

STREETS AND SIDEWALKS

Chapter 161

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[HISTORY: Adopted by the Borough Council of the Borough of Teterboro as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Flood damage prevention — See Ch. 107.
Littering — See Ch. 116.
Subdivisions and site plans — See Ch. 165.
Vehicles and traffic — See Ch. 176.

ARTICLE I
Deposit of Snow and Dirt
[Adopted 2-26-1963 by Ord. No. 95]

- § 161-1. Depositing of snow, dirt or other materials prohibited; exceptions.

No person, corporation, firm or partnership shall cause or permit the depositing of snow, dirt or any other material within the curblines of any street or highway or any portion thereof, within the Borough of Teterboro, whether the same be from premises adjacent to said street or highway or from any portion

of said street or highway to another portion thereof. Employees, agents or contractors of the Borough of Teterboro, or any other governmental agency having jurisdiction over any street or highway in the Borough of Teterboro, shall be excluded from the prohibition above provided when acting pursuant to direction of an officer or agent of said municipality or other governmental agency aforesaid in the exercise of its official function in the cleaning of snow, dirt or any other material from any street or highway, or portion thereof, in the Borough of Teterboro, whether by shovel or mechanical apparatus.

§ 161-2. Violations and penalties.¹

Any person, corporation, firm or partnership who shall violate any provision of this article shall, upon conviction thereof, be subject to a fine not exceeding \$1,000, a term of imprisonment not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof.

ARTICLE II

Curbs and Curb Cuts

[Adopted 1-8-1980 by Ord. No. 181]

§ 161-3. Approval required.

No curb within the Borough of Teterboro's public easement or right-of-way shall be opened, closed, enlarged, constructed, reconstructed or demolished or a driveway opened or closed without the approval of the Planning Board of the Borough of Teterboro upon application in accordance with the procedures established by the applicable provisions of Chapter 165, Subdivisions and Site Plans, as amended.

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

§ 161-4. Violations and penalties.²

For any and every violation of the provisions of this article, the owner or owners, architect or architects, agent or agents, contractor or contractors or any other person or persons interested as lessees, tenants or otherwise in respect to any premises or as such violation has been committed or shall exist or any other person or persons who commits, takes part in or assists in such violation or who maintains any premises in which any such violation shall exist and who refuses to abate said violation or violations within five days after written notice has been served by either mail or personal service shall, for each and every violation, be subject to a fine not exceeding \$1,000, a term of imprisonment not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof. The Judge before whom any person is convicted of violating any of the provisions of this article shall have the power to impose any fine or term of imprisonment not exceeding the maximum fixed herein.

ARTICLE III**Snow and Ice Removal****[Adopted 4-10-1984 by Ord. No. 233]****§ 161-5. Duty of owners and tenants to remove.**

The owners or tenants of lands abutting or bordering on the sidewalks of public streets within the borough shall remove or cause to be removed all snow and ice from the sidewalk area in front of or bordering on their lands within 24 daylight hours after the same shall be deposited or formed thereon. Snow or ice shall be removed so that an unobstructed portion of the sidewalk area shall be open a width of not less than 36 inches.

² Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 161-6. Casting of snow or ice prohibited.

It shall be unlawful for any person to deposit snow or ice, whether removed from any driveway, parking area, sidewalk area or any property privately owned, upon any street or road within the borough.

§ 161-7. Violations and penalties.³

For each and every violation of any provision of this article, the property owner or tenant or any other person who commits or assists in any violation of this article shall be subject to a fine not exceeding \$1,000, a term of imprisonment not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof. The maximum penalty stated herein is not intended to indicate an appropriate penalty for each and every violation, and a lesser penalty, including a nominal penalty or no penalty at all, may be appropriate for a particular case or a particular violation and is within the discretion of the Judge of the Municipal Court.

ARTICLE IV**Street Construction Affecting Traffic
[Adopted 1-8-1991 by Ord. No. 300]****§ 161-8. Adoption of standards.**

The Borough of Teterboro does hereby adopt the most current Manual on Uniform Traffic Control Devices as printed by the Federal Highway Administration, hereinafter known as "MUTCD," as it controls and regulates whenever construction, maintenance operations or utility work obstructs the normal flow of traffic. Any person, contractor or utility who fails to comply with the provisions of MUTCD while performing such work is in violation of this section. Any future amendments to the MUTCD are also adopted.

³ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 161-9. Violations and penalties.⁴

Any person, firm or corporation violating any provision of this article shall, upon conviction, be subject to a fine not exceeding \$1,000, a term of imprisonment not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof.

ARTICLE V**Street Openings****[Adopted 12-10-1996 by Ord. No. 362]****§ 161-10. Permit required.**

No opening or openings shall be made in any of the streets, avenues or public highways of the Borough of Teterboro, whether paved or unpaved, by any person, firm or corporation without first having obtained from the Construction Code Official of the Borough of Teterboro a written permit for that purpose.

§ 161-11. Materials to accompany permit application; fees.

Before any permit for the opening of streets, avenues or public highways shall be issued by the Construction Code Official, there shall be filed in the office of the Construction Code Official by the applicant for such permit the following:

- A. Except as otherwise provided by law, a signed and sealed engineering drawing showing the exact location of any and all openings proposed, together with a statement giving detailed and complete information as to the character of the work proposed. Such drawing(s) and statement(s) shall remain permanently on file in the

⁴ Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

office of the Construction Code Official and shall be subject to review and approval of the Borough Engineer.

- B. A deposit of escrow moneys on account with the borough in an amount of \$1,500 to cover the cost for engineering and legal inspection and review. If any deposit is less than sufficient to pay all costs accrued by the borough, the permittee shall, upon written notification, pay to the borough an amount equal to the deficiency.
- C. A permit fee in the amount of \$50.
- D. A performance bond in an amount reasonably determined by the Construction Code Official to cover the cost of the work and an insurance certificate demonstrating satisfactory insurance coverage for the project. Any public utility as defined in law and subject to the jurisdiction of the New Jersey Board of Public Utilities may file a corporate performance bond in the amount reasonably required to cover the roadway restoration and maintenance obligations imposed by this article. Such bond shall be subject to the review and approval of the Borough Attorney.
- E. Upon satisfactory conclusion of the work as certified by the Borough Engineer, the applicant shall be required to post with the borough a maintenance bond for a period not to exceed two years, which bond shall be subject to review and approval of the Borough Attorney.

§ 161-12. Backfill and maintenance of trenches.

Any person, firm or corporation making a cut in any street in the Borough of Teterboro under authority of any permit which may be issued by the Construction Code Official shall backfill the trench with care, using such methods as the Borough Engineer may from time to time reasonably prescribe, and shall be responsible for the maintenance for such trench in a safe and smooth condition until the final repair is made.

§ 161-13. Restoration of paving.

All paving disturbed or removed in the making of any roadway of any paved street within the Borough of Teterboro for any purpose whatsoever by any person, firm or corporation shall be restored or replaced by the applicant in accordance with the manner reasonably prescribed by the Borough Engineer.

§ 161-14. Authority of Engineer.

The Borough Engineer shall have authority to formulate from time to time rules and regulations which shall govern the methods and materials to be used in and restoring any street in the Borough of Teterboro, including the cutting and removal of paving over the trench, restoration of the paving and any other details which in his or her judgment may be important elements in the making of a proper repair.

§ 161-15. Illumination of work areas.

All persons granted a permit under the authority of this article shall keep and maintain, conspicuously placed, from sunset until sunrise of every night during the continuance of any such excavation, backfilling or replacement of the pavement, such number of red lights or illuminated flares along or about said work as shall be necessary to the public safety and to properly warn people of the danger of such work, all subject to the reasonable review and discretion of the Construction Code Official and the Borough Engineer.

§ 161-16. Compliance with other applicable regulations.

Any person, firm or corporation granted a permit under the authority of this article shall also meet and satisfy any and all state, county or other local statutes, laws, permits, ordinances, codes, regulations or standards applicable thereto.

§ 161-17. Violations and penalties.⁵

Any person, firm or corporation violating any of the provisions of this article shall, upon conviction, forfeit and pay to the Borough of Teterboro a penalty not exceeding \$1,000, a term of imprisonment not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof, and each day any such violation shall be continued shall be taken and construed to be a separate and distinct offense.

⁵ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).