_\_\_  
PAUL V. MARGIOTTA  
TOWNSHIP CLERK

\_\_\_\_\_  
JASON DESTEFANO  
PRESIDENT OF THE COUNCIL

**NOTICE**

I hereby certify that the aforementioned ordinance was published in the Herald News, a newspaper published in the County of Passaic and circulated in the Township of Wayne, in the issues of September 11, 2024 and September 25, 2024.

\_\_\_\_\_  
PAUL V. MARIOTTA  
Township Clerk

This ordinance is hereby  
approved this 19th day  
of September 2024.

ADOPTED ON: September 18, 2024

\_\_\_\_\_  
CHRISTOPHER P. VERGANO  
Mayor