

BOROUGH OF PALMYRA

ORDINANCE AMENDING CHAPTER 237, ARTICLE VI OF THE CODE,
REPEALING CHAPTER 60 OF THE CODE, AMENDING
SECTION 503 (c) OF THE LAND DEVELOPMENT CODE and
REPEALING SECTION (V)(h)(1)(a) of ORDINANCE 2012-3

Ordinance No.2015-7

BE IT ORDAINED by the governing body of the Borough of Palmyra, in the County of Burlington and State of New Jersey as follows:

↑ Chapter 237, Article VI of the Code of the Borough of Palmyra shall be modified as follows:

Section 35: No change

Section 36(A) shall be amended to read as follows:

Sidewalks. No sidewalk shall be constructed or reconstructed in Palmyra unless said sidewalk is at least four feet in width and laid so that one side shall be at least one foot six inches from the property line and the other side at least four feet from the curblin and shall be constructed of concrete with a thickness of four inches (six inches at driveway crossings) and have a compressive strength of 2000 pounds per square inch after 28 days. All newly constructed or reconstructed sidewalks shall meet all requirements for accessibility pursuant to applicable law.

Section 36(B) shall be amended to read as follows:

Concrete Curbs. No curb shall be constructed or reconstructed in Palmyra unless said curb is constructed of concrete that is no less than eighteen inches deep, eight inches at the base and six inches at the top and have a compressive strength of 2000 pounds per square inch after 28 days.

A new Section 36(c) shall be added to read as follow:

Prior to constructing or reconstructing any sidewalk or curb in Palmyra, a permit shall be first obtained from the Code Enforcement Official and the Code Enforcement Official shall be responsible to determine compliance with all applicable standards. The permit process shall include a review by the Borough Tree Officer of any trees within the right-of-way.

Section 37 shall be deleted.

Section 38 shall be deleted in its entirety and replaced as follows:

Maintenance and repair.

A. All sidewalks and curbs shall be maintained in good condition free of any cracked or loose pieces or any vertical or horizontal separation that produces an uneven walking surface or tripping hazard. By way of illustration but not limitation, any sidewalk with a slope exceeding a one to twelve ratio shall be deemed to be unsafe and in need of repair or reconstruction.

B. If the repair or replacement of the sidewalk or curb, in the opinion of the Tree Officer, is attributable to the root growth of any Borough-owned tree (the "tree"), the Tree Officer shall report his findings to and consult with the Shade Tree Advisory Board.

The Tree Officer shall, after consultation with the Shade Tree Advisory Board, at his option: (1) attempt to save the tree by having the roots trimmed at Borough expense;¹ or (2) attempt to save the tree by permitting the sidewalk or curb to be re-routed around the roots in a safe manner within the right-of-way, with a minimum sidewalk width of four (4) feet and a clear distance of at least twenty-five (25%) of Diameter Breast Height (see definition in Ordinance No. 2012-3) of the tree from the edge of the new sidewalk to the point where the root collar enters the soil;² or (3) attempt to save the tree by permitting the re-grading of the soil and the sidewalk, but the new sidewalk slope shall not exceed 1:12 ratio, or the current Americans with Disabilities Act handicap accessibility standards, and the soil height shall not be increased more than 6";³ or (4) if the repair or replacement of the sidewalk would destabilize a tree according to the USDA Forestry Guidelines, cause the tree to be removed at Borough expense.

Under no circumstances shall the Borough have any responsibility to pay for the construction, re-construction or repair of the sidewalk.

¹ This assumes there exists sufficient funding in the current Borough budget allocated for this purpose.

² This expense would be the responsibility of the owner(s) of the land in front of which such sidewalk or curb is located.

³ This expense would be the responsibility of the owner(s) of the land in front of which such sidewalk or curb is located.

C. If the repair or replacement of the sidewalk or curb, in the opinion of the Tree Officer, is not attributable to the root growth of any Borough-owned tree, then the owner(s) of the land(s) in front of said sidewalk or curb shall be sent a notice by certified mail at such address as is reflected on the tax rolls of the Borough (the "notice"). The notice shall specify that the owner(s) shall be given 90 days from the date of the mailing of the notice to complete said reconstruction or repairs at the owner(s) sole expense.

In the event that a homeowner cannot complete the required repairs in the initial 90-day time period, up to two 30-day extensions may be requested from the Zoning Official in writing. Additional extensions beyond the first two may be granted at the Zoning Official's discretion with documentation of extenuating circumstances preventing the repair. All extension requests must be filed with the Zoning Office a minimum of five business days prior to the expiration of the initial 90-day completion timeframe, or any extension thereof.

In any case, the time limits specified in this section shall not be imposed on any property owner unless and until the Tree Officer determines that a Borough tree is not the cause of the sidewalk defect, or if the cause is a Borough Tree, any work required to be done to render the tree safe is completed.

Section 39: No change

2) Section 503 (C)(7)(a) of the Land Development Code of the Borough of Palmyra shall be deleted and replaced as follows:

No curb shall be constructed or reconstructed in Palmyra unless said curb is constructed of concrete that is no less than eighteen inches deep, eight inches at the base and six inches at the top and have a compressive strength of 2000 pounds per square inch after 28 days.

3) Section 503 (C)(7)(b) of the Land Development Code of the Borough of Palmyra shall be deleted and replaced as follows:

No sidewalk shall be constructed or reconstructed in Palmyra unless said sidewalk is at least four feet in width and laid so that one side shall be at least one foot six inches from the property line and the other side at least four feet from the *curbline* and shall be constructed of concrete with a thickness of four inches (six inches at driveway crossings) and have a compressive strength of 2000 pounds per square inch after 28 days.

Chapter 60 of the Code of the Borough of Palmyra is repealed in its entirety.

Ordinance 2012-3, Section (V)(h)(1)(a) shall be repealed.

All ordinances and parts of ordinances inconsistent herewith are repealed.

If any part or parts of this Ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this Ordinance.

This Ordinance shall take effect upon passage and publication.

CERTIFICATION OF CLERK

I, Barbara Sheipe, Borough Clerk of the Borough of Palmyra, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of an ordinance adopted/introduced by the Borough Council at a Regular Meeting of said Council held on April 20, 2015 and said ordinance to be adopted at a Regular Meeting to be held on July 6, 2015.



Barbara Sheipe, Borough Clerk

**BOROUGH OF PALMYRA
ORDINANCE 2015-7**

This ordinance was adopted on second and final reading at the Borough Council meeting of July 6, 2015 and will take effect after publication according to law.

Barbara A. Sheipe RMC
Borough Clerk

