

**AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING BOROUGH CODE CHAPTER 133, PROPERTY MAINTENANCE, TO AMEND ARTICLE I, GENERAL PROVISIONS APPLICABLE TO ALL DEVELOPED PROPERTY, SECTION §133-10, EXTERIOR PROPERTY AREAS, TO REVISE ITEM C AND ADD A NEW ITEM D ADDRESSING SIDEWALK MAINTENANCE; AND ARTICLE II, COMMERCIAL MAINTENANCE, §133-16, GENERAL REGULATIONS, SECTION F, TO ADD NEW ITEMS 2 AND 3 ADDRESSING SIDEWALK MAINTENANCE**

**WHEREAS**, the Mayor and Council for the Borough of Mount Arlington reviewed and desires to amend and supplement Borough Code Chapter 133 Property Maintenance to amend Article I General Provisions Applicable to All Developed Property Section §133-10 Exterior Property Areas to revise item C and add a new item D addressing sidewalk maintenance; and Article II Commercial Maintenance § 133-16 General Regulations Section F to add a new Item 2 and 3 addressing sidewalk maintenance; and

**WHEREAS**, the purpose and intent of this Ordinance is to encourage all property owners to repair and maintain safe sidewalks and walkways; and

**WHEREAS**, N.J.S.A. 40:65-14 provides a municipality with the ability to enact an Ordinance to address sidewalk maintenance; and

**WHEREAS**, this Ordinance shall be liberally construed and applied to promote its purposes and policies.

**BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris, and the State of New Jersey, that the Borough Code Chapter 133 Property Maintenance Article I General Provisions Applicable to All Developed Property Section Section §133-10 Exterior Property Areas be amended to revise current item C and to add a new item D, which shall read in its entirety as follows:

§133-10. Exterior Property Areas.

- C. Stairs, Driveways, Parking Spaces and similar areas. All stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.
- D. Sidewalks and Walkways. Any person owning any land fronting upon any street, sidewalk or walkway in the Borough shall, at their own charge and expense, maintain in good repair, in accordance with the requirements of this article and regulations promulgated hereunder, the sidewalk or walkway in front of such house or premises or lot. The surface of all concrete sidewalks shall be kept properly roughened so as not to become smooth and slippery.

**BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris, and the State of New Jersey, that the Borough Code Chapter 133 Property Maintenance Article II Commercial Maintenance § 133-16 General Regulations Section F be amended to add a new item 2 and 3, which shall read in its entirety as follows:

- (2) All stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.
- (3) Any person owning any land fronting upon any street, sidewalk or walkway in the Borough shall, at their own charge and expense, maintain in good repair, in accordance with the requirements of this article and regulations promulgated hereunder, the sidewalk or walkway in front of such house or premises or lot. The surface of all concrete sidewalks shall be kept properly roughened so as not to become smooth and slippery.

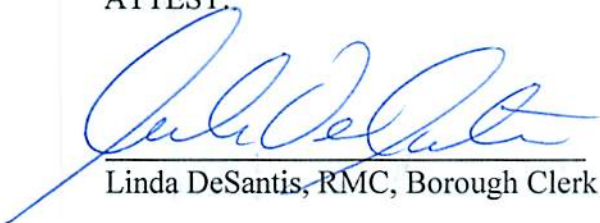
**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

**SECTION 3.** If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.

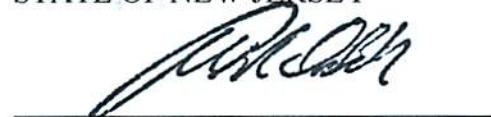
**SECTION 4.** This Ordinance shall take effect upon final publication as provided by law.

**I HEREBY CERTIFY** this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, introduced on February 5, 2013 and will be further considered after a Public Hearing held on March 5, 2013 at the Municipal Building at 7:00 P.M.

INTRODUCED: 02/05/13  
PUBLISHED:  
ATTEST:

  
Linda DeSantis, RMC, Borough Clerk

BOROUGH OF MOUNT ALRINGTON  
COUNTY OF MORRIS  
STATE OF NEW JERSEY

  
Arthur Ondish, Mayor