

Introduced: July 27, 2015
Adopted: August 24, 2015

THE TOWNSHIP OF SOUTH ORANGE VILLAGE

ORDINANCE 2015-16

ORDINANCE SUMMARY FOR PUBLICATION

This Ordinance amends, in their entirety, Sections 138-5 through 138-10 of the Township of South Orange Village Code to provide for a safe line of sight for drivers as they approach and enter intersections.

AN ORDINANCE AMENDING IN THEIR ENTIRETY SECTIONS 138-5 THROUGH 138-10 OF THE "STREETS AND SIDEWALKS" CHAPTER OF THE TOWNSHIP OF SOUTH ORANGE VILLAGE CODE TO DEFINE THE "SIGHT TRIANGLE" NECESSARY AT INTERSECTIONS WHICH MUST BE KEPT CLEAR OF PLANT LIFE

NOW THEREFORE, BE IT ORDAINED, by the Board of Trustees of the Township of South Orange Village, a municipal corporation of New Jersey located in Essex County thereof, as follows:

Section 1.

Definitions

As used in this Article the following terms shall have the meanings indicated:

PLANT LIFE: Includes any brush, hedges, trees and other plant life on private lands within the village

SIGHT TRIANGLE: A triangular zone, one dimension of which begins at a point 15 feet in front of a stop sign and 10 feet in from the curb, at a right angle, to a point along the intersecting street, 50 feet from the crosswalk and 10 feet in from the curb, at a right angle, all as shown on attached Exhibit A. If a crosswalk does not exist on the intersecting street, then the measurement shall be 50 feet from the point of tangency of the curb radius at the corner of the intersection.

Section 2.

Declaration of Necessity

The Board of Trustees hereby finds and declares that the existence of plant life growing to a height in excess of 2 ½ feet within a sight triangle may constitute a traffic hazard. In order to allow drivers approaching and entering an intersection to safely see oncoming traffic, plant life within a sight triangle shall be maintained at a height of 2 ½ feet or less.

Section 3.

Notice to owner to trim

Whenever it shall appear to the Chief of Police, after consultation with the Village Engineer, that the existence of plant life growing within a sight triangle as defined in Section 1, and exceeding 2 1/2 feet in height is hazardous to public safety, the owner of such lands shall be required to cut such plant life to comply with the requirements of this ordinance within 30 days service of written notice from the Chief of Police.

Section 4.

Manner of service of notice

Notice may be served upon the owner by hand-delivering a notice or by mailing it certified mail, return receipt requested, addressed to the owner's last known address. Delivery of the notice shall mean handing it to the owner or leaving it at his dwelling house or usual place of abode with some competent member of his family of the age of 14 years or over then residing therein. Service by mail shall be deemed complete upon the date of delivery of said certified mail as appears on the return receipt from the postal authorities.

Section 5.

Contents of Notice

- A. The notice shall state the reasons for the required cutting and include a reference to this ordinance, and the 30-day time required for compliance.
- B. The notice shall also state that, in the event the owner fails to take the required action, the Village will undertake same, the cost of such which shall forthwith become a lien upon said lands and shall be added to and become a part of the taxes next to be assessed and levied upon the same, to bear interest at the same rate and to be collected as in the case of such taxes, as provided for in Section 6 herein.
- C. The notice shall inform the owner of the opportunity to appear before the Village Administrator to show cause why the demands made in said notice should not be complied with, or why the time for compliance should be extended. Such appeal must be presented to the Village Administrator by a written notice which must be received by the Village Administrator within seven days from the date of service upon the owner of the notice. Upon receipt of the notice of appeal, the Village Administrator will set a date for a hearing not sooner than 10 days nor later than 30 days from the date of receipt of the notice of appeal.

Section 6.

Failure to Comply

Whenever the owner is served with a notice to cut shall have failed, neglected or refused to show cause why said cutting should not be done or does not complete the cutting as required by this Section, such cutting shall be accomplished by or under the direction of the Chief of Police, or his designee, who, upon completion thereof, shall certify the cost to the Board of Trustees. The Board of Trustees shall examine the certificate, and, if it shall find the same to be correct and reasonable, it shall cause the cost so certified to be charged and become a lien against said lands. In the event that such costs are excessive, the Board of Trustees shall cause the reasonable costs thereof to be charged against said lands. The amount of such charge shall forthwith become a lien upon said lands and shall be added to and become and form a part of the taxes next to be assessed and levied upon said lands, the same to bear interest at the same rate as other taxes and to be collected and enforced by the same officers and in the same manner as taxes.

Section 7.

Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

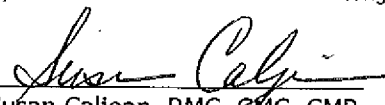
Section 8.

This ordinance shall take effect upon final passage and publication as required by law.

Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Clarke		X	X			
Davis Ford			X			
Dubowy			X			
Levison			X			
Rosner	X		X			
Schnall						X

CERTIFICATION

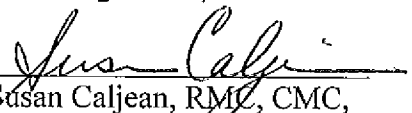
I, Susan Caljean, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this is a true and correct copy of the Ordinance introduced on first reading by the Board of Trustees at their meeting held on July 27, 2015.


Susan Caljean, RMC, CMC, CMR
Village Clerk

Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Clarke			X			
Davis Ford						X
DuBowoy			X			
Levison			X			
Rosner	X		X			
Schnall		X	X			

CERTIFICATION

I, Susan Caljean, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was adopted on second reading by the Board of Trustees at their meeting held on August 24, 2015.


Susan Caljean, RMC, CMC,
CMR
Village Clerk

Introduced: July 27, 2015

Adopted: August 24, 2015

ATTEST:

TOWNSHIP OF SOUTH ORANGE VILLAGE


Susan Caljean, RMC, CMR, CMC

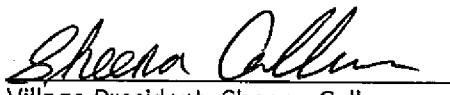

Village President, Sheena Collum

Exhibit A

