

ARTICLE II
Repair and Maintenance
[Adopted 3-4-1985 by Ord. No. 2-1985]

§ 189-13. Definitions.

The following words whenever used in this article shall for the purpose of this article have the following meanings:

CURB — A raised margin or border constructed of brick, concrete, stone or other type of masonry construction or analogous materials along the edge or side line of a public street or highway separating the public street or highway from abutting land.

DRIVEWAY APRON — A driveway area constructed of brick, concrete, stone or other type of masonry construction or analogous materials designed to be used by vehicles or by handicapped persons in wheelchairs leading from the curb or side line of a public street or highway up to or crossing over a sidewalk for access to the sidewalk or to adjacent land on the opposite side of the sidewalk.

OWNER — Any person, corporation, partnership, organization or association of persons owning land situate in the Township of Harrison and fronting on or adjacent to a public street or highway over or along which a sidewalk, driveway apron, or curb is now constructed or may hereafter be constructed.

SIDEWALK — A strip of land intended as a public walkway for use of pedestrians having a paved surface constructed of brick, concrete, stone or other type of masonry construction or analogous material along a public street or highway, whether constructed on publicly owned land or privately owned land adjacent to the public street or highway.

§ 189-14. Duty to repair and maintain.

It shall be the duty of every owner of land fronting on or adjacent to a public street or highway in the Township of Harrison to maintain and repair at his or their own cost and expense the sidewalks, driveway aprons and curbs over or along his or their land in such manner and to such extent as to keep the same in a reasonably good and safe condition for use by the residents of the Township and the general public.

§ 189-15. Request to repair.

Whenever an owner of any land situate in the Township of Harrison over or along which a sidewalk, driveway apron or curb is

constructed shall fail to make repairs and maintain such sidewalk, driveway apron or curb in a good and safe condition for use by residents of the Township and the general public, the Township Committee may on its own motion or on complaint by the Township Construction Official determine that all or any portion of such sidewalk, driveway apron or curb is in such poor condition or state of repair as to constitute a hazard to the safety and welfare of the residents of the Township or the general public and may request the owner by certified mail directed to the owner's last known address to make such repairs as are necessary to restore such sidewalk, driveway apron or curb to a good and safe condition.

§ 189-16. Permit required; application and fee.

- A. Every owner of land in the Township of Harrison shall before commencing or causing any repairs costing in excess of \$250 to any sidewalk, driveway apron or curb over or along his or their land shall make a written application to and obtain from the Township Construction Official a permit to make such repairs; and every owner of land and every other person or entity who shall construct or cause construction of any new sidewalks, driveway aprons or curbs in the Township shall before commencing construction make written application to and obtain from the Township Construction Official a permit to engage in such new construction. In either case, the application for a permit shall be accompanied by the fee hereinafter provided for and shall set forth and include the following:
- (1) The name and address of the applicant.
 - (2) The name and address of the owner of the land.
 - (3) The location at which the repairs or new construction are to be made.
 - (4) The specifications for the repairs or new construction.
 - (5) The estimated cost of the repairs or new construction.
- B. A fee of \$5 plus 1/10 of 1% of the estimated cost of the repairs or new construction shall be charged for each permit issued and shall be paid at the time of making application for the permit.
- C. Notwithstanding anything in this § 189-12 hereinbefore contained, no person who is required by state law or county resolution to obtain a state or county permit for the repair to or new construction of any sidewalk, driveway apron or curb along any state or county highway or road shall be required to apply for

or obtain a permit or pay a permit fee to the Township Construction Official.

§ 189-17. Order to repair.

