

2018-12 AN ORDINANCE BY THE MUNICIPALITY OF PRINCETON CONCERNING STREETS AND SIDEWALKS AND AMENDING THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974" AND THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968".

WHEREAS, the Borough of Princeton and Township of Princeton pursuant to the provisions of the New Jersey Municipal Consolidation Act, *N.J.S.A. 40:43-66.35* consolidated as Princeton on January 1, 2013; and

WHEREAS, pursuant to *N.J.S.A. 40:43-66.64*, the Princeton Council on January 1, 2013 adopted a Resolution continuing in effect Ordinances of the former Borough of Princeton and the former Township of Princeton as a new Code for Princeton is prepared; and

WHEREAS, the Engineering Department has reviewed and consolidated Chapter 19 of the "Code of the Township of Princeton, New Jersey, 1968," and Chapter 28 of the "Code of the Borough of Princeton, New Jersey, 1974" pertaining to streets and sidewalks; and

WHEREAS, the Princeton Council wishes to adopt said Code revisions which will become a part of the new Princeton Code at a future date.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

Section 1. Chapter 28 of the "Code of the Borough of Princeton, New Jersey, 1974" ("Borough Code"), entitled "Streets and Sidewalks," is repealed in its entirety.

Section 2. Chapter 19 of the "Code of the Township of Princeton, New Jersey, 1968" ("Township Code") entitled "Streets, Sidewalks and Bicycle Paths," is repealed in its entirety, except that Schedules A and B to Article IA shall not be repealed.

Section 3. Subject only to the exceptions set forth in Section 2 above, a NEW Chapter 19

of the "Township Code," entitled "Streets, Sidewalks, Bike Lanes and Shared Use Paths," as set forth on Exhibit A attached hereto and made a part hereof, is hereby adopted to set forth the provisions governing the streets and sidewalks and to replace the aforementioned provisions of Chapter 28 of the "Borough Code" and Chapter 19 of the "Township Code."

Section 4. Section 2-99 of the Borough Code, which sets forth fees in connection with street and sidewalk openings, shall be repealed and replaced with the following new title and language:

Sec. 2-99. Street and Sidewalk Opening and Occupation Fees.

Application Fee - When No Road Closure Required	\$100.00
Application Fee - When Road Closure Required	\$200.00
Municipal Restoration Fee	\$7.00 per square foot (min. charge \$400.00)

Section 5. Section 2-126 of the Township Code, which sets forth sidewalk and street opening fees in the former Township, and section 2-97 of the Borough Code, which sets forth occupation of right-of-way fees, are hereby repealed.

Section 6. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed.

Section 7. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 8. This Ordinance shall take effect upon its final adoption and publication as provided for by law, and its provisions shall be applicable within Princeton upon taking effect and

shall become a part of the new Princeton Code once completed and adopted.

This ordinance is part of the ongoing process of merging and harmonizing the code provisions of former Princeton Borough and former Princeton Township into a new code for the consolidated municipality of Princeton. It consolidates and updates the standards governing repair, maintenance, construction and use of streets and sidewalks in Princeton.

The foregoing ordinance was introduced at a meeting of the Mayor and Council of Princeton held on April 23 2018 and will be further considered for final passage after a public hearing thereon at a meeting of said Mayor and Council to be held at the Princeton Municipal Building, Witherspoon Hall, 400 Witherspoon Street on May 21, 2018 which begins at 7:00 p.m.

Delores A. Williams

Deputy Municipal Clerk

EXHIBIT A

CHAPTER 19. STREETS, SIDEWALKS, BIKE LANES AND SHARED USE PATHS.

Article I. In General.

Sec. 19-1.1. Definitions.

For the purposes of this chapter, the following words or phrases shall have the meanings respectively ascribed to them by this section:

Bicycle boulevard. A traffic-calmed street where bicyclists are afforded an enhanced level of safety and comfort.

Bicycle lane or bike lane. A portion of roadway that has been designated for preferential or exclusive use by bicyclists by pavement markings and, if used, signs. It is intended for one-way travel, usually in the same direction as the adjacent traffic lane, unless designed as a contra-flow lane.

Debris. Leaves, branches, logs, ashes, dirt, litter or other material, including but not limited to bulky household waste, tires and construction debris as defined in section 10A-5 of the “Code of the Borough of Princeton, New Jersey, 1974”, and yard waste.

Distributor. Any person, association of persons, firm or corporation, responsible, in whole or in part, jointly or severally, for placing, locating, installing or maintaining a newspaper vending machine in a public right-of-way or public place in the municipality of Princeton.

Engineer or municipal engineer. The municipal engineer of the municipality of Princeton, or other person designated by the mayor and council of the municipality to act in that capacity.

Newspaper, news periodical and news magazine. Any newspaper, periodical or magazine of general circulation as defined by general law; any newspaper, periodical or magazine duly entered with the Post Office Department of the United States, in accordance with federal statute or regulation; and any newspaper periodical or magazine filed and recorded with any recording officer as required by general law.

Newspaper vending machine. Any machine, rack, self-service or coin-operated box, stand, rack, container, storage unit or any other dispenser installed, utilized and maintained for the purpose of offering for sale and distribution newspapers, news periodicals, news magazines and any other similar publications.

Owner. A person who holds the legal title to the premises, or in event the premises are the subject of an agreement of sale or lease, whereby the control of the premises is vested in the vendee or lessee, such vendee or lessee shall be deemed the owner for the purposes of this chapter.

Princeton Engineering Design Standards. The design standards as described in section 19-1.2A hereafter.

Highway. Every way or place of whatever nature open to the use of the public as a matter of right for purposes of travel, including sidewalks, curbs and gutters.

Roadway. As used in this chapter, that portion of any street or highway improved, designed or ordinarily used for vehicular traffic.

Shared lane. A lane of a roadway that is open to both bicycle and motor vehicle travel.

Shared use path. A bikeway physically separated from motor vehicle traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way. Shared use paths may also be used by pedestrians, skaters, wheelchair users, joggers, and other non-motorized users. Most shared use paths are designed for two-way travel.

Sidewalk. Any surface provided for the exclusive use of pedestrians, including the area between the curb of any street and the property line adjacent thereto, or, if there is no curb, the area between the edge of the street and the property line adjacent thereto, and shall include the public right-of-way along such street or sidewalk.

Street. Any road, highway, public way, public alley, easement, sidewalk, shared use path or other right-of-way accepted or maintained by the municipality as a public street and dedicated to public use, as well as any state or county road or highway over which the municipality has acquired jurisdiction by agreement.

Vehicle. Every device in, upon or by which any person or property is or may be transported upon a highway.

Sec. 19-1.2. Obstruction of streets, sidewalks, shared use paths, bike lanes, curbs, and gutters without approval; exceptions.

(a) It shall be unlawful for any person to cause, place, maintain or continue, or cause to be placed, maintained or continued, any debris or obstruction of any kind upon any part of the public streets, sidewalks, shared use paths, curbs and gutters, of the municipality for any length of time whatsoever, unless as may be specifically permitted in accordance with this Code or other municipal ordinance, or

upon receipt of the approval of the mayor and council. Such approval may be revoked at any time by the mayor and council. A change of ownership of the subject property will not require re-approval of the encroachment by the mayor and council. Particular restrictions shall be placed upon awnings, retaining walls, vaults, flower tubs, trash receptacles, exhaust vents and air-conditioning vents as set forth below. Any outdoor displays or advertisements in existence at the time of adoption of this ordinance must comply with the standards set forth herein, regardless of any prior approval which may have been given by the mayor and council for same.

