# Chapter 73

# SIDEWALKS, STREETS AND SHADE TREES

## ARTICLE I
## Curb and Sidewalk Construction



## ARTICLE II
## Shade Trees; Street and Sidewalk Obstructions

## ARTICLE III
## Snow and Ice Removal



## ARTICLE IV
## Penalties



## ARTICLE V
## Closing of Streets



**[HISTORY: Adopted by the Mayor and Common Council of the City of Gloucester City as indicated in article histories. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Department of Public Works—See Ch. 4, Art. VII.**
**Excavations in streets—See Ch. 46.**

## ARTICLE I
## Curb and Sidewalk Construction
## [Adopted 7-7-1955]

### § 73-1. Owners of abutting property to construct curbs and sidewalks.

In any pubic street, avenue, alley and lane in the City of Gloucester City, the grade of which has been established or which may hereafter be established, curbs shall be set or reset

(Cont'd on page 7303)

and sidewalks shall be laid, relaid, altered, repaired and maintained at the expense of the abutting property owner as now provided by law and the provisions of this ordinance.

### § 73-2. Compliance with regulations required.

All curbs or sidewalks hereafter set, reset, laid, relaid, altered or repaired shall be done in compliance with the regulations of the Street Committee of the Common Council of the City of Gloucester City and under the supervision of the City Engineer.

### § 73-3. Application for permit; approval and issuance; penalties. [Amended 9-1-2005 by Ord. No. O22-2005]

Whenever any curb or sidewalk is required to be set, reset, laid, relaid, altered or repaired in the City of Gloucester City, application by the owner of the abutting land, or his contractor, for a permit shall first be made to the City, through the City Clerk, specifying the grade, dimensions, mix, materials and the method of construction or repair to be used. The City Engineer shall examine the said specifications of grade, dimensions, mix, materials and method of construction or repair and shall endorse on said application his approval or disapproval thereof. Upon his approval, a permit shall be issued to the applicant-owner or contractor for such construction or repair. The failure of the applicant-owner, his contractor, servant or agent to construct or repair such curbs or sidewalks in accordance with the specifications shall subject the person or persons violating this section of the ordinance to the penalties provided in Section 73-17.

### § 73-4. City Engineer to prepare specifications. [Amended 9-1-2005 by Ord. No. O22-2005]

All sidewalks, curbs, driveways and aprons in any street, avenue, alley or lane or section thereof in the City of Gloucester City where the grade has been or may hereafter be established

may be laid to such width and of such material as shall be required in specifications prepared by the City Engineer and accepted by the Common Council.

### § 73-5. Notice to owners of abutting property to construct curbs and sidewalks. [Amended 9-1-2005 by Ord. No. O22-2005]

The owners of lots, tracks, and parcels of land fronting or abutting a public street, avenue, alley or lane in the City of Gloucester City shall, at his, her, or their own cost and expense, construct curbs and sidewalks in front of or joining the same when notified by the City Code Enforcement Officer to do so. Owners receiving such notification that a curb and sidewalk must be constructed in front of or joining his, her, or their lot, tract, or parcel of land who are unable for financial reasons to construct the required sidewalk and curb at the time of the notification may make written application to the Common Council for a hardship extension.[1] The Common Council shall review all applications for hardship extension and shall be authorized to grant an extended period to complete the required construction, for a period not to exceed five (5) years based on the estimated cost of constructing the sidewalk and curb and evidence of the applicant's inability to complete the project immediately.

### § 73-6. Service of notice. [Amended 9-1-05 by Ord. No. O22-2005]

Whenever the Common Council of the City of Gloucester City shall deem necessary the construction, repair, alteration or relaying of any curb or sidewalk in the City of Gloucester City, it shall, by resolution, specify the improvements to be made. Whenever such resolution has been duly passed by the Common Council, the City Code Enforcement Officer shall cause a notice

---

**[1]Editor's Note: The application for hardship extension, referred to herein, may be found at the end of this chapter.**

in writing to be served upon the owners or occupants of the lands, requiring the necessary specified work to said curbs or sidewalks to be done by the said owner or occupant within a period of not less than thirty (30) days from the date of service of such notice. Whenever any lands are unoccupied and the owner cannot be found within the city, said notice may be mailed, postage prepaid, to his or her post office address if the same can be ascertained. Such notice shall contain a description of the property, sufficient to identify, and shall set forth the required improvement. Service of said notice upon owners or occupants resident in the City of Gloucester City may be made in person or by leaving the same at their usual place of residence with a member of their family over the age of fourteen (14) years, or, if the owner or occupant is a partnership or corporation, by leaving the same at the usual place of business with a member of the business staff over the age of fourteen (14) years or by attaching said notice at a conspicuous place upon the premises.