- A. Whenever an owner who has been requested by the Township Committee to repair a sidewalk, driveway apron or curb shall fail to complete said repairs or reconstruction within 31 days from the date he is requested to do so, the Township Committee may adopt a resolution to direct the Township Engineer to inspect and prepare specifications for the repairs to be made thereto and to direct the Township Clerk to serve a written notice in the manner hereinafter set forth upon the owner ordering such owner to make such repairs to such portion of the sidewalk, driveway apron or curb at his or their own cost and expense in accordance with the specification prepared by the Township Engineer within 30 days' time after service of said notice; and notice shall set forth and include the following:
- (1) The location at which the repairs are to be made.
 - (2) Specifications for repair prepared by the Township Engineer.
 - (3) A statement that the entire cost of the repairs is to be paid by the owner.
 - (4) A statement informing the owner that he or they shall have the right at any time within 10 days after service of such notice to make application for a hearing before the Township Committee contesting the need for such repairs or requesting an extension of time in which to make such repairs.
 - (5) A statement informing the owner that on his or their failure to complete such repairs within 30 days from the service of said notice the Township will, unless the owner successfully contests the need for such repairs or is granted an extension of time to make such repairs, cause the repairs to be made at the expense of the owner; all as provided for by N.J.S.A. 40:65-1 et seq.
- B. Said notice shall be served and proof of service thereof shall be made in accordance with the requirements of N.J.S.A. 40:65-3 et seq., as amended and supplemented.

§ 189-18. Failure of owner to repair; repairs by Township; costs to become lien.

- A. In the event the owner shall refuse or fail to make such repairs as are ordered by the Township Committee in accordance with the specifications set forth in said notice within 30 days after service of said notice, or within such further time as may be permitted by the Township Committee, the Township Committee may make the repairs or contract with others to make the repairs in accordance with the specifications prepared by the Township Engineer.
- B. The Township Engineer shall keep an accurate account of the cost of the repair work and file a report as to the cost of the work, which shall be verified by affidavit of the Engineer, with the Municipal Clerk. The Municipal Clerk shall submit said report to the Township Committee at its next regular meeting. The Township Committee shall then give notice to the owner of the time and place that it will examine said report and that the owner may appear at the time and place of examination and be heard on any objections he may care to make thereto. Said notice shall be served and proof of service thereof shall be made in accordance with the requirements of N.J.S.A. 40:65-8.
- C. The Township Committee shall examine said report and hear any objections thereto and if satisfied that said report is correctly and properly made shall approve and confirm said report and file same with the Township Tax Collector.
- D. The Township Tax Collector shall then record the amount of such cost as a sidewalk, driveway apron or curb assessment in the book in which other assessments made by the Township of Harrison are recorded. Said assessment shall bear interest from the date of confirmation at the rate specified for local improvements in the Township, but if no such rate is specified, then at the rate for delinquent real estate taxes and shall be a lien upon the land of the owner or owners for the cost of the repairs contained in the Engineer's report or as modified by the Township Committee.

§ 189-19. Enforcement of lien and action for recovery of cost of repairs.

The cost of any repairs which became a lien as hereinbefore set forth may be collected in the manner provided by law for the collection of other municipal assessments or liens, and the Township may also at its option maintain an action against the owner to recover the amount of such cost in any court of competent jurisdiction.

§ 189-20. Repairs made by owner; specifications.

All repairs made by an owner to an existing sidewalk, driveway apron or curb shall be made in a good and workmanlike manner with a generally used mix of good materials and shall conform as much as practicable with the existing line, grade and width of the sidewalk, driveway apron or curb repaired, and all repairs for which specifications are made by the Township Engineer shall be in accordance with the specifications prepared by the Township Engineer.

§ 189-21. New construction specification.

All extensions and new construction of sidewalks, driveway aprons and curbs shall be made in a good and workmanlike manner on a line, grade and width to be determined by the Township Engineer and in accordance with specifications prepared by the Township Engineer.

§ 189-22. Violations and penalties. [Amended 12-6-2004 by Ord. No. 40-2004]

Any owner who shall refuse or neglect to repair any sidewalk, driveway apron or curb in accordance with an order of the Township Committee after service of notice of said order as aforesaid within 30 days after service of such notice, or such further time as may be granted by the Township Committee, shall be deemed to have violated this article and shall, upon conviction, be subject to a fine not exceeding \$1,250, imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days.

§ 189-23. Separate offenses.

Each day's persistence in a violation of this article shall be and constitute a separate and distinct violation of this article and shall be subject to the same penalty as set forth above in § 189-19 of this article.