

BOROUGH OF EMERSON
COUNTY OF BERGEN
NOTICE OF ADOPTION

ORDINANCE NO 1616-20

Introduced: June 23, 2020

Adopted: July 21, 2020

NOTICE IS HEREBY GIVEN that the following ordinance was adopted on the second reading after a Public Hearing at the Regular Meeting of the Borough Council of the Borough of Emerson on the 21st day of July, 2020. Copies of Ordinance 1616-20 are available by contacting the Borough clerk or visiting our website at www.emersonnj.org.

AN ORDINANCE TO AMEND CHAPTER 248 OF THE CODE OF THE BOROUGH OF EMERSON AT SECTION 38 ENTITLED "CURBS AND SIDEWALKS REQUIRED FOR NEW CONSTRUCTION"

Article IV Construction of Concrete Curbs, Sidewalks and Driveways; Encumbrances; Exhibitions

Chapter 248: Streets and Sidewalks Article IV Construction of Concrete Curbs, Sidewalks and Driveways; Encumbrances; Exhibitions

§ 248-27 Compliance with specifications.

No concrete curb, sidewalk or driveway shall be laid or repaired within the confines of any public street in the Borough unless the same is of the quality specified in this article and is laid by a duly licensed person.

§ 248-28 Permit required; contents.

Any person desiring to lay or repair a concrete curb, sidewalk or driveway within the Borough shall first apply for a permit therefor from the Construction Official, which permit shall specify the lot and block, where the work is to be done, the owner of the lot and block and by whom the work shall be done.

§ 248-29 Sidewalks and driveways; beds, depths, and comprehensive strength of concrete.

All concrete sidewalks and driveways shall be placed on a bed of clean stone not less than four inches deep after compaction. The sidewalk shall be four inches and driveways six inches in depth, built in one course, and of a concrete which will show a compressive strength of 3,500 pounds per square inch after 28 days, when tested under standard conditions.

§ 248-30 Division of sidewalks and driveways into blocks.

Both sidewalks and driveways shall be properly divided into blocks five feet long, completely separated from the adjoining blocks.

§ 248-31 Curbs.

- A. Concrete curbs shall be six inches wide on top, nine inches at the bottom and 20 inches in depth; the vertical face shall be at the back of the curb. They shall be divided into sections not longer than 10 feet and shall be built of a concrete which will show a compressive strength of 3,500 pounds per square inch after 28 days, when tested under standard conditions.
- B. When a curb cut is to be made in an existing curb, the portion of the curb at the driveway crossing shall be broken four inches below the road for the full length of the curb section. All driveway aprons shall be installed in accordance with the sidewalk specifications and grades.

§ 248-32 Construction of driveways.

No person shall lower the curb or change the grade of the sidewalk for the purpose of providing a driveway across such sidewalk without having obtained a permit therefor from the Construction Official.

§ 248-33 Inspection and approval of forms.

Concrete shall not be placed in curb or sidewalk forms until the forms have been inspected and approved for line, grade and depth by the Superintendent, Foreman, or his designee of the Department of Public Works.

§ 248-34 Samples and tests of concrete.

The contractor or person in charge of pouring any concrete for a project larger than one building lot, shall notify the Department of Public Works while pouring any concrete so that a sample of the concrete may be taken.

§ 248-35 Aprons for new, existing, expanded or replaced driveways.

- A. Definition. "Apron" shall mean a structure to be placed and/or a structure existing in the area of the ground between the sidewalk and the curb, or if no curb exists then the area between the sidewalk and the street; or, if no sidewalk and no curb exist, then in the first 30 inches running perpendicular from the street to and/or through the front yard boundary line of any property; or if no sidewalk exists, but a curb exists, then the first 30 inches running perpendicular from the curb to and/or through the front yard boundary line of any property, whether pitched from the sidewalk to the street or level with the street.
- B. On any property that has an existing sidewalk and if no curb exists, any apron installed pursuant to this section shall measure no less than 28 inches.
- C. On any property that has an existing curb and sidewalk, any apron installed pursuant to this section shall connect the sidewalk to the curb, regardless of the distance between the two.
- D. Permit required for construction. No person shall install a new driveway, expand an existing driveway, remove and replace an existing driveway and/or remove an existing driveway apron servicing an existing driveway without acquiring a permit to install a new driveway apron and without making the apron conform with the requirements of this subsection. The permit acquired to install a new driveway, expand an existing driveway, remove and replace an existing driveway shall include a permit to install a driveway apron and any person seeking said permit must make the apron conform with the requirements of this subsection. Persons wishing only to remove a driveway apron servicing an existing driveway must acquire a permit to remove and replace a driveway apron.

