

## **ORDINANCE 2324**

### **AN ORDINANCE AMENDING CHAPTER 409 TITLED STREETS AND SIDEWALKS**

**BE IT ORDAINED** by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that Chapter 409, titled Streets and Sidewalks, be amended to add Article VII to be titled "Maintenance of Sidewalks" as follows:

#### **Section 409-58. Maintenance and Repair.**

A. It shall be the duty of any owner or occupant of real property within the Borough to keep the sidewalk and curb abutting such property maintained and properly repaired so as to minimize any endangerment to the public health, safety and welfare of any individual using the sidewalks.

B. Whenever the Property Maintenance Official of the Borough determines that sidewalk or curb work is necessary, they shall cause notice in writing to be served upon the owner or occupants of the property, requiring the necessary specified work to the sidewalk or curb to be done by the owner or occupant within a period of 30 days from the date of service of the notice. Whenever any property is unoccupied and the owner cannot be located within the Borough, or in case such owner is a nonresident of the Borough, or the post office address cannot be ascertained, the notice shall be provided as specified in N.J.S.A. 40:65-14.

#### **Section 409-59. Procedure When Owner or Occupant Fails to Act.**

A. In the event the owner or occupant of property shall not comply with the requirements of notice issued by the Property Maintenance Official, the Public Works Department of the Borough may cause the required work to be done, and paid out of Borough funds available for such purpose.

B. The cost of such work shall be certified by the Public Works Department to the Tax Collector of the Borough.

C. Upon the filing of a Certificate of Cost, the amount of the cost of such work shall be and become a lien upon the abutting land in front of which such work was done to the same extent that assessments for local improvements are liens in the Borough, and shall be collected in the manner provided by law for the collection of such assessments, and shall bear interest at the same rate.

D. The Borough may institute any action necessary to recover the cost of repair work performed by the Public Works Department against the owner or occupant of the property in any court having competent jurisdiction thereof.

#### **409-60. Penalty.**

Any person who shall violate any provision of this Article or who shall fail to comply with any notice issued pursuant to this Article shall, upon conviction thereof, be punished by a fine of not less than \$250.00 nor greater than \$2,000.00. A prosecution under this section may be maintained regardless of whether the Borough elects to proceed as authorized under Subsection 409-59.

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.