

ORDINANCE NO. 12-2020

BOROUGH OF ROSELAND
COUNTY OF ESSEX, STATE OF NEW JERSEY

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 19
OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF
ROSELAND ENTITLED "STREETS AND SIDEWALKS"

WHEREAS, the Mayor and Council of the Borough of Roseland desires to ensure that every Qualified Private Condominium Association and Homeowner's Association within the Borough of Roseland receives fair and equitable treatment as compared to other residential real estate owners of the Borough of Roseland; and

WHEREAS, the Mayor and Council of the Borough of Roseland desire to amend certain provisions within Section 16 of Chapter XIX entitled "Private Roads, Pump Stations, Sanitary Sewer Lines and Water Mains";

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Roseland that Chapter XIX "Streets and Sidewalks" Section 16 "Private Roads, Pump Stations, Sanitary Sewer Lines and Water Mains" of the Revised General Ordinances of the Borough of Roseland shall be amended to read follows:

19-16 PRIVATE ROADS, PUMP STATIONS, SANITARY SEWER LINES AND
WATER MAINS.

19-16.1. Definitions.

The following definitions shall apply to this Section 19-16:

Curb shall mean the stone or concrete edging to a street or path.

Homeowner's Association shall mean the Homeowner's Association of Holmehill.

Ice Removal shall mean the collection and removal of ice from the street.

~~Maintenance shall mean and include removal of debris from the street, crack sealing, pothole repair, and catch basin repair.~~

~~Pump Station shall mean a pump station privately owned by a Qualified Private Condominium Association and Homeowner's Association and shall include the pump station located at the Roseland Green.~~

~~Qualified Private Condominium Association and Homeowner's Association shall mean residential communities organized under New Jersey's Condominium Act N.J.S.A. 46:8B-1 et seq. located within the Borough of Roseland, including the developments known as Stone Gate at Roseland, a Street,~~

~~Eagle Rock, Roseland Glen, Roseland Green, Paradise Place, and the Homeowner's Association of Holmehill.~~

~~Realignment shall mean changing the position of the physical elements of the street or changing the geometric design of the street.~~

Reconstruction

Milling and Paving shall mean removal of existing asphalt surfacing prior to adding a new layer of asphalt, and may include excavation, replacement, or supplementation of road subgrade materials.

Parking Lot shall mean an area, usually divided into individual spaces, intended for parking motor vehicles and that generally has head on parking available.

Pump Station shall mean a pump station privately owned by a Qualified Private Condominium. Resurfacing shall mean adding a layer of asphalt on the existing street surface.

Association or Homeowner's Association.

Qualified Private Condominium Association shall mean residential communities organized under New Jersey's Condominium Act, N.J.S.A. 46:8B-1 et seq., located within the Borough of Roseland, including, the developments known as Stone Gate at Roseland, Eagle Rock, Roseland Glen, Roseland Green, and Paradise Place.

Realignment shall mean changing the position of the physical elements of the Street or changing the geometric design of the Street.

~~Road in this section~~ shall have the same meaning as Street.

Salting shall mean the mechanical application of road salts, such as chloride salts of sodium, calcium, magnesium, or potassium and/or brine solutions, or other common chemicals used to control snow and ice in order to make winter driving safer and more efficient. ~~control snow and ice in order to make winter driving safer and more efficient.~~

Sanitary Sewer Main Collection Lines shall not include individual house connections.

Site Plan shall mean an architectural plan, landscape architecture document, and a detailed engineering drawing of proposed improvements to a given lot. A site plan usually shows the building footprint, streets, parking areas, drainage facilities, sanitary sewer lines, water lines, trails, lighting, and landscaping and garden elements. An approved Site Plan is one that has been submitted and approved by either the Planning Board of the Borough of Roseland or the Zoning Board of Adjustment for the Borough of Roseland.

Snow Plowing shall mean plowing of snow from the ~~street~~ Street.

~~Snow removal~~ Removal shall mean the collection and removal of snow from the ~~street~~ Street.

Street shall mean a private street, avenue, road, alley, lane, highway, or boulevard within a Qualified Private Condominium Association and/or Homeowner's Association, but shall not include any private cross-walk, culvert, driveway, parking lot, retention basin, or sidewalk as

shown on the Approved Site Plan submitted for the Qualified Private Condominium Association or Homeowner's Association.

a private cross-walk, culvert, driveway, parking lot, retention basin, or sidewalk within a Qualified Private Condominium Association and Homeowner's Association.

Street Sign shall mean traffic signs or road signs that are erected at the side of or above roads to give instructions or provide information to street users.

Water Mains shall not include individual house connections.

