

**TOWNSHIP OF LUMBERTON**

**ORDINANCE 2015-02-003**

**AN ORDINANCE OF THE TOWNSHIP OF LUMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AMENDING THE TOWNSHIP CODE TO INCLUDE PROHIBITED PARKING DURING SNOW EMERGENCIES**

**WHEREAS**, the past few winters have been particularly difficult with numerous snow and ice storms; and

**WHEREAS**, the Township resources are used to their maximum to remove snow and ice from the roadways; and

**WHEREAS**, the efforts of the public works department to clear snow from the roadways is hampered by vehicles parked in the roadway; and

**WHEREAS**, the Township determines that the crews can work more efficiently if cars are removed from the roadway, which will help reduce the strain on municipal tax dollars; and

**WHEREAS**, parking of cars on the roadway also creates a safety condition, especially in blizzard conditions where plows may not have the ability to clearly navigate around snow covered vehicles; and

**WHEREAS**, the Township determines that the safest and most efficient means of removal of snow during major storms is to have all vehicles removed from the roadways until they are cleared of snow and ice; and

**WHEREAS**, snow removal activities are further hampered where residents or contractors blow snow from sidewalks, driveways and private property into the roadways.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the Township Committee of the Township of Lumberton, County of Burlington, State of New Jersey that Chapter 250 of the Township Code entitled Streets and Sidewalks, be and is hereby amended to add a new Article V entitled "Snow Emergency Parking Restrictions" and a second article, Article VI, entitled "Snow Blowing onto Public Roadways" to read as follows:

**Article V. Snow Emergency Parking Restrictions.**

**250-22. Purpose.**

The purpose of this section is to provide a system to declare and notify persons of snow emergencies and enforce the provisions for same. Without such provisions, vehicles remain parked on Township streets, impairing effective plowing and snow and ice removal. Consequently, potential hazards are created by unplowed snow and untreated ice.

**250-23. Definitions.**

As used in this section, the following words shall have the following meanings:

Administrator -- The Township Administrator of the Township of Lumberton or the Administrator's designee. In the absence of an Administrator, it shall be the Emergency Management Coordinator or his deputy coordinators.

Vehicle -- the term vehicle shall have the same meaning as defined in N.J.S.A. 39:1-1 as the same may be modified or amended from time to time.

**250-24. Parking Regulations During Snow Emergencies.**

The Administrator shall declare a snow emergency when the Administrator finds, on the basis of falling snow, sleet, freezing rain or on the basis of a forecast by the United States weather bureau or on the basis of any other weather service, that weather conditions will make it

necessary for motor vehicle traffic to be limited and for parking on Township streets to be prohibited or restricted for snow plowing or other purposes. The following parking regulations shall be in effect during snow emergencies:

- A. Effective Time of Snow Emergency: A snow emergency shall take effect not earlier than four (4) hours after it is declared, except if a snow emergency is declared after eight o'clock (8:00) P.M., enforcement of the same shall not take effect until eight o'clock (8:00) A.M. the next day, unless otherwise indicated in the declaration.
- B. A snow emergency shall be in force for a minimum of twenty-four (24) hours after taking effect unless canceled or changed under subsection 250-26 of this section.
- C. It shall be unlawful for a person to park or leave any vehicle on a street in the Township of Lumberton when a snow emergency has been declared.
- D. No motor vehicle shall be parked in the front of driveways where doing so will cause the vehicle to block an adjacent walkway or sidewalk or where the vehicle extends into the street.
- E. Vehicles which are disabled which block the roadway must be removed at the owner's expense.
- F. The above parking prohibitions shall remain in effect after the snow has ceased until the streets have been plowed sufficiently and to the extent that parking will not interfere with the normal flow of traffic.

#### **250-25. Declaration and Notice.**

- A. The Administrator shall declare a snow emergency by written signed notice, filed with the Municipal Clerk, stating the beginning and ending time for the period of the snow emergency, which ending time shall be a minimum of twenty-four (24) hours after taking effect. If the office of the Municipal Clerk is closed, the Administrator shall file such notice promptly when the office next is open during normal business hours.
- B. The Administrator may cancel such declaration or change the beginning or ending time. Notice as provided in subsection C of this section shall be given for such cancellations or changes.
- C. The Administrator shall cause each declaration of a snow emergency to be publically announced by means of broadcast over the Township's auto-call system, posting on the Township's website or other social media system and emailing to those individuals who have requested to receive such notices via email. Failure to provide notice in all of the listed methods shall not be a defense to an action for enforcement of the ordinance.
- D. The Notice concerning the snow emergency declaration shall inform the public when the snow emergency parking regulations for Township will be in effect.
- E. The Administrator may take such other actions to inform the public of the snow emergency as appropriate.

