

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK
TITLE 12, "STREETS, SIDEWALKS AND PUBLIC PLACES"**

BE IT ORDAINED by the City Council of the City of New Brunswick, as follows:

SECTION I

Title 12, Chapter 12.12, Section 12.12.010 through 12.12.080 "**Street and Sidewalk Obstructions**" is hereby amended to **DELETE** current Chapter 12.12 and **REPLACE** it with the revised Chapter 12.12:

Chapter 12.12 - STREET AND SIDEWALK OBSTRUCTIONS

Sections:

- 12.12.010 Obstruction defined.**
- 12.12.020 Exceptions.**
- 12.12.030 Police powers.**
- 12.12.040 Obstructions at intersections.**
- 12.12.050 Temporary Street Closures.**
- 12.12.060 Sidewalk and Roadway Lane Closures.**
- 12.12.070 Penalties**
- 12.12.080 Permit Fees**

12.12.010 – Obstruction defined.

No person shall obstruct the free and lawful passage of pedestrians and vehicles on the streets and sidewalks of the city by placing or maintaining any table, stand, show case or any box, barrel, can, package, equipment, materials, barricades, or thing whatsoever on or over a street or sidewalk, or in any other manner whatsoever.

12.12.020 – Exceptions.

This chapter shall not apply:

- A. Where the obstruction is caused by the loading or unloading of goods, wares or merchandise to and from vehicles in such a manner as to cause a minimum of obstruction which is necessary and unavoidable, but in no case shall the obstruction be permitted in excess of thirty (30) minutes;
- B. To receptacles for garbage, ashes or refuse lawfully placed on or in sidewalk areas for collection;
- C. To temporary or permanent obstructions approved by the resolution of the city council upon a showing of public convenience or necessity;
- D. To sidewalk cafes, meaning areas within the public right-of-way where tables and chairs are placed for the purpose of the consumption of food and beverages purchased from an existing establishment which serves food and/or beverages, subject to the conditions stipulated in Prior Code Chapter 22, Zoning, D-D Downtown Development District, prior code subsection 22-7.8f, Sidewalks, Cafes, and the following conditions:
 - 1. The use authorized is for the hours from ten a.m. to twelve midnight daily, including Sunday.
 - 2. No lights (except low level lighting not exceeding one foot candle power) may be used; no light shall shine directly into any public roadway.
 - 3. No permanent furniture or other items of personal property may be constructed or affixed to the sidewalk or curb, except as approved by specific resolution of council for periods not to exceed six months, annually.
 - 4. No signs are authorized other than those previously or hereafter approved pursuant to

Prior Code Section 22-11.

5. A clear, straight and unobstructed passage for pedestrians of at least five feet in width shall be maintained at all times.
6. Insurance naming the city of New Brunswick and its officers, agents and, employees as additional insured is obtained in the amount of five hundred thousand dollars (\$500,000.00) and satisfactory proof of such insurance shall be presented to the City Engineer, provided that cafes which obtain approvals pursuant to subsection (D)(3) of this section shall obtain insurance in the amount of one million dollars (\$1,000,000.00).
7. A sketch showing the proposed location of tables, chairs and umbrellas is prepared and submitted to the City Engineer and the director of policy, planning and economic development for approval prior to the use of the sidewalk area.
8. All furniture and umbrellas are of lawn, cafe or similar type and are constructed of plastic, wood or wrought iron.
9. Furniture and equipment are removed from the sidewalk areas and stored inside the establishment, except during the times and hours authorized, except such equipment as has been authorized pursuant to subsection (D)(3) of this section.
10. Nothing contained in this chapter authorizes the serving of food on the sidewalk, except in accordance with a retail food establishment license specifically incorporating the sidewalk location, provided that the city clerk is authorized to issue amended licenses at a fee of fifty dollars (\$50.00).
11. Nothing contained in this Chapter authorizes the serving of alcoholic beverages, except where the license issued by the licensing authority specifically describes the sidewalk area as a part of the licensed premises and provided that the provisions of Chapter 9.04 of the revised general ordinances of the city prohibiting drinking in public will be suspended as to the area for which a sidewalk cafe permit has been issued.
12. The use of the sidewalk area is immediately terminated pursuant to an order of the senior police or fire official present, when necessary in the opinion of the official to respond to the needs of law enforcement or fire suppression.
13. Wait service, one hundred dollars (\$100.00) per table; self-service, twenty-five dollars (\$25.00) per table. Such permit may be utilized by the holder thereof during such period as the holder determines.
14. Violations of this section or of sidewalk cafe permits authorized hereunder are prosecuted pursuant to Section 12.12.030 of this chapter.
15. Licensees will be responsible for maintaining the cleanliness of any sidewalk area used by them.

