

ORDINANCE NO. 20-24-2019

AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO CREATE CHAPTER 68, "DAMAGE TO MUNICIPAL ROADS," OF THE CODE OF THE TOWNSHIP OF KINGWOOD TO REQUIRE REIMBURSEMENT FOR DAMAGE CAUSED TO MUNICIPAL ROADS.

WHEREAS, the Township of Kingwood has many rural roads throughout the Township. These roads can be narrow and need to be navigated with care by those driving large trucks and heavy machinery; and

WHEREAS, recently the Township has experienced an increase in damage to its municipal roads, bridges, drainage ditches and right-of-ways by large vehicles improperly navigating these municipal roads; and

WHEREAS, the Township wishes to create an ordinance to hold private individuals/companies responsible for damage it causes to the municipal roads and drainage ditches and right-of ways.

NOW, THEREFORE BE IT RESOLVED that Chapter 68 shall be created as follows:

Section 1:

§68 Damage to Municipal Roads

§68-1 Definitions

Vehicles shall mean any car, trucks, cranes, drills, tankers, construction vehicles, light or heavy machinery or any similar motorized vehicle.

Municipal Property shall mean all municipal property, including municipal parkland, driveways, parking lots, municipal roads, municipal bridges and municipal drainage culverts/structures.

§68-2 Damage to Municipal Roads.

No person, company, corporation or organization shall cause damage, intentionally or accidentally, to any municipal property, road, bridge, drainage culvert, drainage ditch, or any area within a municipal right-of-way by a vehicle or other heavy machinery.

§68-3 Responsibility to Reimburse

Any person, company, corporation or organization that causes damage, intentionally or accidentally, to any municipal property, road, bridge, drainage culvert, drainage ditch, or any area within a municipal right-of-way by a vehicle or other heavy machinery shall be responsible to reimburse the Township for the cost to repair the damage caused, directly or indirectly, by his/her/its vehicle.

§68-4 Enforcement Officer

This Chapter may be enforced by the New Jersey State Police, Kingwood Township Zoning Officer or any other individual designated by the Township Committee.

§68-5 Violations; Penalties

Any person who violates or refuses to comply with any part of this chapter shall be subject to a fine not exceeding \$2,000 or to imprisonment for a period not exceeding 10 days, or to both, or restitution for damage in the discretion of the court.

§68-6 Concurrent Remedies

Nothing contained herein shall be deemed or construed so as to prevent the enforcement of any other remedy at law, concurrent or otherwise, available to the Township of Kingwood or other law enforcement authority to avoid or prevent any violation or attempted violation of this Chapter, such as, but not limited to an injunction or restraining order.

Section 2:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3:

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4:

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Committee of the Township of Kingwood held on August 1, 2019, at 7:00 PM and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on September 5, 2019, at 7:00 PM, or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 599 Oak Grove Road in Kingwood Township, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

**TOWNSHIP COMMITTEE OF
TOWNSHIP OF KINGWOOD**

Thomas Ciacciarelli, Mayor

ATTEST: September 5, 2019

**Cynthia L. Keller, RMC
Township Clerk**

INTRODUCTION: August 1, 2019
PUBLICATION: August 8, 2019
FINAL ADOPTION: September 5, 2019
PUBLICATION BY TITLE ONLY: September 12, 2019

ROLL CALL VOTE	MOVED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
R. Dodds						
M. Syrnick						
T. Ciacciarelli						

I, **Cynthia L. Keller**, Clerk of the Township of Kingwood, County of Hunterdon and State of New Jersey do hereby certify the foregoing to be a true copy of **Ordinance No. 20-24-2019** adopted by the Kingwood Township Committee on September 5, 2019.

**Cynthia L. Keller, RMC
Township Clerk**