### § 73-7. Construction by city; lien for costs. [Amended 9-1-2005 by Ord. No. O22-2005]

If the owners or occupants of said lands shall not comply with the requirements of such notice and do not qualify for a hardship extension, it shall be lawful for the City Code Enforcement Officer to cause the required work to be done by the city, and the cost thereof shall be certified to the Collector of Taxes, and upon the filing of such certificate with said collector, the cost shall become the lien upon said abutting lands adjacent to which such work was done to the extent that assessments are liens and shall bear interest from the date such certification is made to the collector of taxes at the rate of seven (7%) percent per annum.

### § 73-8. Collection of lien.

Such cost of improvement, when it becomes a lien, shall be collected in the manner provided by law for the collection of such other assessments or liens; and in addition thereto, the

City of Gloucester City may, at its option, maintain an action to recover the said amount against the owner of said lands in any court having competent jurisdiction thereof.

### § 73-9. Appropriation for construction and repair; disposition of moneys recovered.

From and after the passage of this ordinance, the Mayor and Common Council may in each year include in its budget an appropriation for curb or sidewalk repairs in addition to any existing general public works fund, out of which appropriation the cost of construction or repair of curbs and sidewalks during the year may be charged when it becomes necessary to make such repairs or construction as hereinabove set forth. All moneys recovered or paid to the city under the provisions of this ordinance shall be credited to the account out of which such work was paid, in accordance with New Jersey Revised Statutes 40:180-3.

### § 73-10. Inconsistent ordinances repealed.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

### § 73-11. Effective date.

This ordinance shall take effect December 31, 1955.

## ARTICLE II
## Shade Trees; Street and Sidewalk Obstructions[1]
## [Adopted 12-23-1868]

### § 73-12. Placement of shade trees; projections onto or over sidewalks; penalties. [Amended 4-3-13]

All trees hereafter to be planted or set in any street within the limits of said city shall be set at the distance of twenty

[1] **Editor's Note: The original Section 1 of this Article, which dealt with the construction of sidewalks and curbs, has been superseded by subsequent legislation. See Article I, Curb and Sidewalk Construction, supra.**

(20) inches from the outside or face of the curb; no cellar door, porch or step shall extend more than 1/3 of the width of the sidewalk from the side line of the street; no bulk or bay window shall extend more than 15 inches from the said street line, and no hedge or terrace shall extend beyond the street line. No person or persons shall construct or cause to be constructed in front of his, her or their premises any projection that shall obstruct the view of the street line, except those mentioned in the preceding part of this section, or shall be considered by the Common Council detrimental to the adjacent property. Any person or persons offending against the provisions of this section shall, on complaint of the Common Council, be notified by the Mayor to remove said obstruction or obstructions, and if not removed within 30 days from the date of said notification, the owner or agent shall be subject to the penalties provided in § 73-17.

### § 73-13. Street obstructions; penalties. [Amended 4-3-1913]

No person or persons shall obstruct any street or streets or alley with any encumbrance whatever without a permit from the Street Supervisor,[1] under the penalties provided in § 73-17.

### § 73-14. Injuring shade trees; penalty. [Added 7-2-1874]

Any person or persons who shall deface, injure or destroy any tree or trees which has or shall be set at a suitable distance from the curb, agreeable to § 73-12, shall be subject to the penalties provided in § 73-17.

---

[1] **Editor's Note: It would appear that the issuing authority for such a permit would now be the Superintendent of Streets, Parks and Playgrounds and Public Property.**

## ARTICLE III
## Snow and Ice Removal
## [Adopted 4-7-1881]

### § 73-15. Removal of snow and ice from sidewalks and gutters.

From and after the passage of this ordinance, all owners or occupants of any lots, building, sheds or cellars upon any street or streets where curbstones are laid within the limits of Gloucester City shall be required to have the pavements, sidewalks and gutters of said lots, building, sheds or cellars cleaned and freed from all snow and ice within 12 hours after the same shall have fallen, been made or accumulated.