#### **250-26. Termination of Notice.**

- A. Once in effect, the prohibition under this Chapter shall remain in effect until terminated by announcement of the Administrator in a manner similar to the announcement of the snow emergency.

#### **250-27. Towing of Improperly Parked Vehicles.**

- A. Removal of vehicles. Any unoccupied vehicle parked or standing in violation of this article shall be deemed a nuisance and a menace to the safe and proper regulation of traffic and any Township Official or law enforcement officer may provide for the removal of such vehicle. The owner shall pay the reasonable costs of the removal and

storage which may result from such removal, before regaining possession of the vehicle. Any vehicle found to be parked where not permitted during a snow emergency will be issued a notice of parking violation pursuant to this chapter and towed to a place designated for the storage of impounded vehicles.

- B. Stalled or disabled vehicles. Whenever a vehicle becomes stalled or disabled for any reason, whether or not in violation of this chapter, on any portion of any street to which the parking prohibition applies, the person operating the vehicle shall take immediate actions to have the vehicle towed or pushed off the street. No person shall abandon or leave his or her vehicle in any street (regardless of whether the person indicates, by raising the hood or otherwise, that the vehicle is stalled), except for the purpose of securing assistance during the actual time necessary to go to a nearby telephone or to a nearby garage, automobile service station or other place of assistance and return without delay.

#### **250-28. Violations and penalties.**

- A. Any person who violates this chapter is responsible for a civil infraction, punishable by a fine not to exceed \$100 for a first offense and a fine of \$250 for a second or subsequent offense.
- B. Evidentiary presumption relating to parking or leaving vehicle. In any proceeding for a violation of this chapter relating to the parking or leaving of a vehicle, proof that the particular vehicle described in the complaint was parked or left in violation of this chapter, together with proof that the respondent named in the complaint was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a presumption that the registered owner of such vehicle was the person who parked or left such vehicle at the location such violation occurred.
- C. Impoundment of vehicle. Any vehicle parked or left on any street in violation of this chapter constitutes a public hazard and an obstruction of traffic and may be towed and impounded immediately. No person may recover any impounded vehicle without first paying the cost of removal and storage, notwithstanding, and apart from, any fine which may also be imposed for violation of this chapter.

#### **Article VI Snow Blowing onto Public Roadways**

##### **250-29. Purpose.**

To prevent individuals or contractors from placing, or throwing snow from sidewalks, walkways, private streets and driveways in the public roadways by means of snow blowers, plows, shovels or other similar means.

##### **250-30. Duty to remove Snow and Ice from Sidewalks and Fire Plugs.**

- A. The owner or owners, occupant or occupants, tenant or tenants of premises abutting or bordering upon any street in the Township of Lumberton shall remove all snow and ice from the abutting sidewalks of such streets, within 24 hours after the same shall fall or be formed thereon. The accumulation of 2" of snow or 1/8" of ice shall be conclusively presumed to create such hazardous conditions. In the event that ice conditions are such that removal is impracticable, the ice shall be thoroughly covered with salt or other traction producing substance so as to ameliorate the hazard. Notwithstanding the foregoing, owners and/or developers shall commence clearing of snow and ice from streets when the need is determined and direction is issued by the Lumberton Police Department or Public Works Department. The term "sidewalks" as used in this section shall also include driveway aprons, bike paths, walking paths, handicap ramps and that portion of any driveway that reasonably connects two portions of a sidewalk as defined herein.
- B. In the case of all such subdivisions and residential or commercial developments containing paved common areas and/or private streets, the owner and/or developer shall designate a contact person, with a mailing address and cellular telephone number, who can be

notified by the Township in the event that the Township determines that the owner and/or developer is not promptly complying with the provisions of this section. Notwithstanding any other provisions of this section, the Township, in the absence of prompt compliance by the owner and/or developer, may undertake the snow and ice removal and recover the costs of such action together with attorney's fees and costs of suit.

C. In case the building is occupied by more than one family or business unit, then the owner is hereby required to remove or cause to be removed all snow and ice from such portion of the sidewalks or, in the case of ice which it is impracticable to remove, cover the same with salt or similar product within 24 hours after the same shall be formed or fall thereon. The sidewalk shall be cleared from snow and ice creating a clear open path not less than 30 inches in width.

