

ORDINANCE No. 27 –2010

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING AND
SUPPLEMENTING CHAPTER 269 STANDARD SPECIFICATONS AND
CHAPTER 274 STREETS AND SIDEWALKS

BE IT ORDAINED by the Township Council of the Township of Livingston, County of Essex, State of New Jersey as follows:

*Bold and italicized language is added
[Bracketed language is deleted.]*

SECTION 1 CHAPTER 269 STANDARD SPECIFICATIONS

§ 269-1 Standard specifications adopted.

All construction works or improvements, public or private, hereafter constructed, done or performed in the Township pertaining to the construction, repair, replacement or maintenance of roads or streets and their grading, curbing and paving; sanitary or storm sewers; drainage; sewage disposal; potable water lines, storage or transmission; the grading of land, the seeding thereof and the planting thereon of trees shall be constructed, done and performed in accordance with the provisions of the Revised Standard Specifications of the Township of Livingston, New Jersey [(1973)], prepared by [N.N. Papandrea]**the** Township Engineer,[which are made a part hereof as though set forth at length herein] and copies of which are on file in the office of the Township Engineer and in the office of the Township Clerk.

§ 269-2 Violations and penalties.

- A. Any person who shall construct, do or perform any such work or improvement to which the provisions of said Revised Standard Specifications of the Township of Livingston, New Jersey [1973], as amended, are applicable and who shall violate any of the provisions therein contained, upon conviction thereof, shall be subject to a fine not exceeding [\\$500]**\$2000** or to imprisonment for a period not exceeding 90 days, or both such fine and imprisonment; **or by a period of community service not exceeding 90 days.**
- B. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- C. The penalties herein provided shall not be construed to be in lieu of, but shall be in addition to, any rights or remedies the Township may have under and pursuant to any performance guaranty or bond delivered and held by the Township in connection with any such work or improvement.

SECTION 2 CHAPTER 274 STREETS AND SIDEWALKS

ARTICLE III Construction and Maintenance of Sidewalks (§ 274-13 § 274-16) **[Adopted 11-5-1979 as §§ 25-1 and 25-11 to 25-13 of the 1979 Revised General Ordinances]** **§ 274-13 Installation of sidewalks.**

The owner or developer shall, at his or its own cost and expense, lay and install a sidewalk, [whether]of concrete, *in accordance with Township standards*; [or bituminous concrete] in the area *parallel to the street* between the curblineline and the side line of the street, in all streets which are opened and improved, as follows:

A. Where a street lies in an R-2 Residence District or in an R-3 Residence District, as such districts are delineated on the Zoning Map mentioned in and made part of the Zoning Ordinance of the Township,

Editor's Note: See § 170-86 of Ch. 170, Land Use.

a sidewalk shall be laid and installed on only one side of the street, unless such street:

- (1) Is an arterial or collector street; or
- (2) Intersects an arterial or collector street; or
- (3) Is located within 500 feet of any arterial or collector street, measured in a straight line from the nearest point in the center line of such street to the nearest point in the side line of any such arterial or collector street; or
- (4) Is located within 500 feet of any existing school or park property, or any future school or park site shown on the Master Plan of the Township, or on any official map hereafter established pursuant to N.J.S.A. 40:55D-32 et seq., measured in a straight line from the nearest point in the center line of such street to the nearest point in the outside line of such school or park tract; in which case the Planning Board or the Council may require a sidewalk to be laid and installed on both sides of such street.

B. Where a street lies in an R-4 Residence District, or in a B-1 General Business District, or in a P-B Professional Building District, or in an I Limited Industrial District, or in an R-L Office Building and Research Laboratory District, as such districts are delineated on said Zoning Map, a sidewalk shall be laid and installed on both sides of the street, except that where such street:

- (1) Is not an arterial or collector street; and
- (2) Does not intersect an arterial or collector street; and
- (3) Is located more than 500 feet from any arterial or collector street, measured as in Subsection A(3) hereof; and
- (4) Is located more than 500 feet from any existing school or park property, or any future school or park site shown on the Master Plan of the Township, or on any official map hereafter established pursuant to N.J.S.A. 40:55D-32 et seq., measured as in Subsection A(4) hereof; the Planning Board, with the approval of the Council, may authorize a sidewalk to be laid and installed on only one side of such street.

