

**TOWNSHIP OF HAINESPORT**

**ORDINANCE NO. 2022-6**

**ORDINANCE OF THE TOWNSHIP OF HAINESPORT PROVIDING FOR THE  
CONSTRUCTION, REPAIR AND/OR REPLACEMENT OF SIDEWALKS AND  
CURBING AS WELL AS UNIMPROVED AREAS BY ABUTTING PROPERTY  
OWNERS AND AUTHORIZING THE PLACEMENT OF LIENS ON NON-  
COMPLIANT PROPERTIES**

**BE IT ORDAINED AND ENACTED** by the Township Committee of the Township of Hainesport, in the County of Burlington, State of New Jersey as follows:

**ARTICLE I. Sidewalks and Curbing.**

A. All owners of real property in the Township of Hainesport that fronts on any part of a public street, road, highway or thoroughfare, at their own costs and expense, shall keep and maintain the sidewalks and curbing within said real property in good condition and state of repair, and shall not permit the same to fall into a state of disrepair or to become hazardous or unsafe for pedestrians to walk upon. In the event that any such sidewalk or curbing, or any part thereof, becomes unsafe or hazardous to the public or unfit for pedestrians to walk upon, then the abutting owner, at his own cost and expense, shall forthwith reconstruct, replace, or repair, as the facts may require, such sidewalk or curb or that part thereof which requires reconstruction, replacement, or repair. This section shall not apply to situations where, in an approved subdivision, a developer is required to install curbs and sidewalks and where responsibilities for construction and maintenance are more particularly delineated in the subdivision ordinance and/or site plan ordinances of the Township, the Developer's bonding and maintenance obligations have not expired.

B. All owners of real property in the Township of Hainesport that fronts on any part of a public street, road, highway or thoroughfare, within thirty (30) days after written notice given by the Hainesport Township Construction Official, the Township Engineer, or the

Township Administrator, shall construct, repair, or reconstruct, as the case may be, the sidewalks and/or curbing (as the notice so indicates) that is situated within or abutting the owner's real property where said construction, repair and/or reconstruction has been deemed necessary pursuant to an inspection that has been conducted by the Township's Construction Official or the Engineer. The written notice shall contain such information as is required by, and shall be served upon the property owner in the manner specified by, N.J.S.A. 40:65-1, et. seq. Within ten (10) days of service of the written notice as aforesaid, the Construction Official or the Engineer, as the case may be, shall file a proof of service affidavit with the Hainesport Township Tax Collector, as required by N.J.S.A. 40:65-5.

C. In cases where a property owner fails to construct, repair or reconstruct such sidewalks or curbing for the period of thirty (30) days after service of the written notice requiring such work to be done, the Township Committee, upon adoption of Resolution authorizing the required work to be done, may then cause the work to be done, and the cost thereof, with interest, shall be assessed upon the lot or lots of land in front of which such sidewalks or curbing shall have been so constructed, repaired or reconstructed. Such assessments shall become a lien on said lot or lots and shall be enforced in the manner provided for by N.J.S.A. 40:65-1, et. seq.

D. All sidewalks and curbing shall be constructed, repaired and reconstructed in accordance with specifications therefore as prescribed by the Township Engineer and shall comply with all applicable standards required under the Americans With Disabilities Act, 42 U.S.C. §12101, et. seq., and any other applicable federal or State law or administrative regulation. Whenever any sidewalk or curb is constructed, repaired or reconstructed at an intersection of streets, or where an approved crosswalk is provided, the construction, repair or reconstruction shall provide for a ramp to allow safe access to the street for crossing purposes in

accordance with New Jersey Department of Transportation standards. Except in cases of repair or reconstruction in accordance with the terms of a permit issued in accordance with the provisions of this Chapter, no sidewalks or curbing within the Township of Hainesport may be removed by any person without the consent of the Township Committee, as evidenced by adoption of a Resolution of the Township Committee.

E. Prior to performing any work to construct, repair or reconstruct any sidewalk, curb, or driveway apron within a public right-of-way in the Township of Hainesport, a permit shall be obtained from the Hainesport Township Construction Official. A fee shall be paid for said permit as follows:

1. For the first 50 square feet of sidewalk adjacent to a lot, the fee shall be \$25, and \$1 for every 50 square feet or portion thereafter.
2. For the first 50 linear feet of curb adjacent to a lot, the fee shall be \$25, and \$1 for every 50 linear feet or portion thereafter.
3. For every driveway apron connecting to a legal driveway or parking area on a lot, the fee shall be \$25.

F. The Township of Hainesport may each year include in its annual budget an appropriation for curbing and/or sidewalk construction, repairs and reconstruction in addition to any existing maintenance fund, out of which appropriation, all costs of construction, repair or reconstruction, as the case may be, of curbs or sidewalks during the year may be charged when it becomes necessary for the Township to undertake such construction, repairs and/or reconstruction pursuant this Chapter. All monies recovered or paid to the Township under the provisions of this Chapter, other than penalties as hereinafter set forth, shall be credited to the account out of which such work was paid.

