

BOROUGH OF ELMER  
SALEM COUNTY, NEW JERSEY

**ORDINANCE NO. 2015-5**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF  
SALEM, STATE OF NEW JERSEY REGULATING INSTALLATION OF SIDEWALKS AND HANDICAP  
ACCESS RAMPS UPON APPLICATION FOR  
CERTIFICATE OF OCCUPANCY WITHIN THE BOROUGH OF ELMER**

Date of Introduction: January 14, 2015

Anticipated Date of Adoption: February 11, 2015

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**WHEREAS**, the Mayor and Council of the Borough of Elmer deem it in the best interest of the Borough to create an Ordinance regulating the installation of sidewalks and handicap access ramps upon application for Certificate of Occupancy within the Borough of Elmer; and

**WHEREAS**, it is in the best interest of the residents of the Borough of Elmer for Borough Council to adopt such an Ordinance.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Elmer, in the County of Salem and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

**Section 1.**

This Ordinance provides for the regulation of installing sidewalks and handicap access ramps upon application for Certificate of Occupancy in the Borough of Elmer, and shall be entitled:

**Installation of Sidewalks and Handicap Access Ramps Upon Application for Certificate of Occupancy Within the Borough of Elmer**

A. *Certificate of Occupancy.*

1. No Certificate of Occupancy for any existing building with sidewalks or buildings with adjacent sidewalks shall be granted by the Housing Officer until and unless the construction of sidewalks and handicap access ramps is completed and approved as to location, grade, materials and workmanship after inspection by Housing Officer.
2. No property which has frontage on a public street and contains any dwelling, business or industrial structure may be sold or title transferred unless said property has been inspected by the Housing Officer for sidewalks and handicap access ramps. No permanent Certificate of Occupancy shall be issued until sidewalks and handicap access ramps have been completed in accordance with the provisions of this Ordinance. The owner of the subject property shall be notified of the Housing Officer's decision following his inspection. For those properties with sidewalks and handicap access ramps in place, no permanent Certificate of Occupancy shall be issued unless said improvements are in satisfactory condition. In the event that repair, replacement or installation is required, a temporary Certificate of Occupancy may be issued for a period not to exceed two (2) months if adequate provisions have been made for the repair or construction of required additions or improvements. If improvements are not completed prior to the settlement, the seller and buyer shall agree to the cost, location and manner of installation of the sidewalks and handicap access ramps. A copy of this agreement will be forwarded to the Housing Director prior to the settlement and prior to the issuance of the temporary Certificate of Occupancy. If handicap access ramps extending from the sidewalk to the street are required, a temporary Certificate of Occupancy may be issued for a period not to exceed two (2) months. The Housing Officer shall inspect all sidewalk and handicap access ramp work installation upon completion. Any work that does not comply with the Borough specifications shall be removed and replaced at the owner's expense.

B. *Appeal.* Any property owner wishing to appeal the decision of the Housing Officer shall file a written notice of appeal with the Borough Clerk within ten (10) days of the date that said property owner receives a

written decision by the Housing Officer. Said appeal shall then be placed on the agenda for the regular Borough Council Meeting to be held within thirty (30) days of the date the owner shall file his notice. Said notice shall contain the owner's name, address, address of the property in question and basis for appeal. Said notice shall also contain, if necessary, photographs of the applicable portion of the improvements in question.

C. *Supervision.* All repair work to be done under supervision of the Housing Officer.

D. *Specifications and standards.* All sidewalk and handicap access ramps constructed or reconstructed within the Borough of Elmer shall conform to the following specifications and dimensions:

1. *Materials.* All materials used in the construction or reconstruction of handicap access ramps and/or sidewalks shall meet the requirements of the current specifications governing materials approved by the New Jersey Department of Transportation or the Borough Engineer.
2. *Strength.* All concrete for sidewalks and/or handicap access ramps shall be ready-mixed ordinary Portland cement ("OPC") unless otherwise approved by the Borough Engineer. In either case, concrete shall be equal to New Jersey Department of Transportation specifications for for Class C concrete for sidewalks.

E. *Sidewalk depth and width.* All concrete sidewalks shall be at least four inches (4") thick. Concrete sidewalks shall be finished with a "nonskid" surface. Sidewalks shall be installed not less than thirty-six inches (36") in width. All sidewalks adjacent to the driveway apron shall be a minimum of six inches (6") thick and reinforced with a 6"x6", #10 welded wire fabric. The sidewalk shall be poured separately from the driveway apron, if any, with a bituminous expansion joint placed between the sidewalk and the apron.

F. *Brick sidewalks.*

1. Brick sidewalks shall be constructed of building brick, vitrified paving or sewer brick and shall be hard-burned and for uniform hardness. Brick sidewalks shall be constructed on a foundation of compacted gravel or cinders not less than four inches (4") in depth. The bricks shall be bedded in a two-inch (2") layer of clean sand spread over the foundation.
2. Brick sidewalks may also be laid in mortar on a one-to-three-to-five-mix concrete foundation, four inches (4") in depth.

G. *Handicap access ramps.* The concrete handicap access ramp shall be poured separately, with a bituminous expansion joint placed between the ramp and the sidewalk, if applicable. The handicap access ramp shall be a minimum of six inches (6") thick and reinforced with a 6"x6", #10 welded wire fabric.

## **2. Violations and Penalties.**

Any person, entity or corporation who or which violates any provision of this Ordinance shall, upon conviction thereof, be punishable by a fine of not less than \$50.00 nor more than \$2,000.00.

Each day that a violation exists, occurs or continues shall constitute a separate offense for the purpose of imposing the penalties referred to above.

Any person who is convicted of violating this Ordinance within one year of the date of a previous violation of the same ordinance and who was fined for the previous violation, shall be sentenced by the Court to an additional fine as a repeat offender. The additional fine imposed by the Court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of the ordinance.

**Section 2.**

**Repealer.**

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

**Section 3.**

**Severability.**

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

**When effective.**

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Dated: February 11, 2015

BOROUGH OF ELMER

BY: \_\_\_\_\_  
Joseph Stemberger, Mayor

ATTEST:

\_\_\_\_\_  
Beverly S. Richards  
Borough Clerk

ROLL CALL VOTE as follows:

	<u>MOTION</u>	<u>SECOND</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Schneider	___	___	___	___	___	___
Davis	___	___	___	___	___	___
Nolan	___	___	___	___	___	___
Richards	___	___	___	___	___	___
Schalick	___	___	___	___	___	___
Zee	___	___	___	___	___	___

## **NOTICE**

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Council of the Borough of Elmer, in the County of Salem and State of New Jersey, held on January 14, 2015. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Council to be held in the Borough Hall, 120 South Main Street, Elmer, New Jersey, 08318, on February 11, 2015 at 7:30 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at Borough Hall, 120 South Main Street, in the Borough, to the members of the general public who shall request the same.

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Beverly S. Richards  
Borough Clerk

**NOTICE OF ADOPTION**

**OF**

**ORDINANCE NO. 2015-5**

Title: **AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER,  
COUNTY OF SALEM, STATE OF NEW JERSEY REGULATING REPAIR AND  
MAINTENANCE OF EXISTING SIDEWALKS, DRIVEWAY APRONS AND  
HANDICAP ACCESS RAMPS WITHIN THE BOROUGH OF ELMER**

The foregoing named Ordinance was duly adopted at a regular meeting of the Mayor and Borough  
Council of the Borough of Elmer on February 11, 2015.

Beverly S. Richards, Clerk  
Borough of Elmer