### § 73-15.1. Prohibition from disposing of snow into the traffic lane. [Added 4-5-2001 by Ord. No. 2-2001]

No owner, occupant and/or tenant of any business, industrial, commercial, or residential use shall plow, throw, stack or move in any way whatsoever snow which has accumulated onto vehicles, driveways, sidewalks, parking lots, private property and the like into the traffic lane of the cartway of any public street in the City of Gloucester City. for the purposes of this ordinance, a "traffic lane" shall be that area of the public street upon which vehicular traffic regularly travels and which may be plowed by the Public Works Department of Gloucester City and/or other public entities. A traffic lane shall not mean the area of any cartway which is regularly and generally used for the parking of vehicles.

**§ 73-15.2. Prohibition from disposing of snow on or adjacent to other person's property or within five (5) feet (sixty (60) inches) of a fire hydrant. [Added 11-2-2006 by Ord. No. O22-2006]**

In addition to the prohibition from the disposal of snow into the traffic lane, no owner, occupant, and/or tenant of any business, industrial, commercial or residential use, or contractors of the same, shall plow, throw or stack or move in any way whatsoever snow which has accumulated onto said person's or entity's property, be it vehicles, driveways, sidewalks, parking lots, private property and the like, onto any other person's or entity's property or the frontage thereof without that person's or entity's consent. For purposes of this ordinance, frontage shall be considered the public area in front of one's private property that abuts a public street or alley and includes the public sidewalk, driveways, curbs, gutters and streets not considered to be in the traffic lane.

Prohibition of the piling or stacking of snow shall also include the area within five (5) feet (sixty (60) inches) of a fire hydrant.

**§ 73-15.3. Prohibition of stacking/piling snow higher than three (3) feet from grade within the right-of-way. [Added 11-2-2006 by Ord. No. O22-2006]**

Snow that has been removed from other areas as required by sections of this ordinance or to clear off a vehicle or structure shall be prohibited from being stacked or piled higher than three (3) feet high or thirty-six (36) inches from grade within any right-of-way of the city. Snow may be piled higher on private property if said property is fenced to prevent access to children and the public in general or does not provide a hazard to the public.

Nothing in this section shall prevent the Department of Public Works or any of its subcontractors from placing snow removed for public health and safety purposes within prohibited areas or above the prohibited height.

**§ 73-16. Enforcement.**
**[Amended 5-5-2014 by Ord. No. O07-2014]**

It shall be the duty of the Chief of Police or designee of Gloucester City, and the Chief of Police or designee are hereby required, to make complaint against any person or persons who shall violate § 73-15 of this ordinance.

## ARTICLE IV
## Penalties
## [Adopted 12-5-1974[1]]

[1] Editor's Note: The specific penalty provisions formerly contained in Articles I, II and III were deleted 12-5-1974. See Ch. 1, §1-6B(1).

### § 73-17. Violations and penalties. [Amended 1-27-2011 by Ord. No. O01-2011]

Any person or persons violating any of the provisions of this chapter shall pay a fine of $30.

## ARTICLE V
## Closing of Streets
## [Adopted 5-20-2002 by Ord. No. 11-2001]

### § 73-18. Authority of Mayor.

The Mayor of the City of Gloucester City is hereby authorized to provide by regulation for the closing of any street or portion thereof to motor vehicle traffic on any day or days during specified hours whenever he finds that such closing is necessary for the preservation of the public safety, health and welfare.

### § 73-19. Posting of signs.

Any regulations promulgated by the Mayor under and in accordance with §73-18 above shall provide for the posting of proper warning signs of such closing in any street or portion thereof during the time the same is closed in pursuance thereof.

### § 73-20. Violations and penalties.

Any violation of the ordinance or of any regulation promulgated thereunder shall be punished by a fine not to exceed $100. for the first offense and up to $1,250. for subsequent offenses.

### § 73-21. Approval of Commissioner of Department of Transportation.

Any regulation under this ordinance shall not become effective unless and until it has been submitted to and approved by the Commissioner of the Department of Transportation if the closing is more than 48 continuous hours.

SIDEWALKS, STREETS, ETC.

City of Gloucester City
Application for Hardship Extension

Name: _____

Address of Property: _____

_____

Block No. _____ Lot No. _____

Please state your reasons for requesting a hardship extension in relation to Section 73-5 of the Code of the City of Gloucester City requiring the construction of curbs and sidewalk on your property. Please attach all estimates that you have obtained for the work.

Signed:_____ Date: _____