C. Where a street lies in an R-1 Residence District, as such districts are delineated on said Zoning Map, or wherever in any zoning district a street shall be laid out and constructed which shall terminate in a cul-de-sac and shall not exceed 600 feet in length, no sidewalk shall be required to be installed on either side of any such street, unless such street:

- (1) Is an arterial or collector street; or
- (2) Intersects an arterial or collector street; or

(3) Is located within 500 feet of any arterial or collector street, measured in a straight line from the nearest point in the center line of such street to the nearest point in the side line of any such arterial or collector street; or

(4) Is located within 500 feet of any existing school or park property, or any future school or park site shown on the Master Plan of the Township or on any official map hereafter established pursuant to N.J.S.A. 40:55D-32 et seq., measured in a straight line from the nearest point in the center line of such street to the nearest point in the outside line of such school or park tract; in which case the Planning Board or the Township Council may require a sidewalk to be laid and installed on one side of such street.

D. As used in this section, the term "arterial or collector street" *is defined as a higher-order high traffic road* and shall mean any existing or proposed street, road or highway shown and designated as an existing or proposed arterial street or as an existing or proposed collector street [on the plate entitled "Arterial Street Plan,"] incorporated in and made part of *the 2007 Master Plan* of the Township of Livingston, [1960, prepared by Scott Bagby and Robert Catlin, city planning consultants,] *in Section V Circulation Plan Element* adopted *December 4, 2007* by the Planning Board of the Township of Livingston and now in effect.

§ 274-14 Maintenance and repair of area abutting streets; notice to repair.

A. Every owner or occupant of property within the Township shall maintain and be responsible for the proper upkeep of that part of the street between the property line and the curb abutting his property, including corner areas adjacent to corner lots either within or without the property lines. Such upkeep shall include the proper maintenance and repair of the sidewalk in places where such sidewalk exists.

B. In case any such owner or occupant shall suffer or permit any such sidewalk to fall into such disrepair as to constitute a condition which is dangerous or hazardous to the safety of the public, the Council, by resolution, shall cause a written notice to be served upon such owner or occupant, either personally or by certified mail, requiring that the sidewalk be repaired within 30 days, or within such other reasonable period of time depending upon the season of the year.

§ 274-15 Repair by Township; lien; collection.

A. If the owner or occupant shall not comply with the requirements of such written notice, the Department of Public Works, in compliance with the provisions of N.J.S.A. 40:65-14, shall cause the required work to be done.

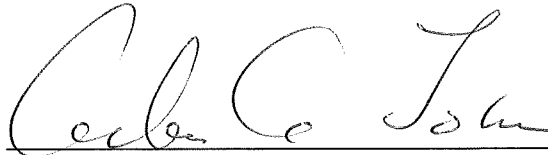
B. The cost of such work shall be collected by the Township as provided in N.J.S.A. 40:65-14.

§ 274-16 Violations and penalties.

Unless another penalty is expressly provided herein, any person who violates any provision of this article shall, upon conviction thereof, be punished by a fine not exceeding \$2000 or by imprisonment for a term not exceeding 90 days, or both; *or by a period of community service not exceeding 90 days.* A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 3. Except as hereby amended, the Code of the Township of Livingston shall remain in full force and effect.

SECTION 4. This Ordinance shall take effect twenty days from final passage and publication in accordance with the law.



ARLENE A. JOHNSON, Mayor



GLENN R. TURTLETAUB, Township Clerk

Approved as to form:



SHARON L. WEINER, Township Attorney

Introduced: 7/12/10
Adopted: 8/2/10