(1) Awnings must meet all requirements of the Uniform Construction Code. No sign, advertisement or object of any kind may be hung from an awning. Applicants seeking approval for awning installation at properties located in an Historic Preservation District must also make application to the historic preservation commission;

(2) Applicants seeking approval for the installation of retaining walls, vaults, flower tubs, air-conditioning units, exhaust units and trash receptacles at properties located in an Historic Preservation District must also make application to the historic preservation commission. A change of ownership of the property will not require re-approval of the existing encroachment.

(b) Exceptions. An approval from the mayor and council shall not be required in the following circumstances:

(1) Outdoor displays of books, flowers, plants, vegetables and newspapers shall be permitted provided that the display shall not exceed a total length of thirty feet along the principal frontage or facade of the area occupied by the business, shall be placed within a distance of no more than thirty-six inches from the building face at any point along the building and that a minimum of five feet of an unobstructed sidewalk area must be maintained;

(2) Where such obstruction is temporary and caused by the loading or unloading of goods, wares and merchandise to or from vehicles, and when such obstruction exists for no longer space of time as necessary and unavoidable for the purposes of transportation, a reasonable portion of the right-of-way may be so occupied;

(3) Receptacles for garbage, refuse and recycling from property in the municipality when placed in accordance with the standards set forth in chapter 15 of the "Code of the Borough of Princeton, New Jersey, 1974";

(4) Trash receptacles installed by establishments open to the public in accordance with this Code or other ordinance shall be permitted;

(5) Temporary obstructions as may be placed or maintained by public utility corporations, or their agents or employees, in the maintenance, adjustment, repair or replacement of their service facilities pursuant to state law and existing easement agreements; and

(6) Placement of a temporary free-standing advertisement sign in accordance with the appropriate provisions of this Code, including but not limited to section 17A-368 of the "Code of the Borough of Princeton, New Jersey, 1974".

(c) The following procedures shall apply in cases where any person has violated subsections 19-1.2(a) or (b):

(1) Issuance of summons and complaint (prior written notice not required):

- a. In the event the debris creates a traffic or public safety hazard, or violates the provisions of the "Stormwater Management Planning Regulations," N.J.A.C. 7:8-1.1 *et seq.*, the municipality may issue a complaint and summons returnable in municipal court without any prior notice to the violator; and
- b. In such cases the debris may be removed by or under the direction of the municipal engineer, director of public works, or designee of one or both, and the cost of same shall be charged to the violator.

(2) Issuance of summons and complaint (prior written notice required):

- a. In the event of any violation of subsections 19-1.2(a) or (b) other than one identified in subsection 19-1.2(c)(1)a. above, the municipality shall provide written notice to the violator that there is a violation of subsection 19-1.2(a) or (b) as appropriate prior to issuing a complaint and summons returnable in municipal court; and
- b. Only if the violator shall refuse or neglect to remove the debris within seven days of the date of the written notice may the municipality issue a complaint and summons returnable in municipal court, without any required further notice to the violator; and
- c. In such cases the debris may be removed by or under the direction of the municipal engineer, director of public works, or designee of one or both, and the cost of same shall be charged to the violator.

(3) For each violation of this section, the violator shall be subject to such fines and other penalties as provided in section 1-6 of this Code. Repeat offenders shall be subject to additional fines and other penalties as provided in section 1-6 of this Code.

Sec. 19-1.2A Princeton Engineering Design Standards.

(a) The Princeton Engineering Department is authorized to use the current editions of the AASHTO Design Guides, NACTO Design Guides, “NJDOT Roadway Design Manual” and “State of New Jersey Complete Streets Design Guide,” and their included reference publications, for the design of geometric improvements within the public right of way (collectively referenced in this section as the “Design Manuals”). As used in this section and chapter, the phrase “Princeton Engineering Design Standards” shall refer to the Design Manuals.

(b) The Princeton Engineering Design Standards are hereby adopted by reference and made a part of this Code. Said documents shall also be maintained in the office of the engineer for review and/or copying during the normal business hours of the municipality.

Article IA. Leaf, Branch and Log Collection Program.

Sec. 19-1.3. Introduction; intent.

(a) Princeton residents shall be permitted to dispose of leaves, branches and logs in accordance with the requirements set forth in this article.

(b) It shall be the municipality’s policy to encourage residents to:

(1) Participate in the program described in this article; or

(2) To minimize the negative environmental and budgetary impacts of the leaf, branch and log program and to provide flexibility apart from the schedule, to compost, chip and/or mulch leaves, branches and logs on their own property; or

(3) Take leaves, branches and logs to the Lawrence Township Ecological Facility, or such other ecological facility that may be designated by the municipality, for disposal.

(c) The intent of this article is to:

(1) Keep Princeton’s streets, roads, sidewalks, bike paths and public right-of-ways free from debris for the safe passage of vehicles, including emergency vehicles, pedestrians and bicycles.

(2) Preserve and protect public property;

(3) Assist residents in the disposal and removal of leaves, branches and logs in an orderly and organized fashion; and

(4) Satisfy Princeton’s stormwater management planning requirements.

Sec. 19-1.4. Division of municipality into sections for collection; notification of sections and collection schedules; report to mayor and council.

For purposes of collection under this article, the municipality shall be divided into several sections. The director of infrastructure and operations shall determine the identity, quantity and location of these sections. The director shall designate the sections annually and may also amend the identity, quantity or location of sections as may be necessary. The director's exercise of authority under this section shall be subject to the administrator's approval. The director shall also report the designated collection sections and corresponding schedule to the mayor and council annually.

Sec. 19-1.5. Leaf collection schedule and requirements.

(a) The municipality will collect leaves along residential roadways and streets between the months of March and December. The director of infrastructure and operations shall determine the leaf collection schedule annually, specifying type of pick up (loose vs. bagged) and frequency of collection, and may also amend said schedule as may be necessary, subject to the approval of the administrator.

(b) Leaves shall be left for collection as follows:

(1) Leaves must be placed in piles (referred to as "loose leaves") or in biodegradable paper bags (referred to as "bagged leaves").

(2) Requirements for collection of loose leaves:

- a. Loose leaves shall be left out for the municipality's collection by placing the pile(s) on the paved roadway adjacent to the curb or the beginning of the paved roadway and extending no more than three feet from the curb or if there is no curb, no more than three feet from where the paved roadway begins.
- b. Loose leaves shall not be left on any sidewalk, bike path, bike lane, or walkway, over utility boxes such as gas and water shutoffs or sewer clean-outs or within ten feet of any storm sewer inlet or fire hydrant.
- c. Loose leaves shall be left out for collection prior to the start of the scheduled collection week, but not more than seven days prior to its start. For purposes of this section, "start of the scheduled collection week" shall mean 7:00 A.M. on Monday and "collection week" shall mean Monday through Friday.

(3) Requirements for collection of bagged leaves:

- a. Bagged leaves shall be left out for the municipality's collection by placing the bag(s) on the edge of the roadway. For purposes of this

paragraph, "on the edge of the roadway" shall refer to the grass (or dirt area if no grass) that is immediately adjacent to the paved roadway but shall not mean the paved roadway itself or on the curb.

- b. Bagged leaves shall not be left on any sidewalk, bike path, bike lane, or walkway, over utility boxes such as gas and water shutoffs or sewer clean-outs or within ten feet of any storm sewer inlet or fire hydrant.
- c. Bagged leaves shall be left out for collection prior to the start of the scheduled collection week, but not more than seven days prior to its start. For purposes of this section, "start of the scheduled collection week" shall mean 7:00 A.M. on Monday and "collection week" shall mean Monday through Friday.

(c) Also refer to Schedules A and B attached hereto for a summary and illustration, respectively, of the requirements of this section.

(d) Notwithstanding the above, leaves may be taken to the Lawrence Township Ecological Facility, or such other ecological facility that may be designated by the municipality, for disposal. Leaves may also be disposed of on an owner's property, such as in wooded areas if practicable.

