

AN ORDINANCE OF THE TOWNSHIP OF BRIDGEWATER AMENDING CHAPTER 182 OF THE BRIDGEWATER TOWNSHIP CODE TO REQUIRE SNOW AND ICE REMOVAL FROM PRIVATE ROADWAYS SERVICING MULTIFAMILY RESIDENTIAL DEVELOPMENTS

WHEREAS, Chapter 182 of the Code of the Township of Bridgewater presently requires the owner or tenant of lands abutting public streets, avenues, and highways to remove snow and ice from the sidewalks adjoining such public streets within twelve (12) hours of daylight after snowfall ceases; and

WHEREAS, the Township Council finds that the accumulation of snow and ice on sidewalks, roadways, and other pedestrian and vehicular travel areas creates hazardous conditions for pedestrians, motorists, and emergency responders and therefore poses a risk to the public health, safety, and welfare; and

WHEREAS, N.J.S.A. 40:65-12 authorizes municipalities to compel the owner or tenant of lands abutting public highways to remove snow and ice from the abutting sidewalks and gutters and further authorizes municipalities, upon the failure of such owner or tenant to do so, to remove the same and certify the cost thereof as a lien upon the abutting property; and

WHEREAS, the Township Council further finds that certain multifamily residential developments contain private streets, highways, lanes, alleys, drive aisles, and other vehicular roadways that are open to the public or to which the public is invited and which are used by residents, visitors, delivery vehicles, and emergency services; and

WHEREAS, N.J.S.A. 40:48-2.47 authorizes municipalities to adopt ordinances requiring the removal of snow and ice from privately owned streets, highways, lanes, alleys, or other roadways servicing multifamily residential developments that are open to the public or to which the public is invited, and further authorizes the municipality to remove such snow and ice upon default and certify the cost thereof as a lien upon the real property; and

WHEREAS, the Township Council finds that requiring the prompt removal of snow and ice from such private roadways and sidewalks within multifamily residential developments will promote safe pedestrian and vehicular passage and ensure access for emergency services during winter weather events; and

WHEREAS, N.J.S.A. 40:49-5 authorizes municipalities to impose penalties, including fines, imprisonment, and community service, for violations of municipal ordinances; and

WHEREAS, the Township Council therefore desires to amend Chapter 182 of the Bridgewater Township Code to clarify snow and ice removal responsibilities, provide for municipal removal and cost recovery where necessary, establish definitions applicable to such obligations, and strengthen enforcement provisions in order to promote the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Bridgewater, in the County of Somerset and the State of New Jersey that Chapter 182 is amended as follows (additions are shown **thusly** and deletions ~~thusly~~):

SECTION I Subsection 182-1 is hereby amended to read as follows:

~~§ 182-1. Removal from sidewalks by owners; time limit.~~

~~The owner or owners, tenant or tenants of any land abutting upon the public streets, avenues and highways of the Township of Bridgewater shall remove all snow and ice from the abutting sidewalks of such public streets, avenues and highways within 12 hours of daylight after the same shall cease to fall or be formed thereon or within such longer period as shall be fixed by the Mayor or Director of Public Works in the event of emergency.~~

§ 182-1. Purpose.

The purpose of this chapter is to promote the public health, safety and welfare by requiring the timely removal of snow and ice from sidewalks, public rights-of-way, and certain private roadways within the Township of Bridgewater in order to ensure the safe passage of pedestrians and vehicles, maintain access for emergency services, and prevent hazardous conditions caused by the accumulation of snow and ice.

SECTION II A new subsection 182-1.1 is hereby added and shall read as follows:

§ 182-1.1. Definitions.

For purposes of this chapter, the following terms shall have the following definitions:

PRIVATE ROADWAY – Any private street, highway, lane, alley, drive aisle, or other vehicular roadway servicing a multifamily residential development that is open to the public or to which the public is invited, whether or not dedicated to the Township.

PRIVATE SIDEWALK – Any paved or improved pedestrian walkway located on private property and not within the public right-of-way of a public street, avenue, or highway, including sidewalks, walkways, or pedestrian paths servicing buildings, parking areas, or common areas within a multifamily residential development.

PUBLIC SIDEWALK – Any paved or improved pedestrian walkway located within or along the public right-of-way of a public street, avenue, or highway within the Township of Bridgewater and abutting or adjoining private property.

