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Jacqueline Flynn
Douglas Herrick
Louis D. Roer
Ryan P. Ullman

BOROUGH OF MAYWOOD
15 Park Avenue, Maywood, NJ 07607

ORDINANCE #16-21

AN ORDINANCE TO AMEND CHAPTER §287-25 AND §287-26 OF THE BOROUGH OF MAYWOOD CODE SO AS TO UPDATE THE POLICIES FOR THE PLACING OF ANY APPARATUS OR PRIVATE PROPERTY WITHIN THE BOROUGH'S VARIOUS RIGHT-OF-WAYS

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MAYWOOD, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

WHEREAS, the Mayor and Council of the Borough of Maywood wish to update Borough Code Chapter §287-25 and §287-26 to clarify the responsibilities and liabilities of anyone who places any apparatus or private property within the Borough's various right-of ways;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Maywood, County of Bergen, as follows:

Section 1: Chapter §287-25 is amended by adding subsection C which shall read as:

§287-25 Encroachments

C. The owner of every property, building, structure, or erection who constructs or permits any building, structure, utility, sprinkler system, apparatus, light/lighting system, vegetation, landscaping or any personal property, in whole or in part, to encroach upon or extend over, under or into any public right-of-way shall bear the full responsibility of the costs of removing said encroachments if deemed necessary by the Borough. The Borough shall bear no liability for any damage to such encroachment if caused by the Borough or its agents.

Section 2: Chapter §287-26 is amended by adding subsection C which shall read as:

§ 287-26 Obstructions

C. The owner of every property, building, structure, or erection shall not construct or permit any building, structure, utility, sprinkler system, apparatus, light/lighting system, vegetation, landscaping or any personal property, in whole or in part, to obstruct upon or extend over, under or into any public right of way without out first receiving permission by the Borough. Any permitted or illegally installed obstruction is placed at the full risk and cost of the owner who shall bear the full responsibility/cost of removing, repairing, and maintaining said obstruction. If deemed necessary by the Borough, the Borough may at any time remove or order to have said obstruction removed at the full cost to the owner of the property. The Borough shall bear no liability for any damage to such obstruction if caused by the Borough or its agents.

Section 3: All ordinances of the Borough of Maywood which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 4: If any section, subsection, sentence, clause or phrase of this ordinance if, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

Section 5: This ordinance shall take effect upon passage and publication according to law.

Date: September 28, 2021

APPROVED: Richard Bolan
Richard Bolan, Mayor

ATTEST: Barbara Dispoto
Barbara L. Dispoto, RMC/CMC
Borough Clerk

Introduction-1st Reading

Date: August 24, 2021

	Moved	Seconded	Ayes	Nays	Abstain	Absent	Recuse
Mayor Bolan							
Councilwoman DeMuro	X		X				
Councilwoman Flynn			X				
Councilman Herrick			X				
Councilman Roer			X				
Councilman Ullman		X	X				
Council President Bennin			X				

Adoption-2nd/Final Reading**Date: September 28, 2021**

	Moved	Seconded	Ayes	Nays	Abstain	Absent	Recuse
Mayor Bolan							
Councilwoman DeMuro		X	X				
Councilwoman Flynn	X		X				
Councilman Herrick			X				
Councilman Roer			X				
Councilman Ullman			X				
Council President Bennin			X				