

TOWNSHIP OF MAHWAH  
ORDINANCE NO. 1926

AN ORDINANCE AMENDING CHAPTER 15, STREETS, SIDEWALKS  
AND SANITATION, OF THE CODE OF THE TOWNSHIP OF MAHWAH  
TO ESTABLISH SIDEWALK MAINTENANCE AND REPAIR  
REQUIREMENTS

WHEREAS, it is critical to the health, safety and welfare of residents and visitors to the Township of Mahwah that all sidewalks be properly maintained and repaired; and

WHEREAS, N.J.S.A. 40:65-14 authorizes municipalities throughout the State to adopt a sidewalk maintenance ordinance that requires property owners whose properties abut public sidewalks to maintain and repair those abutting sidewalks; and

WHEREAS, the Township Council finds in in the best interest of the Township to adopt an ordinance establishing the responsibilities of the Township and property owners with respect to the maintenance and repair of sidewalks.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Mahwah, County of Bergen, State of New Jersey, as follow:

SECTION 1. Chapter 15, Streets, Sidewalks and Sanitation, of the Code of the Township of Mahwah is hereby amended to add new section 15-9, Responsibility for Maintenance and Repair of Sidewalks, to read as follows:

§ 15-9. Responsibility for Maintenance and Repair of Sidewalks

A. Every owner or occupant of property within the Township shall maintain and be responsible for proper upkeep of the part of the street between the property line and the curb abutting the property, including the corner areas adjacent to corner lots either within or without the property lines. Condominium and Townhouse associations shall be responsible for maintenance and upkeep of sidewalks within the public right of way. The Township shall be responsible for maintenance and upkeep of the curb abutting the property.

Such upkeep shall include keeping abutting sidewalks in a proper condition of maintenance and good repair, including but not limited to, keeping such sidewalks free of obstruction, debris, cracks and crevices or other unsafe conditions. Sidewalks shall be constructed and maintained as defined, required and set forth in N.J.A.C 5:21-4.18, in accordance with heretofore established lines, grades and standards.

B. If the Property Maintenance Inspector determines that any sidewalk governed by this chapter has fallen into a state of disrepair, the Property Maintenance Inspector shall, upon the Township Council passing a resolution, cause a written notice to be

served upon the property owner, either personally or by certified mail. The notice shall require specified work to the sidewalk be completed within 30 days of the date of service of the notice, or within a reasonable period of time depending upon the season of the year.

- C. If the property so affected is unoccupied and the owner cannot be located within the Township, the notice may be mailed to the owner's post office address if known. In case the owner is a nonresident of the Township or the owner's post office address cannot be ascertained, then the notice may be inserted for four weeks, once a week, in a newspaper circulating in the Township.
- D. If the property owner does not comply with the notice requirements, the Department of Public Works, upon the filing by the Property Maintenance Inspector of a proof of service or publication of the aforesaid notice with the Township Council, shall cause the required work to be done and paid for out of the municipal funds available for that purpose.
- E. The cost of such work shall be certified by the Department of Public Works to the Tax Collector. Upon filing said certificate, the amount of the cost of such work shall be and become a lien upon said abutting lands in front of which such work was done, to the same extent that assessments for local improvements are liens in the Township under its charter or the general law, and shall be collected in the manner provided by law for the collection of such other assessments and shall bear interest at the same rate. In addition, the Township may have an action to recover said amount against the owner of affected lands in any court having competent jurisdiction thereof. A certified copy of the aforesaid certificate shall, in such action, be prima-facie evidence of the existence of a debt due from the owner to the Township.

**SECTION 2.** If any section, paragraph, subsection, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

**SECTION 3.** All ordinances or parts of ordinances of the Township heretofore adopted that are inconsistent with any terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4.** This ordinance may be renumbered for the purposes of codification.

**SECTION 5.** This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

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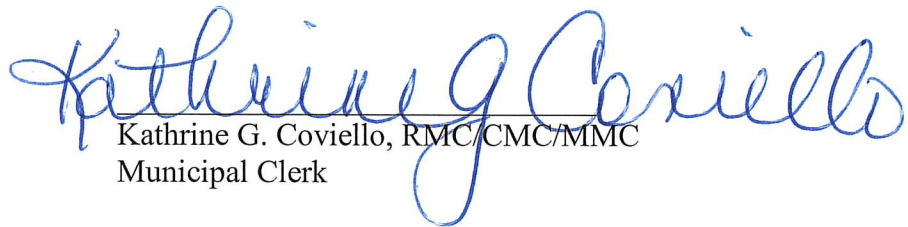
Dated: April 23, 2021

Attest

  
\_\_\_\_\_  
David May  
Council President

  
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Kathrine G. Coviello  
Municipal Clerk

I, Kathrine G. Coviello, Municipal Clerk of the Township of Mahwah, hereby certify that the within Ordinance was passed and adopted at a meeting of the Township Council held on the 1st day of April, 2021.

  
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Kathrine G. Coviello, RMC/CMC/MMC  
Municipal Clerk