

Cranbury Township Ordinance # 07-16-13

**AN ORDINANCE AMENDING CHAPTER 130, "STREETS AND SIDEWALKS,"
ARTICLE II, "SIDEWALK CONSTRUCTION AND REMOVAL," SECTION 17,
"REPAIRS," OF THE CODE OF THE TOWNSHIP OF CRANBURY**

WHEREAS, Chapter 130-17 of the Cranbury Township Code addresses the construction, repair, alteration, or maintenance of sidewalks, driveway aprons and curbs; and

WHEREAS, it is necessary to clarify the respective obligations of the property owner and the Township with regard to the construction, repair, alteration, or maintenance of sidewalks, driveway aprons and curbs.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Cranbury, as follows:

SECTION ONE. Chapter 130, Article II, Section 17, Paragraph A of the Code of the Township of Cranbury Township is amended as follows (inserted material is underlined, deleted material is ~~struck through~~):

Section 130-17. Repairs.

A. The cost and expense of the construction, repair, alteration, or maintenance of sidewalks and driveway aprons when such is deemed necessary shall be paid by those owners of lands fronting and bordering upon those areas affected. ~~If the owner can demonstrate to the satisfaction of the Township Engineer that the repair or maintenance is occasioned through no fault of the owner or his servants, agents or representatives excepting normal wear and tear then and in that event, the Township shall perform the repair maintenance as required.~~ The abutting owner is responsible for damage caused by trees, including trees installed by a developer, unless it can be demonstrated that the trees causing the damage were planted by the Township. For the purpose of this section, an abutting landowner is any person, individual, corporation, partnership, association, or entity having title and/or an interest paramount to title in real estate which abuts a public street, road or other thoroughfare of the Township.

B. To replace curbing, necessitated by the repair or replacement of driveway aprons or sidewalks, the following shall apply:

(1) ~~Upon the determination of the Township Engineer, the Township may perform the necessary repairs or permit the property owner to make such curb repairs/replacement as approved by the Township Engineer. The Township will reimburse the property owner for all approved repairs at the prevailing rates as determined by the Township Engineer.~~ The cost and expense of the

construction, repair, alteration, or maintenance of curbs when such is deemed necessary by the Township Engineer shall be paid by those owners of lands fronting and bordering upon those curbs affected. The abutting owner is also responsible for damage caused by trees, including trees installed by a developer, unless it can be demonstrated that the trees causing the damage were planted by the Township. For the purpose of this section, an abutting landowner is any person, individual, corporation, partnership, association, or entity having title and/or an interest paramount to title in real estate which abuts a public street, road or other thoroughfare of the Township.

(2) Acceptable curb replacement shall include: vertical curb, combination curb/gutter and asphalt pavement resulting from curb and curb/gutter removal.

SECTION TWO. Repealer. All ordinances and resolutions, or parts thereof, inconsistent with this Ordinance, are hereby repealed.

SECTION THREE. Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION FOUR. Effective Date. This Ordinance shall take effect immediately upon its passage and publication, as required by law.

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Committee of the Township of Cranbury, in the County of Middlesex, State of New Jersey, on July 25, 2016. It will be as further considered for final passage, second reading, after public herein thereon, on August 8, 2016 at 7:00 p.m. Copies are available at the Municipal Clerk's Office, 23-A North Main Street, Cranbury, NJ 08512 at no charge or at www.cranburytownship.org, click on "Document Library", then new Ordinances.

Kathleen R. Cunningham, RMC
Municipal Clerk