

**ORDINANCE 2021-05**

*Borough of Metuchen  
County of Middlesex  
State of New Jersey*

**ORDINANCE AMENDING SECTION 166-3 OF THE CODE OF THE BOROUGH OF METUCHEN ENTITLED “SNOW REMOVAL” AND ADDING SECTION 166-3.1 ENTITLED “DUMPING OR PLACING SNOW ON STREETS, ROADWAYS OR PUBLIC RIGHTS OF WAY PROHIBITED”**

**WHEREAS**, the Mayor and Council of the Borough of Metuchen have determined that it is in the best interest of the Borough to amend Section 166-3 of the Code of the Borough of Metuchen, entitled “Snow Removal” to clarify the snow removal requirements and to prohibit dumping and/or placing snow on public streets, roadways or rights-of way.

**NOW THEREFOR BE IT ORDAINED** by the Council of the Borough of Metuchen that it hereby amends Section 166-3 of the Code of the Borough of Metuchen to state as follows:

**§ 166-3        Snow Removal**

A.        Every person, partnership, corporation, or other entity in charge or control of any building or property within the Borough including but not limited to single-family and multifamily residential and commercial, whether an owner, tenant, occupant, lessee or otherwise, shall remove and clear away or cause to be removed and cleared away snow and ice from so much of said sidewalk as is in front of or abuts on said building or property, along with all walkways, curb ramps, staircases (including steps), the public right of way of driveways and parking areas open to the public on said property. Snow and ice shall also be removed so as to provide access to all fire hydrants located on the property.

B.        All sidewalks, walkways, curb ramps and staircases shall be cleared to a width of 42 inches or the maximum width of the sidewalk, walkway, curb ramp or staircase, whichever is less, in order to provide adequate ADA compliant accessibility.

C.        Except as otherwise provided in this article, snow and ice shall be removed from sidewalks, walkways, curb ramps, staircases, public right of way of driveways and public parking areas within the Borough within 12 hours of daylight after the same shall fall or be formed thereon, and at all times thereafter said areas shall be kept free and clear of snow, slush and ice.

D.        In the event that snow and ice on a sidewalk, walkway, curb ramp, staircase, public right of way of a driveway or parking areas open to the public has become so hard that it cannot be removed without likelihood of damage to the area, the person or entity responsible for its removal within the time mentioned in this section shall place sand, ashes, cinders or other approved substance on the area to make travel thereon reasonably safe and

shall then, as soon thereafter as weather permits, cause said area to be thoroughly cleaned of all snow and ice.

E. In case such snow or ice shall not be removed from such sidewalk, walkway, curb ramp, staircase, public right of way of a driveway or public and business areas as provided in § 166-3A, B and C, the same may be removed forthwith and under the direction of the Director of the Department of Public Works and the cost of such removal as nearly as can be ascertained shall be certified by the Director of the Department of Public Works to the governing body. The governing body shall examine such certifications and, if found to be correct, shall cause such cost to be charged against such real estate so abutting or bordering upon such sidewalks and the amount so charged shall forthwith become a lien and a tax upon such real estate or land and be added to, recorded and collected in the same way and manner as the taxes next to be levied and assessed upon such premises and shall bear interest and be enforced and collected by the same officers and in the same manner as other taxes. The imposition and collection of a fine imposed by the provision of this Code shall not constitute any bar to the right of the Borough to collect the cost as certified for the removal of snow or ice in the manner herein authorized.

**§ 166-3.1 Dumping or Placing Snow on Streets, Roadways or Public Rights of Way Prohibited.**

It is prohibited and unlawful for any residential homeowner or tenant, commercial property owner or commercial tenant or their employees, agents, contractors or contractors' employees to dump, plow, shovel or otherwise place snow onto the streets, roadways, curb ramps or public parking lots and public rights-of-ways located in the Borough of Metuchen.

**§ 166-3.2 Enforcement.**

The provisions of this article shall be enforced by the Borough of Metuchen Police Department and/or the Zoning Officer of the Borough of Metuchen.

**§ 166-3.3 Violation and penalties**

Any person, persons, partnership, corporation, or other entity, organization, or group violating any of the provisions of this Ordinance shall upon conviction be subject to penalties as provided in Chapter 1, General Provisions, Art. 1.

**BE IT FURTHER ORDAINED** by the Mayor and Council that all prior ordinances, or sections of ordinances, inconsistent with the within ordinance are hereby repealed; and

**BE IT FURTHER ORDAINED** by the Mayor and Council that all remaining sections of Chapter 166 of the Code of the Borough of Metuchen not amended herein shall not be affected thereby and shall remain in full force and effect; and

**BE IT FURTHER ORDAINED** by the Mayor and Council that if any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall

continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable; and

**BE IT FURTHER ORDAINED** by the Mayor and Council that this ordinance shall become effective immediately upon final passage and publication as provided by law.

Introduction: March 8, 2021  
 Date of Publication: March 11, 2021

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
DELIA	X				KOSKOSKI	X			
HIRSCH	X				RASMUSSEN	X			
KANDEL	X				RUBIN	X			
MOTION	<b>KOSKOSKI</b>				SECOND	<b>RASMUSSEN</b>			
X – INDICATES VOTE			AB- ABSENT			NV- NOT VOTING			

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on March 8, 2021.

\_\_\_\_\_  
 Susan D. Jackson, RMC  
 Borough Clerk

Adopted: March 22, 2021  
 Date of Publication: March 26, 2021

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
DELIA	X				KOSKOSKI	X			
HIRSCH	X				RASMUSSEN	X			
KANDEL	X				RUBIN	X			
MOTION	<b>KOSKOSKI</b>				SECOND	<b>RASMUSSEN</b>			
X – INDICATES VOTE			AB- ABSENT			NV- NOT VOTING			

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on March 22, 2021.

\_\_\_\_\_  
 Sharon Hollis  
 Acting Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

\_\_\_\_\_  
Sharon Hollis  
Acting Borough Clerk

By: \_\_\_\_\_  
Jonathan M. Busch  
Mayor