SECTION III Subsection 182-1.2 is hereby amended to read as follows:

~~§ 182-1.2. Dumping snow or ice on traveled way.~~

~~Furthermore, no owner or owners, tenant or tenants, contractors or subcontractors shall plow, shovel, blow, throw or otherwise deposit snow onto or into any public roadway or street within the Township in such a manner so as to result in the reduction of the cleared traveled way to a width of 18 feet or less, thus preventing, restricting or impeding the free and clear passage of pedestrians and motor vehicles. Any sump pump discharging into the public right of way in such a manner as to cause an icing condition within the traveled way shall be redirected by the homeowner to a discharge point that does not adversely impact the public right of way. Property owners, their tenants and their contractors shall be held equally responsible.~~

§ 182-1.2 Removal from public sidewalks by owners; time limit.

The owner or owners, tenant or tenants of any land abutting upon the public streets, avenues and highways of the Township of Bridgewater shall remove all snow and ice from the abutting public sidewalks of such public streets, avenues and highways within 12 hours of daylight after the same shall cease to fall or be formed thereon or within such longer period as shall be fixed by the Mayor or Director of Public Works in the event of emergency.

SECTION IV A new subsection 182-1.3 is hereby added and reads as follows:

§ 182-1.3. Removal from private roadways servicing multifamily residential developments by owners; time limit.

It shall be the duty of the owner of any land upon which there has been constructed a multifamily residential development containing three (3) or more dwelling units to remove, or cause to be removed, all snow and ice from any private roadway servicing such development which is open to the public or to which the public is invited within twelve (12) hours of daylight after the same shall cease to fall or be formed thereon, or within such longer period as shall be fixed by the Mayor or Director of Public Works in the event of an emergency.

SECTION V A new subsection 182-1.4 is hereby added and shall read as follows:

§ 182-1.4. Removal from private sidewalks servicing multifamily residential developments by owners; time limit.

The owner of any land upon which there has been constructed a multifamily residential development containing three (3) or more dwelling units shall remove or cause to be removed snow and ice from sidewalks servicing such development within twelve (12) hours of daylight after the same shall cease to fall or be formed thereon.

Failure to comply with this subsection shall be subject to enforcement by summons or penalty as provided by ordinance but shall not authorize municipal removal or lien certification pursuant to §182-3.

SECTION VI A new subsection 182-1.5 is hereby added and shall read as follows:

§ 182-1.5. Dumping snow or ice on traveled way.

Furthermore, no owner or owners, tenant or tenants, contractors or subcontractors shall plow, shovel, blow, throw or otherwise deposit snow onto or into any public roadway or street within the Township in such a manner so as to result in the reduction of the cleared traveled way to a width of 18 feet or less, thus preventing, restricting or impeding the free and clear passage of pedestrians and motor vehicles. Any sump pump discharging into the public right-of-way in such a manner as to cause an icing condition within the traveled way shall be redirected by the homeowner to a discharge point that does not adversely impact the public right-of-way. Property owners, their tenants and their contractors shall be held equally responsible.

SECTION VII Subsection 182-2 is hereby amended to read as follows:

§ 182-2. Sanding or salting permitted.

In the event of ice which may be so frozen as to make removal impracticable, the owner or owners, tenant or tenants of lands ~~abutting or bordering upon the public streets, avenues or highways~~ **required to remove snow and ice as prescribed in this chapter** shall cause the same to be thoroughly covered with sand, ashes or rock salt within 24 hours after the same shall cease to fall or be formed thereon.

SECTION VIII Subsection 182-3 is hereby amended to read as follows:

§ 182-3. Removal by Township **of snow and ice from public sidewalks and private roadways**; cost as lien.

~~In cases where the owner or owners, tenant or tenants shall have refused or neglected to remove the same in the manner and within the time provided above, the snow and ice shall be removed from any sidewalk of the offending owner or owners, tenant or tenants or covered as provided for in § 182-2 above under the direction of the Director of Public Works, who shall certify the cost thereof to the governing body, which shall examine the certificate and, if found correct, shall cause the cost as shown thereon to be charged against the land abutting or bordering such sidewalk; 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 lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.~~

In the event that the owner or tenant responsible for the removal of snow or ice pursuant to this chapter fails to remove the same within the time required herein, the Township may cause such snow or ice to be removed under the direction of the Superintendent of Public Works or such other officer as may be designated by the Township.