D. In addition to removing snow and ice from sidewalks, adjacent owners or occupants shall remove snow in one (1) foot in all directions around any fire plug or hydrant.

#### **250-31. Depositing snow on streets restricted.**

A. No person, firm or corporation, the owner, tenant or occupant of any premises abutting on any street shall throw, place or deposit any snow or ice into or upon any street in said Township, it being the intent and purpose of this provision to prohibit all persons from throwing, casting, placing or depositing snow and ice, which accumulated within the private property belonging to said person, upon the sidewalks or streets of the Township of Lumberton. Persons in motor vehicles and snow removal equipment causing such snow to be placed in the Township right-of-way, shall also be subject to the provisions of N.J.S.A. 39:4-77.1 et seq.

#### **250-32. Enforcement.**

A. In case such snow or ice shall not be removed from such sidewalks or shall be cast, deposited thereon or placed upon said sidewalks or said streets by the owner or owners, tenant or tenants, occupant or occupants of any said premises, the same may be removed forthwith under the direction of the Township Director of Public Works, and the cost of such removal as nearly as can be ascertained shall be certified by the Director of Public Works, or his designee, to the governing body. The governing body shall examine such certification and if found to be correct shall cause such cost to be charged against such real estate so abutting or bordering upon such sidewalks and the amount so charged shall forthwith become a lien and a tax upon such real estate or land and be added to, recorded and collected in the same way and manner as the taxes next to be levied and assessed upon such premises, and shall bear interest and be enforced and collected by the same officers and in the same manner as other taxes. The imposition and collection of a fine or fines imposed by the provision of this article shall not constitute any bar to the right of the Township of Lumberton to collect the cost as certified for the removal of said snow or ice in the manner herein authorized.

B. The Township Committee, through its Public Works Department, may bring an action to enforce the requirements of this chapter in municipal court.

#### **250-33. Violations and penalties.**

A. Failure of any owner, occupant, developer or tenant to comply with the requirements of this Chapter, upon conviction, shall be punishable by a fine not to exceed \$500 or a term of imprisonment not to exceed 30 days or a term of community service not to exceed 30 days in the discretion of the Municipal Court Judge. Each day that the violation exists shall be deemed a separate offense. It is the intent of this Chapter that the responsibility for compliance shall be a joint responsibility of the owner, developer, occupant or tenant of the premises in question. This imposition and collection of a fine or other penalty under this section shall not constitute a bar to the right of the Township to collect its certified costs and attorney's fees incurred in connection with the removal of snow or ice upon failure of the responsible party to act or the related costs and attorney's fees to collect such costs. Such collection may be through a lien on the property, or suit in a court of competent jurisdiction.

LUMBERTON TOWNSHIP COMMITTEE

**ACTION ON INTRODUCTION February 24, 2015**

Motion made by: Committeeman Mansdoerfer  
Motion seconded by: Committeeman Dinneen

**VOTE:**

Committeeman Conway	<u>Yes</u>	No	Abstain	Not Present
Committeeman Dinneen	<u>Yes</u>	No	Abstain	Not Present
Deputy Mayor Earlen	<u>Yes</u>	No	Abstain	Not Present
Committeeman Mansdoerfer	<u>Yes</u>	No	Abstain	Not Present
Mayor Jackson	<u>Yes</u>	No	Abstain	Not Present

**ACTION ON ADOPTION (after public hearing) March 10, 2015**

Motion made by: Committeeman Mansdoerfer  
Motion seconded by: Committeeman Dinneen


**VOTE:**

Committeeman Conway	<u>Yes</u>	No	Abstain	Not Present
Committeeman Dinneen	<u>Yes</u>	No	Abstain	Not Present
Deputy Mayor Earlen	<u>Yes</u>	No	Abstain	Not Present
Committeeman Mansdoerfer	<u>Yes</u>	No	Abstain	Not Present
Mayor Jackson	<u>Yes</u>	No	Abstain	Not Present



Lewis K. Jackson, Mayor

Attest:



Stephanie N. Yurko, RMC/CMR  
Municipal Clerk

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**CERTIFICATION**

I HEREBY CERTIFY that the foregoing is a true copy of the ordinance that was introduced after first reading at a meeting of the Lumberton Township Committee held on February 24, 2015 and adopted after a public hearing at a meeting of the Lumberton Township Committee held on March 10, 2015.



Stephanie N. Yurko, RMC/CMR  
Municipal Clerk

Introduced: February 24, 2015  
Adopted: March 10, 2015