**ARTICLE II. Unimproved Areas Abutting Public Streets, Road, Highways, or Thoroughfares.**

A. All owners of real property in the Township of Hainesport that fronts on any part of a public street, highway or thoroughfare, at their own costs and expense, shall keep all brush, hedges, and other plant life, growing within ten (10) feet of any roadway, and within twenty-five (25) feet of the intersection of two roadways in good condition and shall not permit the same to grow to a height of more than two and one half feet, or to become hazardous or unsafe for pedestrians to walk upon, or create obstructions for the traveling public. In the event that any such areas, or any part thereof, becomes unsafe or hazardous to the public or unfit for pedestrians to walk upon, or cause obstructions for the traveling public, then the abutting owner, at his own cost and expense, shall forthwith trim, cut or remove such growth, or any part thereof which violates this section.

B. All owners of real property in the Township of Hainesport that fronts on any part of a public street, road, highway or thoroughfare, within thirty (30) days after written notice given by the Hainesport Township Zoning Official, Code Enforcement Officer, Township Engineer, or the Township Administrator, shall trim, cut or remove such growth that is situated within or abutting the owner's real property where said trimming, cutting, or removal has been deemed necessary pursuant to an inspection that has been conducted by the Township's Zoning Official or the Engineer. The written notice shall contain such information as is required by, and shall be served upon the property owner in the manner specified by, N.J.S.A. 40:65-1, et. seq. Within ten (10) days of service of the written notice as aforesaid, the Zoning Official, Code Enforcement Officer, or the Engineer, as the case may be, shall file a proof of service affidavit with the Hainesport Township Tax Collector.

C. In cases where a property owner fails to initiate the work required under this Article for the period of thirty (30) days after service of the written notice requiring such work to be done, the Township Committee, upon adoption of Resolution authorizing the required work to be done, may then cause the work to be done, and the cost thereof, with interest, shall be assessed upon the lot or lots of land in front of which such sidewalks or curbing shall have been so constructed, repaired or reconstructed. Such assessments shall become a lien on said lot or lots and shall be enforced in the manner provided for by N.J.S.A. 40:48-2.27, et. seq.

**ARTICLE III. Violations.** The failure of a property owner or the property owner's contractor, servant, or agent, or any other person to whom a permit is issued pursuant to the provisions of this Chapter, to construct, repair or reconstruct such sidewalks and/or curbing and/or driveway apron in accordance with the terms and conditions of the permit and of this Chapter shall be and constitute a violation hereof. Any person violating the terms of this Chapter, upon conviction therefor, shall be subject to: the general penalties set forth in §1-1 of the Code of the Township of Hainesport.

**ARTICLE IV. Repealer, Severability and Effective Date.**

A. If any portion of this Ordinance is determined to be invalid by a court of competent jurisdiction, that determination shall have no effect upon the remainder of this Ordinance, which shall remain valid and operable.

B. All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, be and the same hereby are repealed.

C. This Ordinance shall take effect immediately upon final passage and publication as provided by law.

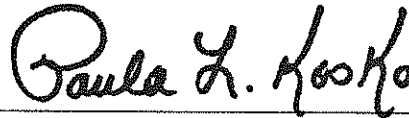
## NOTICE OF PUBLIC HEARING

### HAINESPORT TOWNSHIP ORDINANCE NO. 2022-6

#### ORDINANCE OF THE TOWNSHIP OF HAINESPORT PROVIDING FOR THE CONSTRUCTION, REPAIR AND/OR REPLACEMENT OF SIDEWALKS AND CURBING AS WELL AS UNIMPROVED AREAS BY ABUTTING PROPERTY OWNERS AND AUTHORIZING THE PLACEMENT OF LIENS ON NON- COMPLIANT PROPERTIES

The Ordinance published herewith was introduced and passed upon first reading at the regular meeting of the Township Committee of the Township of Hainesport held on July 12, 2022. It will be further considered for passage after a public hearing at the regular meeting to be held on August 9, 2022 at the Municipal Building, One Hainesport Centre, Hainesport, New Jersey at 7:00 PM at which time and place any persons desiring to be heard upon the same will be given an opportunity to be heard. During the week prior to and up to and including the date of such meeting or further consideration, copies of said Ordinance in its entirety may be obtained from the Township Clerk.

Dated: July 12, 2022



Paula L. Kosko, RMC  
Township Clerk/Administrator

	Motion	Second	Yes	No	Abstain	Absent
Levinson			X			
Gilmore		X	X			
Clauss	X		X			
Montgomery			X			
MacLachlan			X			

**NOTICE OF FINAL PASSAGE**


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COMPLIANT PROPERTIES**

Notice is hereby given that Ordinance No. 2022-6 as entitled above has been approved on final reading by the governing body of Hainesport Township after a public hearing at a meeting held on August 9, 2022. Said Ordinance shall take effect in accordance with the law.

ATTEST:

Dated: August 9, 2022

  
Paula L. Kosko, RMC  
Township Administrator/Clerk

ACKNOWLEDGMENT OF

APPROVAL BY:

Dated: August 9, 2022

  
BRUCE MACLACHLAN  
Mayor of Hainesport Township

	Motion	Second	Yes	No	Abstain	Absent
Levinson		X	X			
Gilmore			X			
Clauss	X		X			
Montgomery			X			
MacLachlan			X			

Introduced: July 12, 2022  
First Publication: July 19, 2022  
Adoption: August 9, 2022  
Final Publication: August 12, 2022