Sec. 19-1.6. Branch and log collection.

(a) The municipality will collect branches and logs along residential roadways and streets during the spring and fall each year and such other times that may be deemed necessary by director of infrastructure and operations, such as after major storm events. The director of infrastructure and operations shall determine the branch and log collection schedule annually and may also amend said schedule as may be necessary, subject to the approval of the administrator.

(b) Branches shall be left out for collection as follows (per each scheduled collection day):

(1) Branches shall be placed in separate untied bundles or piles and left for collection by placing the bundle(s) or pile(s) on the paved roadway adjacent to the curb or the beginning of the paved roadway and extending no more than three feet from the curb or if there is no curb, no more than three feet from where the paved roadway begins.

(2) Branches must be cut no longer than three feet in length and no larger than four inches in diameter.

(3) Bundles and piles of branches may be no greater in size than three feet in length, three feet in width and three feet in height.

(4) Branches may not be placed on any sidewalk, bike path, bike lane, or walkway, over utility boxes such as gas and water shutoffs or sewer clean-outs or within ten feet of any storm sewer inlet or fire hydrant.

(5) Branches shall be left out for collection prior to the start of the scheduled collection week, but not more than seven days prior to its start. For purposes of this section, "start of the scheduled collection week" shall mean 7:00 A.M. on Monday and "collection week" shall mean Monday through Friday.

(c) Logs shall be left out for collection as follows (per each scheduled collection day):

(1) Logs shall be placed in separate untied bundles or piles and left for collection by placing the bundle(s) or pile(s) on the paved roadway adjacent to the curb or the beginning of the paved roadway and extending no more than three feet from the curb or if there is no curb, no more than three feet from where the paved roadway begins.

(2) Logs must be cut no longer than three feet in length and no larger than six inches in diameter.

(3) Bundles and piles of logs shall be no greater in size than three feet in length, three feet in width and three feet in height.

(4) A maximum amount of three bundles or piles of logs per property may be left for collection.

(5) Logs may not be placed on any sidewalk, bike path, bike lane, or walkway, over utility boxes such as gas and water shutoffs or sewer clean-outs or within ten feet of any storm sewer inlet or fire hydrant.

(6) Logs shall be left out for collection prior to the start of the scheduled collection week, but not more than seven days prior to its start. For purposes of this section, "start of the scheduled collection week" shall mean 7:00 A.M. on Monday and "collection week" shall mean Monday through Friday.

(d) Also refer to Schedules A and B attached hereto for a summary and illustration, respectively, of the requirements of this section.

(e) Notwithstanding the above, branches and logs (not greater than six inches in diameter) may be taken to the Lawrence Township Ecological Facility, or such other ecological facility that may be designated by the municipality, for disposal. Branches and logs may also be disposed of on an owner's property, such as in wooded areas if practicable.

Sec. 19-1.7. Responsibility of municipality to pick up leaves, branches and logs not left in accordance with program requirements or left on private property.

The municipality will not be responsible for:

(a) Collecting leaves, branches or logs left within any public right-of-way if not done in accordance with the requirements of this article, except as provided in section 19-1.1 of this chapter; or

(b) Collecting any leaves, branches or logs left on any private property, except as provided in section 15-2 of the "Code of the Borough of Princeton, New Jersey, 1974."

Sec. 19-1.8. Enforcement, violations and penalties.

(a) The provisions of this article shall be enforced by the department of infrastructure and operations and police department.

(b) Any person violating the provisions of this article shall be subject to such fines and other penalties as set forth in section 1-6 of this Code.

Article II. Newspaper Vending Machines.

Sec. 19-2.1. Newspaper vending machines - special permit required; standards; approval by mayor and council.

(a) Special permit required. It shall be unlawful for any distributor to erect, place, maintain or operate on any street or sidewalk or in any other public way or place in the municipality any newspaper vending machine without first having obtained a special permit from the municipal clerk, approved by the mayor and council in accordance with the standards and time period set forth below.

(b) Application for special permit.

(1) Any distributor who desires to install and maintain a newspaper vending machine on public property along the streets and sidewalks within the municipality shall make an application for a permit, in writing, to the municipal clerk on such forms as shall be provided by the office of the municipal clerk. Said application shall specify: the name, address and telephone number of the applicant; the proposed specific location of the newspaper vending machine(s); the location of any existing newspaper vending machines within the municipality belonging to said applicant, including the date each was installed; and shall be signed by the applicant or the applicant's authorized representative.

(2) Any distributor having a newspaper vending machine which is already located or installed in whole or in part on any public sidewalk or public right-of-way within the municipality on the effective date of this section shall, within thirty days from the effective date hereof, file an application for a special permit, unless said distributor has already obtained similar approval from the mayor and council for the

installation and use of a newspaper vending machine at a specified location in the municipality.

(3) Each distributor shall have a duty to promptly notify the municipal clerk of any changes in the information provided in its application.

(c) Standards for issuance of permit. The mayor and council shall issue a special permit if the proposed location and character of the newspaper vending machine complies with the requirements of sections 19-2.2 and 19-2.3.

(d) Time to act on application; statement of reasons.

(1) The mayor and council shall either grant or deny an application for a special permit to install and maintain a newspaper vending machine at the location specified in the application at a regular meeting held no later than thirty days from receipt of a completed application by the municipal clerk. At that meeting the mayor and council shall state with particularity the reasons for its decision to grant or deny the application, including, in the case of a denial, the specific provisions of sections 19-2.2 and 19-2.3 which the application fails to meet.

(2) The mayor and council shall grant or deny applications for a special permit in the order from which a completed application is received by the municipal clerk.

(e) Fees. A permit fee in the amount of twenty-five dollars for the first newspaper vending machine installed by a distributor and ten dollars for each additional newspaper vending machine shall be paid upon submission of an application for a special permit. No application shall be deemed complete unless it is accompanied by the required permit fee.

(f) Annual renewal. Any permit issued hereunder shall be valid for a period of one year from the date of issuance thereof and shall be renewable upon the payment of an annual fee in the amount of twenty-five dollars, which shall be accompanied by written confirmation that the location of the newspaper vending machine has not been changed.

(g) The purpose of the initial permit fee required in subsection (e) and the annual renewal fee required by subsection (f) is to offset the costs of administration, inspection and enforcement of the provisions of sections 19-2.1 to 19-2.5 of this article.

Sec. 19-2.2. Same - standards for installation, maintenance and operation.

Any newspaper vending machine which in whole or in part rests upon, in or over any public sidewalk or public right-of-way or which projects onto, into or over

any part of a public right-of-way within the municipality shall comply with the following standards:

(a) No newspaper vending machine shall exceed sixty inches in height, twenty-four inches in width or twenty inches in depth.

(b) No newspaper vending machine shall be used for commercial advertising or commercial publicity purposes other than to display, promote or advertise the sale of the newspaper, news periodical or magazine sold therein.

(c) Each newspaper vending machine shall be equipped with a coin-return mechanism to permit a person using the machine to secure an immediate refund in the event that he or she is unable to receive the publication paid for. The coin-return mechanism shall at all times be maintained in good working order.

(d) Each newspaper vending machine shall have affixed thereto, in a readily visible place so as to be seen by anyone using the newspaper vending machine, a notice setting forth the name and address of the distributor and the telephone number of a working telephone service to call to report a malfunction or to secure a refund in the event of a malfunction of the coin-return mechanism or to give the notices provided for in section 19-2.5.