12.12.030 – Police powers.

The police department is given full power and authority to prevent obstructions in violations of this chapter and to remove any such obstruction after giving to the owner of the premises abutting the area so obstructed a reasonable notice to remove the obstruction.

12.12.040 – Obstructions at intersections.

At the intersection or interception of two or more streets, no person, corporation or other entity shall permit or maintain a hedge, fence or wall higher than two and one-half feet above curb level or any obstruction to vision, other than a post or tree not exceeding one square foot in cross-section area within the triangular area formed by the intersecting street lines and a straight line joining the street lines at points which are twenty-five (25) feet distant from the point of intersection measured along the street line.

12.12.050 – Storage of construction equipment on municipal right-of-way.

A. Every person, partnership or corporation desiring to utilize any portion of a municipal right-of-way for the placement or storage of construction equipment during construction submits a written request for approval to the city engineer.

2. The engineer, after consultation with the chief of police, may approve such request if, in his or her judgment, the approval can be granted consistent with public safety, provided that the applicant furnishes proof of insurance for general public liability naming the city as an additional insured in the amount of at least one million dollars (\$1,000,000.00) and deposits in escrow a sum determined by the city engineer not in excess of two thousand dollars (\$2,000.00). The required escrow is returned upon removal of the construction equipment provided there has been no damage to the right-of-way or upon repair of such damage.

12.12.060 – Street or Sidewalk Closures.

A. No roadway or sidewalk shall be temporarily blocked or closed for the purposes of building maintenance or other related activities unless a permit has been obtained from the Department of Engineering.

B. No vehicle may park, stop or stand in any sidewalk or roadway lane that has been closed, other than vehicles in the process of loading or unloading materials, equipment or supplies, or which are otherwise required for the activity for which the permit has been obtained. A vehicle used to transport contractors or their employees or any other persons to or from the location of the closure shall not be considered to be a vehicle required for such activity.

C. The Department of Engineering shall not issue any permit authorizing the closure of any sidewalk under the provisions of this Chapter, any regulation promulgated under this Chapter 12, or any other authority, without first making a written determination that a covered walkway is impracticable in the circumstances. If a permit application seeks closure of a sidewalk that will extend beyond 30 days, then the permit application must be accompanied by an analysis prepared by an engineer licensed by the State of New Jersey concluding that a covered walkway is impracticable in the circumstances, and the Department shall consider such analysis before making its own written determination.

D. In addition to any requirements of this Section, the Department of Engineering shall require signage, barriers, and other means to create safe and adequate walkways, closures and sidewalk detours.

E. Closing a sidewalk for a period of more than twenty-four (24) hours without first obtaining a sidewalk closure permit from the Department shall result in the issuance of a Stop Work Order and failure to obtain a permit within seven (7) days of notification (verbal or written) of the need, will result in the issuance of a summons.

F. *Sidewalk Closure Sign Postings.*

1. In addition to any State or Federal sign regulations, a sign noting that a sidewalk is closed shall be posted at all sites where a permit has been issued to close a sidewalk. The signs shall be posted at each end where the sidewalk has been closed to pedestrians and shall be as directed by the Department of Engineering.
2. It shall be the responsibility of the sidewalk closure permit applicant to print and post the signs required by this Section. Signs shall be compliant with and located as required by the MUTCD.
3. Any person who fails to post a sign required by this Section shall be in violation of the City Ordinance and shall receive a fine of One Hundred Fifty (\$150) dollars. Each day this condition exists shall be considered a separate violation for the purposes of this Section.

