

**TOWNSHIP OF ABERDEEN  
ORDINANCE NO. 15-2015**

**AN ORDINANCE OF THE TOWNSHIP OF ABERDEEN,  
COUNTY OF MONMOUTH AND STATE OF NEW JERSEY  
ESTABLISHING REGULATIONS FOR  
THE DUTY TO REMOVE SNOW AND ICE**

**WHEREAS**, pursuant N.J.S.A. 40:48-2, the Township of Aberdeen (“Township”) is authorized to adopt an ordinance for the preservation of public health, safety, and welfare; and

**NOW THEREFORE, BE IT HEREBY ORDAINED**, by the Township Council of the Township of Aberdeen, County of Monmouth, and State of New Jersey as follows:

1. The Ordinance shall be adopted as Chapter XIII PROPERTY MAINTENANCE, Section 13-4, entitled “DUTY TO REMOVE SNOW AND ICE; ENFORCEMENT” as follows:

A. Duty of owners

(1) It shall be the duty of the owner of any residential lot, parcel of land or real property in the Township abutting or bordering on the sidewalks of a public street to remove or cause to be removed all snow and ice from the sidewalk area in front of or bordering upon the owner’s lands within twenty-four (24) hours of the cessation of any storm or fall of snow or ice, as determined by the Director of the Department of Public Works, based upon a reasonably objective standard, such as the National Weather Service reports. Said snow or ice shall be so removed so that an unobstructed portion of the sidewalk area is open and cleared to a width of at least three (3) feet.

(2) It shall be the duty of the owner or operator of any nonresidential lot, parcel of land or real property in the Township abutting or bordering on the sidewalks of a public street to remove or cause to be removed all snow and ice from the sidewalk area in front of or bordering upon the owner's lands, within 12 hours of the cessation of any storm or fall of snow or ice, as determined by the Director of the Department of Public Works, based upon a reasonably objective standard, such as the National Weather Service reports. Said snow or ice shall be so removed so that an unobstructed portion of the sidewalk area is open and cleared to a width of at least three feet. The owners of any premises used for any nonresidential purposes shall, in addition to the removal of snow and ice on sidewalks, remove or cause to be removed any and all snow and ice from parking lots, walkways and any other areas used by their customers or employees.

(3) It shall be the duty of the owner or operator of any parking lot which is open to the public or to which the public is invited and which contains special parking spaces for the

use of persons who have been issued a placard or wheelchair symbol license plates pursuant to N.J.S.A. 39:4-204 et seq., to be responsible for assuring that access to these special parking spaces and to curb cuts or other improvements designed to provide accessibility for handicapped persons is not obstructed.

(a) If snow or ice is obstructing such special parking space, curb cut or other improvement designed to provide accessibility for the handicapped on a residential lot, same shall be removed within 24 hours of the cessation of any storm or fall of snow or ice, as determined by the Director of the Department of Public Works, based upon a reasonably objective standard, such as the National Weather Service reports.

(b) If snow or ice is obstructing such special parking space, curb cut or other improvement designed to provide accessibility for the handicapped on a nonresidential lot, same shall be removed within 12 hours of the cessation of any storm or fall of snow or ice, as determined by the Director of the Department of Public Works, based upon a reasonably objective standard, such as the National Weather Service reports.

(4) Ice which is so frozen as to make removal impractical shall either be treated with rock salt or other chemicals which will thaw the ice sufficiently to permit removal or be thoroughly covered with sand, ashes or cinders.

(5) In the case of condominium developments, the condominium association may designate, in writing, primary and secondary walkways which shall be subject to the review and approval of the Department of Public Works. Any walkways not specifically designated in writing and approved as secondary walkways shall be presumed to be primary walkways. Snow shall be removed from all primary walkways within 24 hours and shall be removed from all secondary walkways within 72 hours of the cessation of any storm or fall of snow or ice as determined by the Director of the Department of Public Works, based upon a reasonably objective standard, such as the National Weather Service reports, and, if same cannot be wholly removed from such primary and secondary walkways, sand, salt or other proper substance shall be sprinkled thereon so that such primary and secondary walkways shall be safe for travel.

B. The Director of the Department of Public Works, or his designee, shall be primarily charged with the enforcement of the provisions of this chapter with respect to public streets and shall cause prosecutions for violations thereof to be instituted before the Judge of the Municipal Court with all reasonable dispatch. In addition to the Director of the Department of Public Works and/or the Police Department, shall have concurrent authority to enforce the provisions of this chapter with respect to public streets. The Director of the Department of Public Works, or his designee, shall be primarily charged with the enforcement of the provisions of this chapter with respect to private property and commercial, industrial and multifamily properties and shall cause prosecutions for violations thereof to be instituted before the Judge of the Municipal Court with all reasonable dispatch. In addition to the Director of the Department of Public Works, and/or his designee, and/or the Police Department, shall have concurrent authority to enforce the provisions of this chapter with respect to private property and commercial, industrial and

multifamily properties. The applicable enforcement authority or any department with concurrent enforcement authority, shall not be required to serve a violation notice or like correspondence to violators of the provisions of this chapter and shall have the right to immediately issue summonses to any violators of the provisions of this chapter.

C. In cases where the owner has failed and/or refused to remove said snow and/or ice or has failed to provide for the covering of any icy patches within the time frames provided by this chapter, the applicable enforcement authority or his designee shall have the power to cause the said snow or ice to be removed or covered, as the case may be, the sole cost and expense of which shall be borne by the owner, which shall be a lien against the property collectible in the same manner as real property taxes.

**BE IT FURTHER ORDAINED**, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions to be adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

**BE IT FURTHER ORDAINED**, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

PASSED:

ADOPTED:

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KAREN VENTURA, MUNICIPAL CLERK

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FRED TAGLIARINI, MAYOR