(e) Each newspaper vending machine shall be maintained in a neat and clean condition and in good repair at all times. Specifically, but without limiting the generality of the foregoing, each newspaper vending machine shall be serviced and maintained so that:

(1) It is reasonably free of loose, chipped peeling and cracked paint in the visible painted areas thereof;

(2) It is reasonably free of rust and corrosion, in the visible metal areas thereon;

(3) The clear plastic or glass parts thereof, if any, through which the publications therein are viewed, are not broken and reasonably free of cracks, dents blemishes and discoloration;

(4) The paper or cardboard parts or inserts thereof, if any, are reasonably free of tears, peelings, or fading; and

(5) The structural parts thereof are not broken, cracked or otherwise dangerous to users thereof.

Sec. 19-2.3. Same - location and placement.

Any newspaper vending machine which rests in whole or in part upon or on any portion of a public sidewalk or public right-of-way or which project onto, into or over any part of a public right-of-way shall be located in accordance with the provisions of this section:

(a) No newspaper vending machine shall be used or maintained which projects onto, into or over any part of the roadway of any public street or which rests, wholly or in part, upon, along or over any portion of the roadway of any public street.

(b) No newspaper vending machine shall be permitted to rest upon, in or over any public sidewalk when such installation, use or maintenance:

(1) Endangers the safety of persons or property;

(2) Unreasonably interferes with or impedes the flow of pedestrians along the public sidewalk or public right-of-way;

(3) Unreasonably interferes with or impedes the flow of vehicular traffic, including any legally parked or stopped vehicle, along the public roadway;

(4) Unreasonably interferes with the ingress into or egress from any public or private property or place of business;

(5) Unreasonably interferes with the use of traffic signs, traffic signals, fire hydrants, police or fire call boxes, utility poles, mailboxes or other equipment located on or near the public roadway, public sidewalk or the public right-of-way;

(6) Unreasonably interferes with access to and the operation of municipal parking meters; or

(7) Unreasonably interferes with public access to benches or rest stops provided along the public right-of-way.

(c) Newspaper vending machines shall be bolted, weighted or otherwise secured so as to prevent their unauthorized removal or their accidental movement within the public sidewalk or public right-of-way, provided that such machines shall not be chained and/or secured to trees, signs, public property or public sidewalks.

(d) Newspaper vending machines must be placed next to each other and grouped; provided that no group of newspaper vending machines shall extend for a distance of more than four feet along a curb. A "group" shall mean up to two machines and separated from any other group by a distance of at least twenty feet. A "group"

of machines shall be aligned in a manner as to provide a uniform grouping and the minimization of incursions into the public right-of-way.

(e) Newspaper vending machines shall be placed adjacent to a curb line; provided that all newspaper vending machines so installed shall face away from the roadway so as not to provide drive-up access to motorists.

(f) No newspaper vending machine shall be placed, installed, located, used or maintained:

- (1) Within three feet of any marked crosswalk;
- (2) Within twelve feet of a curb return of any unmarked crosswalk;
- (3) Within five feet of any fire hydrant, fire call box, police call box or other emergency facility or equipment;
- (4) Within five feet of any driveway;
- (5) Within three feet of or on any public area, improved with lawn, flowers, shrubs, trees, or other landscaping other than that strip of the public easement between the curb and sidewalk;
- (6) Within five feet of a "No Stopping - No Standing" zone;
- (7) Within three feet of the entrance of a bus shelter; or
- (8) Within a designated and properly marked bus stop, except that newspaper vending machines may be located within the first five feet of the designated bus stop measured from the near side point of the designated bus stop, and within the last five feet along the designated bus stop, measured from the far side point of the designated bus stop; provided, however, that such newspaper vending machines do not unreasonably interfere with the loading and unloading of passengers.

Sec. 19-2.4. Same - enforcement.

(a) The municipal clerk is empowered with the responsibility and authority of enforcing the requirements governing newspaper vending machines. If said official determines that a newspaper vending machine does not comply with the provisions of sections 19-2.1 to 19-2.3, the clerk shall mail a written notice to the distributor of such newspaper vending machine, by certified mail, return receipt requested, stating the reasons why such newspaper vending machine does not comply with the aforesaid provisions.

(b) If a distributor fails to adjust, correct, obtain a permit or otherwise cause such newspaper vending machine to comply with the provisions of sections 19-2.1 to 19-2.3 within seven days from the date written notice of noncompliance is mailed by the municipal clerk, then such distributor shall be deemed in violation thereof.

Sec. 19-2.5. Same - violations and penalties.

(a) Any distributor who fails to comply with the provisions of sections 19-2.1 to 19-2.4 shall, upon conviction thereof in the municipal court, be punishable by the penalties as set forth in section 1-6 of this Code. Each day for which a distributor fails to comply with the provisions of this section constitutes a separate violation hereunder.

(b) If a distributor is convicted of a violation of this section by the municipal court and if such distributor thereafter refuses to remedy or correct the violation within ten days from the date of conviction, then the municipal clerk shall be empowered to remove the newspaper vending machine which is the basis for such conviction from the public sidewalk or public right-of-way or other place and return such newspaper vending machine to the distributor identified on the newspaper vending machine.

(c) It shall be unlawful for any person to tamper with, deface or vandalize any newspaper vending machine within the municipality. Any person who shall violate this section shall, upon conviction thereof in the municipal court, be subject to the penalties set forth in section 1-6 of this Code.

(d) Repeat offenders, as that term is defined in section 1-6 of this Code, shall be subject to the penalties set forth in section 1-6 of this Code.

Sec. 19-2.6. Same - reservation.

If as a result of changed conditions the mayor and council find that it is necessary and in the public interest to alter the standards, the method of vending or the prescribed location of any newspaper vending machine provided for herein, no alteration shall be taken until all affected distributors are afforded due notice and hearing on the nature of said alteration.

Article III. Acts Harmful to Highways, etc.

Sec. 19-3.1. Discharging of waste liquid into highway.

It shall be unlawful for any person to cast, throw, cause to be cast or thrown or allow to flow onto any public highway any waste liquid or fluid or any other harmful substance; provided, that this section shall not apply to the ordinary drainage of surface water from abutting lands or to such waste liquid or fluid or substance as may be permitted to drain thereon in accordance with the terms of a written permit, which the municipal engineer is authorized to grant, or as otherwise authorized in this Code.

Sec. 19-3.2. Fires on highways without permit.

It shall be unlawful for any person to kindle or maintain, or cause to be kindled or maintained, any fire on any public highway within the municipality; provided, that the provisions of this section shall not apply to the use of blow-torches, melting pots and other similar devices used by public utility corporations, or their agents and employees, in the maintenance, adjustment, repair or replacement of their service facilities.

Sec. 19-3.3. Driving on newly laid pavement, sidewalk, curb or gutter.

It shall be unlawful for any person to drive any vehicle upon any newly laid pavement or other prepared road surface, sidewalk surface, curb or gutter, or part thereof, in the course of construction or repair.

Sec. 19-3.4. Driving over unprotected curb; doing any act to damage, litter or deface highway surfaces, sidewalks, curbs or gutters.

It shall be unlawful for any person to drive over any curb without first placing a buffer, jumper block or other device in such position as will effectively protect such curb from injury. No person shall do or cause to be done any act which will result in injury to public highway surfaces, sidewalks, curbs and gutters, or litter, deface or spoil the appearance of the same within the municipality.

Sec. 19-3.5. Smooth surface metal coverings over sidewalk openings; projection of flanges, hinges, etc., above sidewalk surfaces.

No iron or metal covering, rim, fastening or fixture with a smooth surface shall be constructed over any cellar entrance or other opening in any sidewalk, nor shall any flange, hinge, butt, fastening or fixture be so constructed as to project above the surface of the sidewalk adjacent thereto.

Article IV. Excavation and Occupation of Right-of-Way.

Sec. 19-4.1. Excavation and occupation permits—When required.

(a) Types of permits covered under this article.

