ORDINANCE NO. 2026-14

AN ORDINANCE AMENDING SECTION 3-9 (OBSTRUCTION OF STREET AND SIDEWALK) OF CHAPTER 3 (POLICE REGULATIONS) OF THE BOROUGH'S MUNICIPAL CODE TO CLARIFY OBSTRUCTIONS NOT PERMITTED IN THE RIGHT-OF-WAY

WHEREAS, the Borough Council wishes to amend Section 3-9 (Obstruction of Street and Sidewalk) of Chapter 3 (Police Regulations) to clarify certain obstructions that are not permitted to block the public right-of-way; and

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Flemington, in the County of Hunterdon, State of New Jersey, that Chapter 3 (Police Regulations) shall be amended as follows:

SECTION I.

Section 3-9.1 ("Obstructions Defined") is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

No person shall obstruct the free and lawful passage of pedestrians and vehicles on the streets**, right-of-ways,** and sidewalks **or cause any object to obstruct any portion of any street, right-of-way, or sidewalk of the Borough of Flemington** ~~of the city~~ by placing thereon any **temporary impediment, including any temporary moveable equipment or apparatus, or any** goods, wares, merchandise or other articles of trade or sale, or in any other manner ~~whatsoever~~ **detrimental to the health, safety, and welfare of the public.**

The owner or tenant of lands abutting or bordering upon the public streets, right-of-ways, or sidewalks in the Borough shall remove or cause to be removed all grass, weeds, brush or other impediments from that part of said street, right-of-way, or sidewalk abutting or bordering upon their respective lands, where necessary for purposes of traffic safety or to otherwise protect the health, safety and welfare of the public traveling along such street, right-of-way, or sidewalk.

SECTION II.

Section 3-9.2 ("Exceptions") is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

This section 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.

b. To receptacles for garbage, ashes or refuse lawfully placed on or in sidewalk areas for collection.

c. <u>To any vehicle that is lawfully parked within on a public street and is not in violation of any applicable statutes, regulations, and ordinances.</u>

SECTION III.

Section 3-9.3 ("Police Powers") is hereby renamed "Violations and Penalties" and is amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

<u>Any person who violates any provision of this chapter shall, upon conviction thereof in the Municipal Court, be punished by a fine not exceeding $500. A separate offense may be deemed committed for each day during or on which a violation occurs or continues.</u>

The police department **<u>and the property maintenance officer are</u>** ~~is~~ given full power and authority to prevent obstructions in violation of this section 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.

SECTION IV.

The title of Section 3-9 shall be amended to read as "Obstruction of Streets, Right-Of-Ways, and Sidewalks."

SECTION V. If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

SECTION VI. Should any section, paragraph, sentence, or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared severable.

SECTION VII. This ordinance shall take effect upon adoption and publication in the manner prescribed by New Jersey general law.

I, Carla Conner, Borough Clerk, hereby certify that the Ordinance #2026-14 published herewith was introduced on first reading at a meeting of the Governing Body of the Borough of Flemington, County of Hunterdon, held July 20, 2026. The Ordinance will be further considered for final adoption after Public Hearing, at a meeting of the Governing Body to be held in the Flemington Borough Hall, 38 Park Avenue, Flemington, NJ 08822, on August 10, 2026, at 7:00 p.m. Copies of this ordinance shall be made available in the Municipal Clerk's office to members of the general public who shall request same.

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Carla Conner, Borough Clerk