Such removal may include:

- a. **Snow or ice located upon any public sidewalk or gutter abutting upon lands within the Township, as authorized by N.J.S.A. 40:65-12; and**
- b. **Snow or ice located upon any private street, highway, lane, alley or other roadway servicing a multifamily residential development that is open to the public or to which the public is invited, as authorized by N.J.S.A. 40:48-2.47.**

The officer in charge of such removal shall certify the cost thereof to the governing body of the Township. The governing body shall examine such certificate and, if found correct, shall cause the cost to be charged against the real property responsible for the removal.

The amount so charged shall thereupon become a lien upon such real property and shall be added to and form part of the taxes next to be levied and assessed thereon, and shall be enforced and collected, with interest, in the same manner as other municipal taxes.

The remedies provided in this chapter shall be cumulative and not exclusive. The Township's right to remove snow or ice and to certify the cost thereof as a lien shall be in addition to, and not in lieu of, any other remedies or penalties provided by law or ordinance.

The Township's removal of snow or ice pursuant to this Chapter shall not relieve the owner, tenant, or occupant of the property of the duty to maintain the premises in a safe condition. The Township shall not be deemed to have assumed responsibility for the condition of any private property by reason of such removal.

SECTION IX Subsection 182-4 is hereby amended to read as follows:

§ 182-4. Violations and penalties.

~~Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not more than \$500 or imprisonment for a term not exceeding 90 days, or both. Each and every twenty four hour period that such violation continues shall be considered a separate and distinct offense.~~

Violations of this Chapter shall be subject to the following penalties:

- a. Any person, firm or corporation violating § 182-1.3 of this chapter shall, upon conviction thereof, be subject to a fine of not less than \$1500 and not more than \$5,000 or imprisonment for a term not exceeding 90 days, or both. Each and every twenty-four-hour period that such violation continues shall be considered a separate and distinct offense.
- b. Any person, firm or corporation violating any of the provisions of this chapter other than § 182-1.3 shall, upon conviction thereof, be subject to a fine of not more than \$500 or imprisonment for a term not exceeding 90 days, or both. Each and every twenty-four-hour period that such violation continues shall be considered a separate and distinct offense.

SECTION X A new subsection 182-5 is hereby added and shall read as follows:

§ 182-5. Enforcement.

The provisions of this chapter shall be enforced by the Department of Public Works, the Bridgewater Township Police Department, and/or their designees.

SECTION XI A new subsection 182-6 is hereby added and shall read as follows:

§182-6. Limitation of municipal remediation authority.

Nothing in this chapter shall be construed to authorize the Township to remove snow or ice from private property other than a private roadway as defined in §182-1.1 and subject to the requirements of §182-1.3, nor to certify the cost thereof as a municipal lien except as permitted by N.J.S.A. 40:48-2.47.

SECTION XII A new subsection 182-7 is hereby added and shall read as follows:

§182-7. Relationship to Chapter 183.

Nothing in this chapter shall be construed to alter, limit, or supersede the provisions of Chapter 183, Qualified Private Community Services Reimbursement, which provides for the reimbursement of certain snow removal costs incurred by qualified private community associations pursuant to N.J.S.A. 40:67-23.2 et seq. The obligations imposed by this chapter regarding the removal of snow and ice shall apply independently of any reimbursement that may be available under Chapter 183.

SECTION XIII Severability.

If any section, subsection, paragraph, sentence, clause, phrase, or word of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect. The provisions of this Ordinance are declared to be severable.

SECTION XIV Repealer.

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. Nothing herein is intended to repeal or abrogate any existing ordinance or resolution that is not in conflict with this Ordinance.

SECTION XV Conflict with other laws.

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted Ordinance, law, rule, or regulation of the State of New Jersey, the more restrictive requirements shall apply.

SECTION XVI Codification.

This Ordinance shall be a part of the Code of the Township of Bridgewater as though codified and set forth fully herein. The Township Clerk shall have this Ordinance codified and incorporated in the official copies of the Code.

SECTION XVII Effective date.

This Ordinance shall take effect after final passage and publication as required by law.

Adopted: April 23, 2026
Effective: May 13, 2026