(1) Excavation. No person shall cut, dig, drill or make any opening, hole, trench, tunnel or other excavation in any portion of the roads, streets, alleys, highways, sidewalks, shared use paths, curbs or gutters under the jurisdiction of the municipality, whether paved or unpaved, without first having obtained from the municipal engineer a written permit for that purpose, which shall only issue following the applicant's satisfaction of the requirements of this article.

(2) Occupation of right-of-way (also "occupation" as used in this article). No person shall move any building, structure, machinery, apparatus or other object of unusual size or weight along, across, through or over any road, street, alley, highway, sidewalk, shared use path, curb or gutter under the jurisdiction of the municipality, whether paved or unpaved, or permit any building, structure, machinery, dumpster, crane, scaffolding, apparatus or other object in the process of removal to remain in any road, street, alley, highway, sidewalk, shared use path, curb or gutter under the jurisdiction of the municipality, whether paved or unpaved, without obtaining a permit for that purpose, which shall only issue following the applicant's satisfaction of the requirements of this article.

(b) The work or activity for which the permit has been issued under subsection (a) of this section shall commence within a period of forty-five days from the issuance of said permit. If not so commenced, the permit shall be automatically terminated and may only be renewed upon the repayment of the permit fees required hereunder.

(c) Every permit shall expire following the passage of time determined by the municipal engineer to be necessary for completion of the work or within ninety days, whichever is sooner. If the permittee is unable to commence or complete work within the specified time period, he or she shall, prior to the expiration of the permit, present in writing to the municipal engineer a request for an extension of time, setting forth therein the reasons for the requested extension. Upon receipt of that request, the municipal engineer may grant an extension of time if he or she deems it to be necessary and not contrary to public interest.

Sec. 19-4.2. Same--Application.

(a) An application for permit required by section 19-4.1(a), shall be made to the municipal engineer who is hereby authorized to issue the permit pursuant to the provisions of this article.

(b) The application shall be made in writing on the forms furnished by the municipal engineer, signed by the applicant and accompanied by a plan as required by subsection (c) below, together with any fees, charges, performance bond (or check

or deposit) and certificates required by this article. Fees need not be paid in advance where an emergency has arisen which makes it necessary to commence work immediately; provided that an application for a permit is made simultaneously with the commencement of the work or as soon thereafter as it is practicable.

(c) Each application shall include a plan showing the exact location and dimensions of all openings or occupation proposed, together with a statement giving detailed and complete information as to the character of the work proposed. Said plan include a traffic control plan subject to the approval of the Princeton police department.

(d) As a condition to the issuance of any such permit, the permittee is deemed to have agreed to replace or repair, at its own cost and expense, the portion of the road, street, curb, gutter, unimproved area and/or sidewalk disturbed or damaged by the work. In cases where multiple trenches are required, the applicant may be required to replace all disturbed areas between trenches.

(e) The applicant must also agree to indemnify, defend and hold harmless the municipality and its officers, employees and agents from any and all costs, damages and liabilities which may accrue or be claimed to accrue by reason of any work performed under said permit, and as required by section 19-4.5 The acceptance of any permit under this article shall constitute such an agreement whether the same is expressed or not.

(f) The applicant must also pay the permit and inspection fees required under section 19-4.3, furnish a certificate of insurance as required by section 19-4.4 and furnish a bond when required by sections 19-4.2 and 4.8.

(g) The permit must be in the possession of the party or parties actually doing the work and must be exhibited to the municipal engineer or duly authorized inspectors or, in the case of county or state highways, to the respective inspectors of those organizations.

Sec. 19-4.3. Same--Permit and inspection fees: charges for repaving by the municipality.

(a) Each application for a permit to open a street or sidewalk or occupation of right-of-way shall be accompanied by the payment of an application fee to the municipality in the amounts set forth in section 2-99 of the "Code of the Borough of Princeton, New Jersey, 1974." The application fee is a flat fee to cover direct administrative expenses, including municipal inspection services, and is nonrefundable.

(b) The permit fee is inclusive of the reasonable cost of the municipality's inspection of the work as may be necessary to be conducted pursuant to this article.

(c) In cases where the permittee fails to make the required restorations in connection with a permit, the municipality shall undertake such work at the sole cost and expense of the permittee. The municipal engineer shall keep an accurate record of the costs and expenses incurred in undertaking said restoration and shall bill the permittee based on the flat rate for each opening or occupation in accordance with the schedule set forth in section 2-99 of the "Code of the Borough of Princeton, New Jersey, 1974", which charge shall in addition to the permit fee and inspection fee hereinbefore set forth in subsections (a) and (b).

(f) In the case of longitudinal trenches of such length, or in other cases where the restoration work in connection with an excavation permit is of such magnitude, that such charges are not, in the judgment of the municipal engineer, sufficient to cover the cost of restoration, the municipal engineer shall certify such conditions to the mayor and council, who shall fix such terms as will provide for the proper restoration.

Sec. 19-4.4. Same—Insurance requirements.

(a) No permit shall be issued until the applicant has furnished the municipal engineer with an acceptable certificate of insurance indicating that he or she is insured against injury to persons and damage to property caused by any act or omission of the permittee, his or her agents, employees or subcontractors, done in the course of the work to be performed under the permit. The insurance shall cover all hazards likely to arise in connection with the work, including but not limited to collapse, explosion and underground work by equipment on the street and all operations, including labor, equipment, materials and all else involved in work under the permit and shall also insure against liability arising from completed operations. The liability insurance for bodily injury in effect shall be in an amount not less than one million dollars for each person, one million dollars for each accident or occurrence and one million dollars for property damages, and with an aggregate of two million dollars for all accidents or occurrences.

(b) The municipal engineer may waive the requirements of this subsection in the case of public utilities or authorities upon the presentation of satisfactory proof that it is capable of meeting claims against it up to the amount of the limits of the insurance policy which would otherwise be required.

(c) Self-insurers may be relieved of the obligation of submitting certificates if they are self-insured in accordance with the requirements of state law and submit certificates thereof acceptable to the municipal attorney.

(d) The insurance required by this section shall also contain a clause holding the municipality and its agents, servants and employees harmless against any claim or damage which may arise out of any liability resulting from the permittee's work.

Sec. 19-4.5. Same—Municipality to be held harmless from liability concerning work under permit.

The holder of the permit issued pursuant to this article shall indemnify, defend and hold harmless the municipality and each of its officers, employees and agents from all loss, damage, claim, or expense, including expenses incurred in the defense of any litigation, arising out of injury to any person or property resulting from any work done by the permittee, its employees, or agents, in connection with the performance of the work covered by the permit. In addition, the permittee agrees to indemnify the municipality and each of its officers, employees and agents for any expense incurred in enforcing the provisions of this article.

Sec. 19-4.6. Same—Revocation of permits.

(a) Any permit may be revoked by the municipal engineer, after notice to the permittee, and based upon the following grounds:

(1) Violation of any condition of the permit or of any provision of this article;

(2) Violation of any provision of any other applicable ordinance or law relating to the work to be performed under the permit; or

(3) The existence of any condition or the doing of any act constituting or creating a nuisance or hazard to the public or safety or the property of others.

(b) Written notice of any such violation or condition shall be served upon the permittee or his agent engaged in the work. The notice shall contain a brief statement of the grounds relied upon for revoking the permit. Notice may be given either by personal delivery thereof to the person to be notified or by certified or registered United States mail addressed to the person to be notified at the address stated in the application.

(c) A permittee shall be granted a period of forty-eight hours from the date of the notice to correct the violation and to proceed with the diligent prosecution of the work authorized by the permit before said permit is revoked.

(d) When any permit has been revoked and the work authorized by the permit has not been completed, the municipal engineer shall take whatever action may be necessary to complete the work authorized by the permit and to restore the street, sidewalk, curb or gutter, or part thereof, to a condition equal to its condition before the opening was made or occupation took place. All expenses incurred by the municipality shall be recovered from the bond, or the check or deposit in lieu of bond, filed by the permittee.