G. Construction materials used in connection with the construction or repair of a building, footway or other structure may be temporarily stored upon the roadway or sidewalk if a permit to do so has been obtained.

1. The permit shall be issued by the Department of Engineering for such period of time as the Department deems necessary and reasonable.
2. The permit shall be displayed at all times in a conspicuous place on the occupied roadway or sidewalk.
3. The occupied area shall not exceed the frontage of the premises to be built upon or repair; except that if written permission is obtained from the adjoining property owners and the space is for storage of materials for use in reconstruction. An additional 30 feet

may be occupied on each side of the building frontage for which the permit is granted.

12.12.070 – Penalties.

Penalties. In addition to any other sanctions or remedial procedure, the penalty for violation of any of the provisions of this Chapter shall be a fine of not more than three hundred (\$300) dollars for each offense, and an additional fine of not more than one hundred (\$100) dollars for each day the violation continues after the expiration of the time allowed for compliance.

12.12.080 – Permit Fees.

The Department of Engineering is authorized to charge fees for permits provided for in this Section, which fees shall be as provided in the Permit Rate Schedule. Any permit issued can be renewed upon written request, and at the same rates as noted in the Permit Rate Schedule.

Permit Rate Schedule

Street Closure Permits		
City of New Brunswick Street Closure Permit Rates		
Permit Cost per Location = Rate x Unit of Measure x Time		
Closure Type	Rate	Maximum Duration
Sidewalk Shelter Platform with 6' Wide Pedestrian Walkway	No Charge	1 year
Partial Sidewalk Closure	\$1.00 per foot per week*	90 days
Full Sidewalk Closure	\$4.00 per foot per week*	90 days
Full Sidewalk Closure Accompanied by Creation of Protected Footway in Parking Lane	\$2.00 per foot per week*	180 days
Parking Lane	\$2.00 per foot per week*	90 days
Travel Lane	\$4.00 per foot per week*	1 year
Portable On-Demand Storage Unit (PODS) Only, Within Right-of-Way	\$40 per POD	5 days
Full Street Closure - 5 days or less	\$250 per block per day	5 days
Full Street Closure - More than 5 days	\$1,000 per block per week**	90 days
Window Washing/Building Maintenance/Sidewalk Closure (Full or Partial)	\$150 per block	90 days
<p>*There is a minimum weekly fee of \$40 per closure type per block and a maximum yearly fee of \$50,000 per closure type per block. For full sidewalk closures, the minimum weekly rate after the first week is \$200 per block.</p> <p>**For full closures over five days, there is a maximum yearly fee per block of \$50,000.</p>		

SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION III

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and shall be published as required by law.

ADOPTED ON FIRST READING:
DATED: July 15, 2015



COUNCIL PRESIDENT

ADOPTED ON SECOND READING:
DATED:

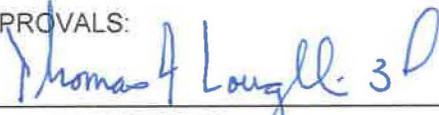
COUNCIL PRESIDENT

ATTEST:

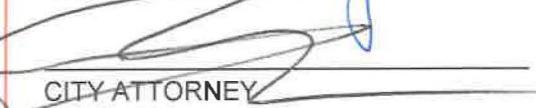
CITY CLERK

APPROVAL OF THE MAYOR ON THIS DAY OF , 2015.

MAYOR

APPROVALS:


CITY ADMINISTRATOR



CITY ATTORNEY

CITY ENGINEER
WJH/kc

COUNCILMEMBER	Y	N	NV	AB	COUNCILMEMBER	Y	N	NV	AB
AMBERSON, S	X				GARLATTI, M	X			
ESCORBAC	X				EGAN, PWS	X			
FLEMING, VP	X								

FIRST READING VOTE ON JULY 15, 2015
M= MOVED S= SECOND NV= NO VOTE AB= ABSENT