19-16.2.- Maintenance, Paving, Salting and Snow Plowing of Qualified Private Condominium Association and Homeowner's Associations. and Homeowner's Associations.

a. a. The Borough of Roseland in its sole discretion shall provide maintenance, resurfacing, salting and milling and snow plowingpaving of the Streets of any Qualified Private Condominium Association and Homeowner's Association provided that as a condition precedent to the Borough of Roseland having any obligation to perform any such act the specific Qualified Private Condominium Association and Homeowner's Association must comply with all the terms and conditions of section 19:16.2(e). The Borough of Roseland's work related to milling and paving shall be in accordance with the Site Plan approved for the Qualified Private Condominium Association. The Borough of Roseland shall not have any obligation to install speed bumps or any other improvements or other devices that have been subsequently installed on any Street within a Qualified Private Condominium Association.

b. The Borough of Roseland in its sole discretion shall also agree to mill and pave the following Parking Lots within the Qualified Private Condominium Associations: (i) Mulford Court, (ii) Leonard Terrace, and (iii) Artho Lane. The Borough of Roseland's work related to milling and paving in these areas shall be in accordance with the approved Site Plans. The Borough of Roseland shall not have any obligation to install speed bumps or any other improvements or other devices that have been subsequently installed within these areas of the Qualified Private Condominium Associations.

c. b. The Borough of Roseland shall not and shall have no obligation to perform any ice removal, realignment or reconstruction The Borough of Roseland in its sole discretion shall provide maintenance, salting, snow plowing, and milling and paving of the Streets of the Homeowner's Association provided that as a condition precedent to the Borough of Roseland having any obligation to perform any such act the Homeowner's Association must comply with all the terms and conditions of section 19:16.2(e). The Borough of Roseland's work related to milling and paving shall be in accordance with the Site Plan approved for the Homeowner's Association. The Borough of Roseland shall not have any obligation to install speed bumps or any other improvements or other devices that have been subsequently installed on any Street within the Homeowner's Association.

ed. The Borough of Roseland shall not and shall have no obligation to perform any ice removal, snow removal or realignment of any Street of any Qualified Private Condominium Associations or Homeowner's Association, and shall not and shall have no obligation to perform any activity with respect to any private cross-walk, culvert, driveway, parking lotParking Lot,

culvert, retention basin, or sidewalk ~~within~~ as shown on the approved Site Plan for any Qualified Private Condominium Association and/or Homeowner's Association.

~~de.~~ At the time that any Street within a Qualified Private Condominium Association or Homeowner's Association is milled and paved, the Qualified Private Condominium Association or Homeowner's Association shall be responsible for simultaneously milling and paving any adjoining or similarly located Parking Lot.

~~ef.~~ The Borough of Roseland shall not and shall have no obligation to repair any curb within any Qualified Private Condominium Associations or Homeowner's Association unless such curb was damaged while the Borough of Roseland was milling and paving a Street within any Qualified Private Condominium Association or Homeowner's Association. Further, the Borough of Roseland shall not and shall have no obligation to replace or repair any street sign within any Qualified Private Condominium Association or Homeowner's Association even if removed or damaged in the course of the work performed by the Borough of Roseland.

~~fg.~~ The Borough of Roseland shall perform all work referenced in 19-16.2(a) in the same manner and timeliness as public Streets.

~~gh.~~ The Borough of Roseland shall have no obligation to widen any Street or roadway of any Qualified Private Condominium Association ~~and/or~~ Homeowner's Association.

~~hi.~~ As a prerequisite to the Borough of Roseland having any obligation to perform any work referenced within section 19-6.2(a) the specific Qualified Private Condominium Association ~~and/or~~ Homeowner's Association shall execute a contract with the Borough of Roseland in a form to be approved by the Borough Attorney. Said contract shall at a minimum:

1. Require the Qualified Private Condominium Association and Homeowner's Association to authorize and request the Borough of Roseland perform the work set forth in 19-16.2(a) that shall be specifically designated and set forth therein;

2. Require the specific Qualified Condominium Association and Homeowner's Association to warrant and provide proof to the Borough of Roseland that it obtained in accordance with its rules and regulations, by-laws Master Deed or other laws, rules or regulations, the consent and authority of its membership to enter into the contract with and to permit the Borough ~~or~~ of Roseland to perform the work;

3. Require the specific Qualified Private Condominium Association and Homeowner's Association to indemnify and hold harmless the Borough of Roseland from any and all claims related to the work set forth in 19:6-2(a), including but not limited to any and all claims arising out of the Borough of Roseland's negligence;

4. Require the specific Qualified Private Condominium Association and Homeowner's Association to obtain primary, commercial general liability insurance listing the Borough or Roseland as a named insured with coverage of at least one million dollars (\$1,000,000.00) for each occurrence and two million dollars (\$2,000,000.00) in the aggregate that shall provide for thirty (30) days written notice to the Borough of Roseland of any cancellation thereof; and

5. Require the Qualified Private Condominium Association and Homeowner's Association to provide the Clerk of the Borough ~~of~~ Roseland with proof of insurance coverage conforming to this subsection prior to the Borough of Roseland ~~to have~~ having any obligation to begin any work.