Sec. 19-4.7. Same--Inspection.

The municipal engineer shall periodically inspect the areas of the work covered by the permit, including all street, sidewalk, curb or gutter openings and repairs, and resurfacing thereof, for the purpose of determining compliance with any of the conditions imposed on the issuance of the permit and the plans previously filed with the municipal engineer's office detailing the work to be performed by the permittee. After undertaking such inspection, the municipal engineer may:

- (a) Order a temporary stop to the road, sidewalk, curb or gutter opening;
- (b) Order the permittee to perform or correct specified work in accordance with the directions of the municipal engineer;
- (c) Order a stop to any work; revoke the permit; correct or complete any work after notification to the permittee and his or her neglect or refusal to make such corrections, and take such other action permitted by this article; and/or
- (d) Take such other actions deemed reasonable under the circumstances.

Sec. 19-4.8. Excavation permits - Bond requirements.

(a) Performance bond. Before an excavation permit is issued, and except as otherwise provided below in this subsection, each applicant shall submit to the municipality an acceptable bond with good and sufficient surety, approved by the municipal attorney, to guarantee faithful performance of the work authorized by the permit. The amount of the bond shall be based on the square footage of the excavation, as follows:

Size of Excavation (square feet (sf))	Performance Bond Amount
0 – 60	\$500.00
61 – 150	\$1,000.00
Over 150	100% of the estimated pavement restoration cost using \$7/sf

The term of the bond shall begin upon the date of posting thereof and shall terminate upon receipt by the permittee of a certificate of final inspection and approval from the municipal engineer to the effect that all provisions of this article have been complied with, and in any event no less than twelve months following completion of the work.

A public utility or authority requesting a permit shall furnish one bond annually in the amount of \$10,000.00 for general repair and replacement work. A public utility or authority shall furnish a separate bond per infrastructure replacement project in the amount of one hundred percent (100%) of the estimated pavement restoration, calculated by multiplying the half-width of the roadway pavement by the length of the main pipeline by a cost of \$7/sf.

(b) Deposit in lieu of bond. An applicant may submit a cash deposit, certified check or cashier's check in lieu of the surety bond, conditioned upon the faithful performance of the work authorized by the permit granted pursuant to this article, and provided that the municipality may use any or all of such deposit to defray the cost of any work the municipality performs to restore and maintain the street, sidewalk, curb or gutter in the event the permittee fails to perform such work.

(c) Default. Whenever the municipal engineer shall find that a default has occurred in the performance of any term or condition of the permit, he or she shall thereupon give written notice of the default to the principal and, as applicable, the surety on the bond. Such notice shall state the work to be done, the estimated cost thereof, which shall include the estimated administrative costs to the municipality, and the period of time determined by the municipal engineer to be reasonably necessary for completion of such work. After receipt of such notice by the surety (if there is one), the surety must, within the time therein specified, either cause the required work to be performed or, failing therein, indemnify the municipality for the cost of doing the work as set forth in the notice.

(d) The bond shall be conditioned upon the indemnification and hold harmless requirements set forth in section 19-4.5 and upon the permittee's completed restoration of the surface and foundation of the street, sidewalk, curb or gutter for which the permit is granted. Said restoration must be accomplished in a manner acceptable to the municipal engineer and as required by this article.

(e) No bond or deposit or check in lieu of bond shall be released until all repaving and replacing of streets or other surfaces or appurtenances within the street area are fully completed to the satisfaction of the municipal engineer and all costs and fees required by sections 19-4.3 and 19-4.12 are paid in full. In no event shall any such bond, deposit or check be released within a period of twelve months from the completion of said work, except as provided in subsection (f), and until, and upon, written approval by the municipal engineer.

(f) Maintenance guarantee. Upon satisfactory completion of all work permitted or required under permits issued pursuant to this article, the municipality may authorize a refund of eighty percent of the security for deposit where the same has been made by check or cash and may retain the remaining twenty percent thereof as security for the maintenance of said work for a period not to exceed one (1) year. All bonds and certificates of insurance required by this article shall contain a provision that the same shall remain in full force and effect for a period not to exceed one year after the last work under any permit has been completed and accepted by the municipality. Upon satisfactory completion of all work permitted or required under the permit, and the expiration of the one-year time period provided herein, the municipal engineer will release the full or remaining amount of the security deposit.

Sec. 19-4.9. Same—Backfilling of trenches; maintenance of trenches in safe condition.

Any person making a cut in any public street in the municipality under the authority of any permit which may be issued by the municipal engineer shall backfill the trench with care, using such methods as the municipal engineer may from time to time prescribe in the rules and regulations promulgated under section 19-4.11, and shall be responsible for the maintenance of such trench in a safe and smooth condition until the final repair is made by the permittee. Failure to exercise such care or to maintain any trench in a safe condition at all times shall be sufficient reason for the municipal engineer to refuse to issue any further permits to any person, company, firm or corporation and shall constitute grounds for revocation of the permit under section 19-4.6 of this article.

Sec. 19-4.10. Same—Repaving to be done by permittee after opening made in street; exception.

(a) All paving disturbed or removed in the making of any opening in any street within the municipality for any purpose whatsoever by any person shall be restored and replaced by the permittee at the permittee's cost, under the supervision of the municipal engineer. All work shall be done subject to the inspection and approval of the municipal engineer and in accordance with such methods as he or she may from time to time prescribe.

(b) The municipal engineer shall possess the right to supervise the replacement of surfaces, and the permittee agrees to be bound by the municipal engineer's requirements in furtherance of restoration.

(c) The specific manner and nature of the restoration required shall be set forth in the rules and regulations of the municipal engineer, promulgated pursuant

to section 19-4.11, as supplemented by any and all requirements contained in this article.

(d) In no case shall any opening made by a permittee be considered the charge or care of the municipality, or any of its officers or employees, and no officer or employee is authorized in any way to assume any jurisdiction over any such opening, except in the exercise of police power when the permittee fails to make the required repairs within a period of ten days and it is necessary to protect life and property or to cure an unsafe condition as set forth in subsection (e).

(e) When the required work has not been completed within a period of ten days, and the permittee has not requested an extension of time, and when the municipality deems the unfinished work to be unsafe condition, the municipal engineer may, if he deems necessary, take steps to place a permanent pavement over the opening for which the permit has been issued. All costs and expenses incurred by the municipality for undertaking this work shall be borne by the permittee.

(f) Permits issued pursuant to section 19-4.12, excavation of newly paved streets within a period of five years, shall be subject to the additional restoration obligations set forth in that section.

Sec. 19-4.11. Municipal engineer authorized to formulate rules governing opening and restoring of streets, sidewalks, curbs or gutters.

The municipal engineer shall have the authority to formulate from time to time rules and regulations which he or she deems necessary for the administration and enforcement of this article. Such rules and regulations shall govern the methods and materials to be used in opening and restoring any public street, sidewalk, curb or gutter in the municipality, including the cutting and removal of paving over the trench, backfilling, restoration of the paving and other details which, in his or her judgment, may be important elements of the making of proper repairs. A copy of all current rules and regulations shall be furnished to each permittee at the time of issuance of the permit.

Sec. 19-4.12. Newly paved streets; restrictions on excavations.

(a) Notice of pending paving or repaving; time restriction on excavations. Whenever the mayor and council enacts any ordinance or resolution providing for the improvement, paving or repaving of any street, the municipal engineer shall promptly mail a written notice thereof to all persons owning property abutting on the street about to be paved or improved and to all public utilities and authorities operating in the municipality, including any person, firm or corporation owning any sewer main or conduit or other utility in or under said street. Such notice shall notify such person, firm, corporation or public utility that:

(1) No excavation permit shall be issued for openings, cuts or excavation in said streets for a period of five years after the date of completion of said improvement, paving or repaving by the municipality, unless otherwise approved by the municipal engineer; and

(2) Application for excavating permits for work to be done prior to such paving or repaving shall be submitted promptly in order that the work covered by the excavation permit shall be completed as soon as practicable and in no event after final roadway paving.

