City Clerk File No. Ord. 17-173

Agenda No. 3.0 1st Reading

Agenda No. 4.N. 2nd Reading & Final Passage

ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 17-173

TITLE:

AN ORDINANCE AMENDING CHAPTER 296, (STREETS AND SIDEWALKS) ARTICLE I (SNOW AND ICE REMOVAL)

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, the provision of the Municipal Code regarding the duties of owners or occupants of residential properties and the owners or occupants of commercial properties to remove snow and ice following a snowstorm, currently mandate that the owners or occupants need only clear a path on the adjoining sidewalk one foot wide after the end of the snowfall; and

WHEREAS, a path only one foot wide is inconsistent with the goal of the Americans with Disabilities Act (ADA) which mandates that sidewalks be made accessible to everyone, regardless of physical condition, and a one foot-wide path cannot accommodate a person in a wheelchair or a person using a walker; and

WHEREAS, a 36 inch-wide path would be suitable to accommodate a person in a wheelchair or a person using a walker and would be consistent with the goal of the ADA to make sidewalks accessible to everyone, regardless of physical condition; and

WHEREAS, it is in the City's best interest to require the owners or occupants of residential properties and the owners or occupants of commercial properties to clear a path on the adjoining sidewalk at least 36 inches wide after the end of the snowfall.

NOW, THEREFORE BE IT ORDAINED by the Municipal Council that Chapter 296, (Streets and Sidewalks) Article I (Snow and Ice Removal) of the Municipal Code be amended to read:

ARTICLE I
Snow and Ice Removal

§ 296-1.1. - Duties of owners or occupants of residential ~~property~~ properties; time for removal.

Every owner, occupant or person having charge of a residential building or vacant lot shall, in case of a snowfall, clear ~~such~~ any snow and ice from the sidewalks and gutters thereof ~~to the extent of one foot~~ and create a path of travel along the sidewalk which is at least 36 inches wide ~~outside the curb~~ in front of the building or lot, space permitting, as well as on the side thereof, ~~where~~ space permitting, if the building or lot faces on more than one street, within eight (8) hours after the snow has ~~fallen~~ stopped falling. If the snowfall ~~has fallen~~ ceased during the night, removal shall be ~~finished~~ completed ~~within~~ no later than eight (8) hours after sunrise.

§ 296-1.2. - Duties of owners or occupants of commercial ~~property~~ properties and non-structures; time for removal.

Every owner, occupant or person having charge of a commercial building or non-residential structure ~~or vacant lot~~ shall, in case of a snowfall, clear ~~such~~ any snow and ice from the sidewalks and gutters thereof ~~to the extent of one foot~~ and create a path of travel along the sidewalk which is at least 36 inches wide ~~outside the curb~~ in front of the building or ~~lot~~ structure, space permitting, as well as on the side thereof, ~~where~~ space permitting, if ~~where~~ the building or ~~lot~~ structure faces on more than one street, within four (4) hours after the snow has ~~fallen~~ stopped falling. If the snowfall ~~has fallen~~ ceased during the night, removal shall be ~~finished~~ completed ~~within~~ no later than four (4) hours after sunrise. Snow and ice shall be completely cleared from all parking spaces attached to the commercial building as well as from the area immediately surrounding the parking spaces, and all walking aisles from the parking lot to the commercial building shall have a path of travel which is at least 36 inches wide, space permitting. Curb ramps shall also be cleared of snow and ice and all entrances to any commercial building or non-residential structure, and any exits from any commercial building or non-residential structure shall be cleared of snow and ice in order to facilitate safe and easy access to the building or structure.

§ 296-2. - Snow removal.

NO CHANGE.

§ 296-3. - Ice removal.

NO CHANGE.

§ 296-4. - Injury to pavement; spreading of ashes, sawdust or sand.

NO CHANGE.

§ 296-5. - Deposit of harmful substances prohibited; rock salt.

NO CHANGE.

§ 296-6. - Removal by City within twelve hours of daylight after snowfall; costs to become lien.

NO CHANGE.

I. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

II. This Ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.

III. This Ordinance shall take effect twenty (20) days after enactment.

IV. The City Clerk and the Corporation Counsel be and hereby are authorized and directed to change any chapter numbers, article numbers and section numbers in the event the codification of this Ordinance reveals that there is conflict between those numbers and the existing code.

NOTE: All new material is underlined; words ~~struck through~~ are omitted.

For purposes of advertising only, new matter is **boldface** and repealed by *italics*.

JJH 11/27/17

APPROVED AS TO LEGAL FORM

Corporation Counsel

Certification Required ☐

Not Required ☐

APPROVED:

APPROVED:

Business Administrator

Ordinance of the City of Jersey City, N.J.

ORDINANCE NO. Ord. 17-173
TITLE: 3.O NOV 29 2017 4.N DEC 13 2017

An ordinance amending Chapter 296, (Streets and Sidewalks) Article I (Snow and Ice Removal).

RECORD OF COUNCIL VOTE ON INTRODUCTION NOV 29 2017 8-0

COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	✓			WATTERMAN	ABSENT		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING DEC 13 2017 9-0

Councilperson OSBORNE moved, seconded by Councilperson GADSDEN to close P.H.

COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote N.V.--Not Voting (Abstain)

SPEAKERS:

JAYSON BURG

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY

Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted _____

COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
GADSDEN				OSBORNE				WATTERMAN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE DEC 13 2017 9-0

COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on NOV 29 2017

Adopted on second and final reading after hearing on DEC 13 2017

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on DEC 13 2017

Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date DEC 13 2017

APPROVED:

Steven M. Fulop, Mayor

Date DEC 18 2017

Date to Mayor DEC 14 2017