

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 20, "STREETS AND SIDEWALKS," SECTION 5.2, "REMOVAL BY TOWNSHIP," OF THE MUNICIPAL CODE OF THE TOWNSHIP OF WEST ORANGE

WHEREAS, The Mayor and Council of the Township of West Orange (the "Township"), have an interest in the efficient administration of government services; and

WHEREAS, pursuant to N.J.S.A. 40:48-1, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this State or Federal Government, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, pursuant to N.J.S.A. 40:48-2.47, the governing body of a municipality may make, amend, repeal, and enforce ordinances to compel the owner of certain real property on which there has been constructed any private street highway, lane, alley or other roadway which is open to the public or which the public is invited, to remove all snow and ice from such street, highway, lane, alley or other roadway; and

WHEREAS, the Township desires to amend Chapter 20, "Streets and Sidewalks," Section 5.2, "Removal by Township," of the Township Municipal Code to define and clarify the duties of the Department of Public Works; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Township Council of the Township of West Orange, in the County of Essex, State of New Jersey, being the governing body thereof, that Section 5.2, "Removal by Township," of Chapter 20, "Streets and Sidewalks," shall be amended as follows.

Section 1. RECITALS. The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

Section 2. Chapter 20, "Streets and Sidewalks," Section 5.2, "Removal by Township," to clarify and enumerate the duties and functions of the Department of Public Works shall be amended as follows.

Note: Additions are shown in **bold and underline** and deletions are shown as ~~striketrough~~.

§ 20-5.2 Removal by Township

In the event snow or ice ~~is not~~ **is not** shall not be removed from sidewalks **within 24 hours** as provided in ~~this~~ **Section 5.1**, the same may be removed under the direction of the ~~Township Engineer~~ **Director of Public Works of his or her**

designee. The cost of removal of any snow or ice by the ~~Township Engineer~~ **Department of Public Works** for and on behalf of the Township of West Orange shall be certified to the Township Council by the ~~Engineer~~ **Director of Public Works** or his or her designee. The Township Council shall examine the certificate, and if found to be correct, the Council shall cause the cost to be charged against the real estate abutting upon the sidewalk, and the amount charged shall become a lien and a tax on the real estate and shall be added to and be part of the taxes next to be levied and assessed thereon, and enforced and collected with interest in the same manner as other taxes.

Section 3. If any provision of this Ordinance or application thereof, under any circumstances, is held invalid, the invalidity shall not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision(s) or application(s) and to this end the provisions of this Ordinance are severable. All other Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed.

Section 4. This Ordinance shall take effect upon final passage and publication in accordance with law.

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the regular meeting of the Township Council of the Township of West Orange, County of Essex, State of New Jersey held in the Municipal Building on the 24th day of March, 2026, and the same came up for final passage at the regular meeting of the Township Council held on the 10th day of April, 2026, at which time, after persons interested were given the opportunity to be heard concerning said Ordinance, the same was passed and will be in full force and effect in the Township of West Orange after approval by the Mayor or in accordance with law.

Susan McCartney, Mayor

Susan Scarpa, Council President

Karen J. Carnevale, R.M.C.
Municipal Clerk

LEGISLATIVE HISTORY

Ordinance 2717-13, adopted by the Township Council on April 4, 2023, separated the Department of Public Works and Department of Engineering to improve efficiency and effectiveness, since functions of the two departments have different duties and licensing requirements. While amending other Ordinances enumerating the duties and functions of the two departments and their directors, it became clear that additional changes were needed to Ordinance 2717-23 to reflect the tasks performed annually by both departments.