- E. Installation of apron; depths; compression strength. No person shall install a driveway apron unless it is placed on a compacted surface not less than six inches once compacted, unless the concrete portion of said apron is six inches deep and unless the concrete has a compression strength of 4,000 pounds per square inch (psi) after 28 days of curing.
- F. Removal of driveways and aprons. No person removing and not replacing an existing driveway and driveway apron is required to install a driveway apron in conformance with this section but must acquire a permit and close the curb cut, if a curb exists, in conformance with § 248-31. If no curb exists, said person must acquire a permit to remove the existing driveway and/or driveway apron and must install topsoil in place of the driveway apron, once removed, and must grade and seed the area where the driveway apron has been removed so as to conform to the topography of the ground juxtaposed to the existing driveway apron on all sides. Said person must also install topsoil in place of the driveway, once removed, and must grade and seed the area where the driveway has been removed so as to conform with the topography of the ground juxtaposed to the existing driveway on all sides.
- G. Registration of contractors. Every person, firm or corporation seeking to install a driveway or a driveway apron and/or remove a driveway and/or a driveway apron shall be required to register the name of such person, firm or corporation with the Building Inspector. Persons, firms or corporations engaged in the business of constructing homes, who are required to be registered by the State of New Jersey pursuant to the New Home Warranty and Builders Registration Act, N.J.S.A. 46:3B-1 et seq., or the Contractors' Registration Act, N.J.S.A. 56:8-136 et seq., shall not be required to be registered under the provisions of this chapter.

§ 248-36 Placing and protection of concrete.

The concrete shall be placed in a workmanlike manner with a smooth wood float and brush finish, and shall be properly cured and protected against sun and frost.

§ 248-37 Responsibility of contractor.

The contractor shall assume full responsibility for materials and equipment employed in the construction of any project and agrees to make no claims against the Borough for damages to such materials and equipment from any cause whatsoever. Until its final acceptance, the contractor shall be responsible for damage to or destruction of the project, or any part thereof, due to any cause whatsoever. He shall make good all work damaged or destroyed before the final acceptance, and the cost thereof shall be included in the prices bid for the various items scheduled in the proposal.

§ 248-38 Curbs and sidewalks – New Construction

- A. It is not mandatory that a sidewalk and curb be constructed and installed in the street fronting any new dwelling, business or industrial or other building erected in the Borough. In the event that a new dwelling, business, industrial or other building in the Borough is erected, the necessity of a sidewalk and/or curb in the street fronting the building lot will be considered by the Land Use Board on a case by case basis. The determination of the Land Use Board in this regard shall be made based upon the recommendations of the Borough Planner and Borough Engineer and based upon the condition of the adjacent properties and neighborhood. In the event that a new dwelling, business, industrial or other building in the Borough is erected and the adjacent lots have sidewalks, the new property shall be required to install sidewalks. In the event the Land Use Board determines that a sidewalk and/or curb is required in connection with the erection of any new dwelling, business or industrial or other building in the Borough, the construction of the sidewalk and/or curb shall be in accordance with the provisions of this Chapter. In the event that a new dwelling, business, industrial or other building in the Borough is erected on a corner lot in the Borough, and the Land Use Board determines that a sidewalk and/or curb is required in connection with the erection of the new dwelling, business or industrial or other building, the location of the sidewalk and/or curb to be installed shall be on a case by case basis. The determination of the Land Use Board in this regard shall be made based upon the recommendations of the Borough Planner and Borough Engineer and based upon the condition of the adjacent properties and neighborhood.
- B. Every applicant for a building permit shall indicate on his plot plan all existing or proposed curbs and sidewalks and shall make no subsequent deviations therefrom without the approval of the Borough Engineer and the Code Enforcement Official or their designees.
- C. All sidewalks and curbs shall be built to lines and grades first approved by the Borough Engineer.
- D. No certificate of occupancy shall be granted by the Construction Official or the Code Enforcement Officer unless and until the premises shall be completed and curbs and sidewalks, as provided in this section, have been completed, inspected and approved as to location, grade, materials and workmanship by the Borough Engineer.

§ 248-38.1: When construction required.