~~f h~~i. The Borough of Roseland performing any act with respect to this section 19-16.2(a) & (b) shall not constitute the Borough of Roseland's acceptance of any ~~street~~ Street or ~~road~~ Road of any Qualified Private Condominium Association ~~and~~ or Homeowner's Association. Every ~~street~~ Street and ~~road~~ Road of ~~the~~ a Qualified Private Condominium Association and Homeowner's Association shall remain private.

19-16.3. Pump Stations, Sanitary Sewer Main Collection Lines and Water Mains

a. The Borough of Roseland shall accept and maintain any ~~pump station~~ Pump Station, Sanitary Sewer and Water Mains of any Qualified Private Condominium Association and Homeowner's Association provided that as a condition precedent thereto:

1. The Qualified Private Condominium Association and Homeowner's Association conveys to the Borough of Roseland through a Quitclaim Deed the ownership of the pump station, sanitary sewer main collection lines, and water mains, including the real property and any improvements related thereto;

2. The Qualified Private Condominium Association and Homeowner's Association warrants and provides proof to the Borough of Roseland that it obtained in accordance with its rules and regulations, By-laws Master Deed or other laws, rules or regulations, the consent and authority of its membership to convey the Quitclaim Deed to permit the Borough ~~of~~ Roseland to take over ownership of the ~~pump station, sanitary sewer main collection lines~~ Pump Station, Sanitary Sewer Main Collection Lines, and ~~water mains~~ Water Mains, and the real property upon which it is located;

3. The Qualified Private Condominium Association and Homeowner's Association conveys to the Borough of Roseland all appropriate easements required by the Borough of Roseland in its sole discretion to provide the Borough of Roseland with access to the ~~pump station, sanitary sewer main collection lines~~ Pump Station, Sanitary Sewer Main Collection Lines, and ~~water mains~~ Water Mains and records said easement(s); and

~~4. The Qualified Private Condominium Association and Homeowner's Association provides the Borough of Roseland an opportunity to inspect the pump station and the Qualified Private Condominium Association and Homeowner's Association makes all repairs the Borough of Roseland requests prior to the conveyance.~~

b. Exceptions. Sanitary Sewer Lines and Water Mains shall not include house connections for water and sewer.

19-6.4. Borough Not to Maintain or Improve Private Streets

Except as otherwise provided for in Subsection 19-6.2(a) or (b) the Borough of Roseland shall have no obligation to provide ~~any~~ an maintenance or repairs, realignment or widening, snow

or ice removal, or to perform any snowplowing, ~~or salting or sanding~~ with respect to any private street or road, parking lot or driveway or other private property.

SECTION II

If any section or provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION III

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV

This ordinance shall take effect in accordance with applicable law.

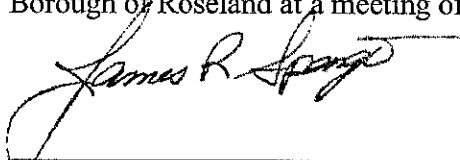
DATE OF INTRODUCTION: April 21, 2020

Motion to Introduce by: Councilman Freda
Motion Seconded by: Councilwoman Perrotti
Introduction Approved: 6-0 Voice Vote

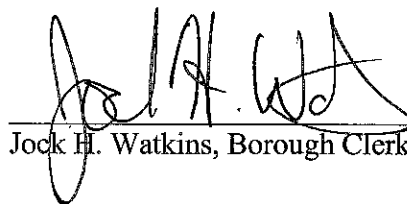
DATE OF ADOPTION: June 16, 2020

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Council President Bardi			X				
Councilwoman Fishman			X				
Councilman Freda		X	X				
Councilwoman Perrotti	X		X				
Councilwoman Tolli			X				
Councilman Trillo			X				
Mayor Spango (In case of tie)			X				
VOTE:			6	0			

I hereby certify that the above Ordinance was duly adopted by the Mayor and Council of the Borough of Roseland at a meeting of Borough Council held on the 16th day of June, 2020.



James R. Spango, Mayor



Jock H. Watkins, Borough Clerk

Date of Publication: June 25, 2020, The Progress