



# Ordinance of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; [www.bernards.org](http://www.bernards.org)

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## **ORDINANCE #2348**

An Ordinance to Replace in Entirety Chapter 18 “Streets, Sidewalks and Sanitation,” Section 4 “Snow Emergencies” of the Revised General Ordinances of the Township of Bernards

**BE IT ORDAINED**, by the Township Committee of the Township of Bernards in the County of Somerset that Chapter 18 “Street, Sidewalks and Sanitation,” Section 4 “Snow Emergencies,” of the Revised General Ordinances of the Township of Bernards is hereby replaced in entirety:

### **§18-4.1. Definitions**

- a. “Snow” shall mean precipitation depositing any accumulation on the streets, such as snow, sleet, hail, slush and ice.
- b. “Snow Emergency” shall mean that street conditions are hazardous and dangerous to vehicular and pedestrian traffic due to snow event as defined in this section.
- c. “Vehicles” shall mean all self-propelled motorized vehicles using township streets.

### **§18-4.2. Declaration of Snow Emergency**

A snow emergency shall automatically be in effect upon snow accumulation on streets. Snow is defined in Definitions Section 18-4.1. This shall constitute a formal declaration of a snow emergency and therefore employ the provisions in this section.

### **§18-4.3. Restrictions on Use of Streets and Sidewalks**

- a. No parking on snow-covered streets; exceptions; snow parking violations and penalties.
  1. It is the purpose and intent of this section, in the interests of public safety and the general welfare of the Township, to facilitate snow removal from curb to curb on public streets of the Township as efficiently and expeditiously as possible after a it snows.
  2. No person shall park a vehicle upon either side of any public street or allow any portion of a vehicle to extend into the roadway or obstruct any sidewalk or bikeway at any time when snow has covered the roadway sufficient to obscure road markings.
  3. The above parking prohibition shall remain in effect for a period of 12 hours after the snow has ceased, subject to extension by the Township Administrator in the event snow has not been completely cleared. Any extension shall be posted on the Township website.
  4. The Township shall erect and maintain regulatory and warning signs in accordance with N.J.S.A. 39:4-138 at major street entrances to the Township for motor vehicles. Signs for exempt streets shall be posted.. Notice of said parking prohibition shall be deemed adequate by the placement of said signs and when posted on the Township website.

### **§18-4.4. Depositing Snow or Ice on Streets or Sidewalks Prohibited**

At no time, whether a state of snow emergency has been declared or not, shall any person deposit snow or ice on a public street or sidewalk or cause same to be so deposited.

### **§18-4.5. Snow Removal on Primary and Secondary Sidewalk Routes by the Township**

- a. The Bernards Township Department of Public Works provides snow clearing on primary and secondary routes as delineated on the map entitled “Bernards Township School Routes and Snow Removal.” The Township committee may, as necessary, update the map by resolution.
- b. While it is the intent for the Township to facilitate the sidewalk snow clearing as soon as possible, it is the nature of the Township’s operation that these many miles of sidewalks take time and may need to be re-cleared due to the snow push back by roadway plowing. As such, any placement of snow on driveways during our sidewalk clearing operation shall not be the responsibility of the Township to clear.

**§18-4.6. Private Improvements or Structures within the Right-of-Way**

- a. Any manmade improvements such as sports equipment including but not limited to (basketball nets, hockey goals), ornamental light posts, mailboxes, ornamental landscaping, ornamental walls, placed in the right-of-way that are damaged by Bernards Township personnel during Department of Public Works snow removal operations shall neither be reimbursable nor the responsibility of the Township.

**§18-4.7. No Parking during General Emergency**

- a. Upon the declaration of a general emergency, there shall be no parking upon streets or parts of streets where temporary emergency no-parking signs are displayed. The Chief of Police, or in his absence the ranking police officer, is authorized to declare an emergency and to direct the posting of said emergency no-parking signs when weather conditions, accidents, fires or public celebrations dictate or require the avoidance of hazards or other conditions which interfere with the free flow of traffic.
- b. Notification attempt that the emergency no-parking signs are being or will be posted shall be given to the operator or owner of any vehicle which has been parked prior to the posting of the signs.

**§18-4.8. Removal of Vehicles**

- a. 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 police 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.

**§18-4.9. Enforcement**

Any person violating the provisions of this section shall, upon conviction thereof, be punished by a fine of \$100 for the first offense, and a fine not to exceed \$500 for each offense thereafter occurring within 6 months of the previous offense. Each day on which a violation of an ordinance exists shall be considered a separate and distinct violation and shall be subject to imposition.

**Severability**

Each section of this ordinance and every subsection hereof shall be deemed independent, separate and distinct from all other sections, and the holding of any section or a part hereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any section or part hereof.

All ordinances, codes or parts thereof that are inconsistent with this ordinance are repealed or otherwise modified.

The ordinance is effective upon passage. It will be published in accordance with NJSA 40:49-2d.

**EXPLANATORY STATEMENT**

It is the purpose and intent of this Ordinance, in the interests of public safety and the general welfare of the Township, to facilitate snow removal from curb to curb on public streets and sidewalks of the Township as efficiently and expeditiously as possible after a snowfall.

During past snow operations it was recognized that in order to facilitate a more efficient snow removal program, several areas needed to be addressed. These areas include parking on snow covered roads and sidewalks, the re-depositing of snow onto the roadways and sidewalks, automated declaration of snow emergency and the placement of manmade improvements in the right of Way. We believe this Ordinance addresses the main issues referenced above and will go a long way to improve our response during these critical operations.

**Pat Monaco, Director of Public Works**  
**Brian Bobowicz, Chief of Police**  
**August 16, 2016**

**TOWNSHIP OF BERNARDS**  
**PUBLIC NOTICE**

Ordinance #2348 was introduced and passed on first reading by the Township Committee of the Township of Bernards in the County of Somerset on 09/13/2016 and then ordered to be published according to law. It will be further considered for final passage and adoption at a public hearing held at a meeting of the Township Committee at the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ in said township on 09/27/2016, at 8 P.M., when and where, or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. A complete text of this ordinance is available in the Office of the Municipal Clerk, 1 Collyer Lane, Basking Ridge, NJ, from 8:30 A.M. to 4:30 P.M., Monday through Friday. Copies are also available via e-mail from dszabo@bernards.org.

By Order of the Township Committee

**TOWNSHIP OF BERNARDS**  
**PUBLIC NOTICE**

Notice is hereby given that Bernards Township Ordinance #2348 was introduced and passed on first reading at a meeting of the Township Committee on 09/13/2016, and was passed on final reading and adopted following a public hearing thereon at a regular meeting of the Governing Body of the Township of Bernards on 09/27/2016.

By Order of the Township Committee  
Denise Szabo, Municipal Clerk  
Denise Szabo, Municipal Clerk