(b) Opening newly paved street; restrictions. No permit shall be issued by the municipal engineer to any person, firm, corporation, public utility or authority given notice under subsection (a) above which would allow an excavation or opening in a paved or improved street surface less than five years old unless the applicant can clearly demonstrate that the need for the proposed work could not have been reasonably foreseen at the time of the prior notice.

(c) Opening newly paved street; restoration obligations and fees.

(1) If by special permission by the municipal engineer a permit is issued to open any paved or improved street surface less than five years old, the permittee shall be required to complete restoration in the following manner, as determined by the municipal engineer:

a. Mill and resurface the entire street in which the opening or excavation is made, from curb to curb and for a minimum distance extending to the limits of the opening or excavation or as directed by the engineer.

b. In cases of minor trenching, as determined by the municipal engineer, infrared pavement technology of an area one foot beyond all limits of the trench opening.

(2) The permittee must also pay the required application and inspection fees provided in section 19-4.3.

Sec. 19-4.13. Violations and penalties.

Any person who violates any provisions of this article shall, upon conviction thereof, be subject to the penalties set forth in section 1-6 of this Code. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as set forth hereinunder. Repeat offenders, as that term is defined in section 1-6 of this Code, shall be subject to the penalties set forth in section 1-6 of this Code.

Sec. 19-4.14. Nonapplicability.

The provisions of this article shall not apply to public utility companies having infrastructure projects with the municipality or operating under special ordinances or statutes, nor to any person doing work in any of said streets, avenues, roads or highways subject to a municipal infrastructure project.

Article V. Street Names and Building Numbers.

Sec. 19-5.1. Posting of street names.

It shall be the duty of the municipal engineer to have the names of all the streets and avenues of the municipality conspicuously posted at the corners of such streets or avenues and to properly maintain the same.

Sec. 19-5.2. Determination of method or numbering buildings; display of numbers required.

Every dwelling, commercial, industrial or institutional building in the municipality shall be assigned a street address and numbered as determined upon by the municipal engineer. Such numbers shall meet the following criteria:

(a) Number shall be posted within three feet of the main entrance on the structure. If the structure is more than seventy-five feet from the street or main entrance not visible from street, a remote address sign shall also be posted within ten feet of the street visible from either side of the driveway.

(b) Numbers shall contrast with the building background and shall be separate from the mailbox. Numbers shall be at least four inches high for one- or two-family dwellings, at least six inches high for multi-family dwellings and at least eight inches high for commercial/industrial/institutional structures. Numbers shall be Arabic numeral or alphabet letter and must be easily readable from the street, day or night. Numbers shall not be spelled out.

Sec. 19-5.3. Municipal engineer to see that buildings are properly numbered.

It shall be the duty of the municipal engineer to see that such numbers as are determined upon by the municipal engineer shall be kept in such good condition as to be always clearly discernible; and that they shall be of such size and upon such material as the municipal engineer shall approve; and that the cost thereof is borne by the building's owner. The posting of the address number on the structure shall be required prior to the issuance of any certificate of occupancy or continued certificate of occupancy by the construction official.

Sec. 19-5.4. Violations.

It shall be unlawful for any person to refuse or neglect, for thirty days after having been notified in writing so to do by the municipal engineer, to put upon his or her house, store or other building the number determined upon by the municipal engineer as the number of his or her house, store or building, or to make the same clear and distinguishable.

Article VI. Street Lights.

Sec. 19-6.1. Installation of street lights.

No street light shall be installed within the municipality unless it complies with the following standards:

(a) The street light and its installation satisfies the design standards set forth in section 10B-178.1 of the “Code of the Township of Princeton, New Jersey, 1968”.

(b) No street light poles or fixtures except as provided for in section 10B-178.1 of the “Code of the Township of Princeton, New Jersey, 1968” shall be installed without application being made to and approvals being obtained from the municipal engineer.

(c) In any new development, the street lighting design, installation of underground facilities and provision for future installation of street lights within said development shall be the responsibility of the developer.

(d) In any new development, the developer or homeowners' association shall assume monthly operation and maintenance cost for any street light installed along a public street until certificates of occupancy have been issued for at least 50% of the dwelling units and 50% of the floor area of the nonresidential uses on the dedicated public street or portion thereof.

Article VII. Plants Obstructing Vision, etc.

Sec. 19-7.1. Finding by mayor and council of dangerous condition; notice to owner to correct dangerous condition.

Whenever the mayor and council shall find that the excessive growth of brush, hedges or other plant life upon any lot in the municipality constitutes a dangerous condition or a menace to public safety, the municipal engineer shall forthwith notify the owner of any such lot, in writing, and shall order him to cut and trim all brush, hedges and other plant life growing upon his or her land, within ten feet of any roadway or within twenty-five feet of the intersection of any roadway, to a height of not more than two and one-half feet. Any such order shall require compliance therewith within ten days from receipt of such notice.

Sec. 19-7.2. Municipal engineer to investigate and report on dangerous growths.

The municipal engineer is hereby authorized and directed to investigate and, from time to time, to report to the mayor and council with respect to excessive growth of brush, hedges and other plant life within close proximity to the public highways of the municipality, which may constitute a dangerous condition or a menace to public safety.

Sec. 19-7.3. Removal by municipality; costs of removal to be charged against and become lien on land.

Whenever any person shall fail to comply with the written notice and order received from the municipal engineer within the period specified, the municipal engineer is authorized and empowered to enter the land abutting on the public highways and to cause such brush, hedges and plant life to be cut and trimmed in accordance with the requirements of such notice and order. Upon the completion of such cutting and trimming, the municipal engineer shall certify the cost thereof to the mayor and council, who shall examine the certificate, and if the same is found to be correct, the mayor and council shall cause such cost to be charged against the abutting land. If the cost certified by the municipal engineer should be found excessive, the mayor and council so charged shall cause the reasonable cost to be charged against such land. The amount so charged shall forthwith become a lien upon such land and shall be added to and form part of the taxes next to be assessed and levied upon such land, the same to bear interest at the same rate as other taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.

Sec. 19-7.4. Effect of article upon certain provisions relative to shade trees.

This article shall not be construed so as to require the cutting, trimming or felling of any shade tree regulated and controlled by chapter 22 of the “Code of the Township of Princeton, New Jersey, 1968”.

Article VIII. Streets - Standard Specifications for Construction.

Sec. 19-8.1. General specifications for construction.

In addition to the specifications and standards for construction referred to in this chapter, chapter 22 of the “Code of the Township of Princeton, New Jersey, 1968” concerning trees and shrubs and chapter 5A.1. of the “Code of the Borough of Princeton, New Jersey, 1974” concerning construction code enforcement and inspections, all construction in the municipality involving road construction, concrete work, driveway aprons, clearance for sight distances, shared use path construction, storm pipe drainage construction, traffic control during construction, under drain-French drain systems, tree removal and street openings shall comply with the standard

specifications for construction adopted by the municipality as set forth in section 19-1.2A above and as directed by the municipal engineer.

Article IX. Construction, Repair and Maintenance of Sidewalks.

Sec. 19-9.1. Existing sidewalks - Responsibility of abutting property owners.

(a) It shall be the responsibility of any property owner, lessee, tenant, occupant or person in charge of said property, building, or structure abutting a sidewalk to maintain the area on both sides of said sidewalk, so as to prevent a hazard or nuisance to pedestrians using said sidewalk. This maintenance responsibility shall include, but not be limited to, the removal of weeds, brush, obnoxious growth, as well as routine cutting of grass up to the edge of the sidewalk pavement and to the edge of the roadway pavement.