Sidewalks and/or curbs shall be required to be installed and constructed when the Council of the Borough shall, by resolution, determine that the health, safety and welfare of the general public so requires and causes notice to that effect, in writing, to be served upon the owner, owners or occupant of said lands requiring the necessary specified work to said curb or sidewalk to be done by said landowner or occupant within a period of time stated in said resolution not less than 30 days from the date of service of said notice.

§ 248-39 Maintenance

It shall be the duty of any owner or occupant of real property abutting any public street or any stone or concrete sidewalk in the Borough of Emerson, at the owner's sole cost and expense, to maintain such sidewalk at all times in a good and passable condition at a grade which will prevent water from accumulating thereon, and to maintain the sidewalks in front of or abutting such property whenever such

sidewalks shall be in such state of deterioration or disrepair as to constitute a hazard to the general public using said sidewalks unless they are repaired. It shall be the duty of the owner or occupant of premises abutting any public street or any stone or concrete sidewalk in the Borough of Emerson, to replace any portion thereof which becomes broken, and shall maintain the same so that the joints thereof are even. The surface of all concrete sidewalks shall be kept properly roughened and have a broom finish.

§248-40 Repair upon notice.

In case any sidewalk or curb becomes out of repair, the owner or occupant of the lands abutting such sidewalk shall, upon receipt of written notice from the Superintendent of Public Works, the Borough Engineer or the Code Enforcement Officer, or their respective designees, repair or cause the same to be repaired and made in a good and passable condition and conform with requirements of this Article. In the event that the owner of such lands shall not comply with the requirements of such notice, it shall be lawful thereupon for the Department of Public Works of the Borough, upon filing due proof of service of the notice required or publication thereof with the Borough Clerk, to cause said installation, construction, repair, alteration, relaying or reconstruction to be performed and paid for out of Borough funds available therefor; the cost of such work shall thereupon be certified by the Director, Department of Public Works, to the Tax Collector, at which time the amount of such cost shall be and become a lien upon such lands in front of which or abutting which such work was done to the same extent that assessments for local improvements are liens in the Borough under general law and shall be collected in the manner provided by law for the collection of such other assessments bearing interest at the same rate.

§ 248-41 Repair of damages.

Any person doing or causing any injury or damage to any street, curb, sidewalk, or sidewalk area shall cause the same to be repaired.

§ 248-42 Noncompliance with notice to repair.

In the event that any sidewalk and/or curb becomes out of repair and notice to repair the same is given by the Superintendent of Public Works or the Code Enforcement Officer or their designee, and the notice is not complied with, the Borough may proceed to have the sidewalk and/or curb repaired in accordance with N.J.S.A. 40:65-1 et seq.

§ 248-43 Encumbrances prohibited.

It shall be unlawful for any person, persons or corporation to place upon or permit to be placed upon any sidewalk adjoining lands of which he, she, they or it is or are the owner(s) or occupant(s) any object that shall in any manner encumber such sidewalk or in any manner impede or interfere with or render dangerous or unsafe travel upon same.

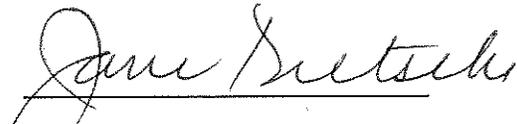
§ 248-44 Exhibitions prohibited.

It shall be unlawful for any person, persons or corporation to place upon any sidewalk or roadway any article or articles for the purpose of exhibiting the same for sale or inspection.

§ 248-45 **Violations and penalties.**

Any person, firm or corporation violating any of the provisions of this article shall, upon conviction, be liable to the penalty stated in N.J.S.A. 40:49-5. Each and every nonconformance of this article, or each day that any provision of this article shall have been violated, shall be construed as a separate and distinct violation thereof.

ATTEST


 Jane Dietsche, RMC

Borough Clerk



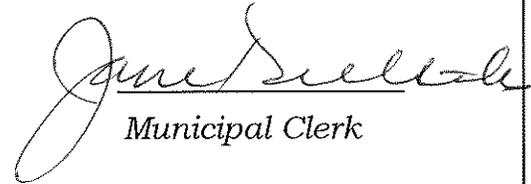
Danielle DiPaola

Mayor

COUNCIL	M O V E D	S E C O N D E D	A Y E S	N A Y E S	A B S E N T	A B S T A I N
Bayley			X			
McGuire			X			
Dinallo		X	X			
Hoffman	X		X			
Gordon			X			
Argenzia			X			

I hereby certify that the above Ordinance was duly adopted by the Borough of Emerson at a meeting held on July 21, 2020.

Attest:


 Municipal Clerk