(b) Said owner, lessee, tenant, occupant or person in charge of said property shall keep vegetation (i.e., hedges, trees, branches, shrubbery) trimmed to a distance of one foot laterally from the sidewalk and height of eight feet vertical from the sidewalk.

(c) No person shall sweep or deposit into any gutter, street, storm sewer inlet or other public place any accumulation of litter removed from any public or private sidewalk, path or driveway.

Failure of any person to maintain said areas described above shall permit the municipality to undertake said maintenance and assess the cost of same to the property owner as permitted by section 19-9.4 of this article.

Sec. 19-9.2. Same - Repair and reconstruction; exceptions.

(a) Generally. Unless otherwise specifically directed by the mayor and council for a specific municipal project, or as otherwise specifically provided in (b) below, any sidewalk that is in need of repair or reconstruction shall be repaired or reconstructed wholly at the cost of the owner of the real estate abutting such sidewalk in accordance with this article. If a specific repair or reconstruction is undertaken by the municipality for a given project, then the owner of the real estate abutting such sidewalk shall nonetheless be responsible thereafter for its maintenance, and any subsequent required repairs or reconstruction, as required in this article.

(b) Repairs necessitated by municipal trees.

(1) Notice. If any sidewalk is found to have been raised and/or damaged by municipally-owned trees, the owner of the property in front of which the sidewalk is located shall have the primary responsibility for notifying the municipal engineer in writing of the condition.

(2) Inspection. The municipal engineer shall perform an inspection of the sidewalk after receiving such notice and shall consult with the municipal arborist and/or the director of infrastructure and operations as to any remedial measures available to resolve the condition. The available remedies to be considered shall include but shall not be limited to removal of the tree and/or rerouting, replacing or grinding of the sidewalk.

(3) Remediation. Once the appropriate remedy is approved by the municipal engineer, he or she shall cause to be performed, all work necessary to implement the remedial measures as soon thereafter as is reasonably possible, subject to available funding.

(4) Cost of repair. The cost of any work done to remove, repair and/or replace the tree and/or sidewalk shall be borne by the municipality.

Sec. 19-9.3. Same - Specifications and standards; location, alignment and grade; inspection and approval.

Repair or reconstruction under this article shall be as directed by the municipal engineer and according to the applicable specifications and standards set forth in the Princeton Engineering Design Standards. Location, alignment and good grade of repair or construction work shall be determined in accordance with the provisions of section 19-9.9 below that are applicable to new sidewalks. Repair and reconstruction work shall be subject to the permitting, inspection and approval by the municipal engineer.

Sec. 19-9.4. Same - Notice to owner; municipality to do work upon failure of owner.

Whenever the municipality requires any improvement in accordance with this article where the cost is to be borne wholly by the abutting owner, the mayor and council shall cause a notice thereof to be given to the owners of all real estate affected thereby. Such notice shall contain a description of the property affected sufficient to identify it, a description of the improvement and notice that, unless such owner completes the improvement within sixty days after service of such notice, the municipality will make the improvement at the expense of the owner. Such notice shall be served and proof of service shall be filed in the manner provided by law. If the owner of any real estate affected by such improvement shall fail to make such improvement within the time and in the manner directed by such notice, the council may cause the improvement to be made under the supervision of the municipal engineer.

Sec. 19-9.5. Same - Assessment of costs; lien upon real estate; payment and collection.

Whenever the council shall make such repair or reconstruction or cause it to be made in cases where the cost is to be borne wholly by the abutting owner, the municipal engineer shall keep an accurate account of the cost thereof, shall assess such cost upon the several properties abutting the improvement in proportion to the respective frontages thereon and shall file a report thereof under oath with the municipal clerk. The council shall examine such report and, if properly made, shall confirm and file it with the officer charged with the collection of assessments. Before confirming the report, the council shall give notice to the owners named therein of the time and place fixed for examination of the report, which notice shall be serviced in the manner provided for by law. Such assessments shall bear interest from the time of confirmation at the same rate and with the same penalties for nonpayment as assessments for local improvements in the municipality, and from the confirmation thereof shall be a first and paramount lien upon the real estate assessed to the same extent, and be collected and enforced in the same manner as assessments for local improvements. The council may provide for the payment and collection of

such assessments in installments, if necessary, in the same manner and at the same rate of interest as assessments for local improvements are payable in installments in the municipality.

Sec. 19-9.6. Snow and ice on sidewalks and shared use paths to be removed or covered by owner or occupant of bordering premises.

Except as may otherwise be provided in section 19-9.7(a), the owner or occupant of premises abutting or bordering on sidewalks and shared use paths along public streets in the municipality shall remove or cause to be removed from the sidewalks in front of or bordering upon their premises all snow and ice within twenty-four hours after such snow shall have ceased falling thereon or after such ice shall have formed thereon. In the case of ice that may be so frozen as to make removal impracticable, the owner or occupant shall cause the same to be thoroughly covered with sand or other suitable material, within twenty-four hours after such ice shall have formed thereon.

In all residential land use zones, the owner or occupant, as appropriate, shall remove snow and ice from their sidewalk at a minimum width of four feet.

In all other land use zones, including but not limited to the Central Business District (CBD), the owner or occupant shall remove snow and ice from the building to the curb, or snow pile or bank at the curb created by municipal snow removal operations. The owner or occupant in the CBD shall pile the snow in the area(s) designated for same by the municipality.

In all zones, the owner or occupant must remove snow and ice from the entire width of any handicap ramps abutting street corner locations.

Sec. 19-9.7. Authority of public works to remove snow and ice from sidewalks; cost to become lien on bordering real estate; enforcement.

(a) The municipality has the right to remove snow at its own cost from certain sidewalks when it deems it to be in the public interest to do so.

(b) In case snow or ice shall not be removed or such ice shall not be covered as provided in the preceding section, the owner or occupant, as the case may be, shall be in violation of said section.

(c) The police department shall be responsible for enforcing the provisions of this article and said violator shall be subject to such penalties provided for in section 1-6 of this Code.

(d) In addition to the right of the municipality to issue a summons and complaint in municipal court, the director of public works shall have the authority to direct the removal or covering. In such event, the cost of such work shall be certified by the director of public works to the council, which shall examine such certification and, if found to be correct, shall cause such cost to be charged against the real estate abutting or bordering upon the sidewalks. The amount so charged shall become a lien and tax upon such real estate, and shall be added to and be part of the

taxes next to be levied and assessed on the real estate and shall be enforced and collected with interest by the same officers and in the same manner as other taxes in the municipality.

Sec. 19-9.8. Placing of snow or ice on public rights-of-way prohibited.

No person shall throw, place or deposit any snow or ice which has accumulated upon private property into or upon any public sidewalk shared use path or the paved portion of any public street in the municipality or into or upon any area within the right-of-way lines of any street in such a way as to hinder the passage of persons, bicycles, vehicles or obstruct vision.

Sec. 19-9.9. New sidewalks - Specifications and standards for construction.

All new sidewalks, when installed, shall be constructed of concrete and shall be five feet wide or as directed by the engineer, and constructed according to specifications and standards set forth in the Princeton Engineering Design Standards. Such walks are hereby classified according to, and shall be constructed with, the minimum pavement widths and the paving material specified above in this section.

Sec. 19-9.10. Same - Location, alignment and design.

The exact location, alignment and design of all new sidewalks shall be determined by the municipal engineer with due regard to the function of the walk, the nature of the terrain, the elimination or minimization of the removal of trees and the avoidance of other natural obstacles. The improvement shall conform as nearly as practicable to such established grade.