

BOROUGH OF HELMETTA

ORDINANCE 2026-04

**AN ORDINANCE AMENDING CHAPTER 50 OF THE CODE OF THE BOROUGH OF
HELMETTA, ENTITLED "STREETS AND SIDEWALKS," TO ADD A NEW ARTICLE
III ENTITLED "SIDEWALKS AND CURBS"**

WHEREAS, the Borough of Helmetta is authorized to adopt ordinances for the protection of the public health, safety, and welfare pursuant to its general police powers under the laws of the State of New Jersey; and

WHEREAS, the Borough Council recognizes that sidewalks and curbs serve a critical function in ensuring safe pedestrian travel, proper drainage, and the orderly use of public rights-of-way; and

WHEREAS, the Borough Council further recognizes that deteriorated, uneven, or obstructed sidewalks and curbs present hazards to pedestrians and may result in personal injury, property damage, and increased liability exposure; and

WHEREAS, it is in the best interest of the Borough to establish clear and enforceable standards governing the inspection, maintenance, repair, and replacement of sidewalks and curbs throughout the Borough; and

WHEREAS, the Borough Council finds that assigning responsibility for the maintenance and repair of sidewalks and curbs to the owners of properties abutting such improvements, except where such improvements abut Borough-owned property, promotes accountability and ensures timely upkeep; and

WHEREAS, the Borough Council further finds that it is necessary to authorize the Borough to enforce such responsibilities, including the ability to provide notice, perform necessary work in the event of noncompliance, and recover associated costs through liens or other lawful means; and

WHEREAS, the Borough Council desires to amend Chapter 50 of the Code of the Borough of Helmetta, entitled "Streets and Sidewalks," to add a new Article III entitled "Sidewalks and Curbs" to codify these responsibilities and procedures; and

WHEREAS, the Borough Council has determined that the adoption of this ordinance will promote the public health, safety, and welfare of the residents of the Borough of Helmetta and provide clear guidance to property owners regarding their obligations;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Helmetta, County of Middlesex, State of New Jersey, as follows:

SECTION 1. Chapter 50 of the Code of the Borough of Helmetta, entitled "Streets and Sidewalks," is hereby amended to add a new Article III, entitled "Sidewalks and Curbs," which shall read as follows:

ARTICLE III. SIDEWALKS AND CURBS

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§ 50-31. Title; Purpose; Authority. This Article shall be known as "Sidewalks and Curbs." The purpose of this Article is to protect the public health, safety, and welfare by establishing clear responsibilities for the inspection, maintenance, repair, and replacement of sidewalks and curbs within the Borough. This Article is adopted pursuant to the Borough's general police powers and all applicable laws of the State of New Jersey and shall be construed to ensure that pedestrian pathways and curbing are maintained in a safe and passable condition at all times.

§ 50-32. Definitions. For purposes of this Article, the following terms shall have the meanings set forth herein:

"Borough Property" shall mean any real property owned, leased, or controlled by the Borough of Helmetta, including but not limited to municipal buildings, parks, and rights-of-way where the Borough is the abutting property owner.

"Curb" shall mean the constructed edging, whether of concrete, stone, or other material, located at the boundary between a roadway and a sidewalk or shoulder, designed to contain or direct vehicular or surface water flow.

"Owner" shall mean the person or entity holding legal title to real property, including but not limited to individuals, partnerships, corporations, limited liability companies, or any other legal entity, and shall include the owner of record as reflected in the tax records of the Borough.

"Sidewalk" shall mean any paved or improved pedestrian walkway, whether publicly or privately installed, located within a public right-of-way or easement and intended for pedestrian use.

§ 50-33. Responsibility for Maintenance and Repair.

A. Except as otherwise expressly provided herein, the owner of any property abutting a sidewalk or curb shall be solely responsible for the inspection, maintenance, repair, and replacement of such sidewalk and curb, including any portion located within the public right-of-way adjacent to such property.

B. The obligation set forth in this section shall include, but not be limited to, the duty to maintain sidewalks and curbs in a safe, level, and unobstructed condition, free of hazards including cracks, holes, uneven surfaces, deterioration, or other conditions that may pose a risk to pedestrians or the public.

C. The Borough shall be responsible for the maintenance and repair of sidewalks and curbs only where such sidewalks or curbs abut Borough Property. Nothing herein shall be construed to impose upon the Borough any duty to maintain or repair sidewalks or curbs abutting privately owned property.

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D. The responsibilities imposed by this Article shall exist regardless of whether the sidewalk or curb was originally installed by the Borough, a developer, or any prior owner of the property.

§ 50-34. Inspection; Notice of Violation.

A. The Borough, through its designated official, including but not limited to the Code Enforcement Officer, Construction Official, or Borough Engineer, is authorized to inspect sidewalks and curbs for compliance with this Article.

B. Upon determination that a sidewalk or curb is in disrepair or otherwise not in compliance with this Article, the Borough shall issue a written notice to the property owner identifying the condition and directing that the necessary repairs or replacements be completed within a specified time period, which shall not be less than ten (10) days nor more than sixty (60) days, depending on the nature and severity of the condition.

C. The notice may be served personally, by certified mail, or by regular mail to the owner's last known address as reflected in the Borough's tax records. Failure to receive actual notice shall not invalidate the Borough's enforcement actions where notice has been properly sent.

§ 50-35. Failure to Comply; Borough Remediation; Lien.

A. In the event that the property owner fails to complete the required work within the time specified in the notice, the Borough may cause such work to be performed or completed by Borough forces or through a third-party contractor.

B. The cost of such work, together with any administrative fees, engineering fees, inspection costs, and legal expenses incurred by the Borough, shall be certified to the governing body and assessed as a lien against the property. Such lien shall be added to and become part of the taxes next to be assessed and levied upon such property and shall bear interest at the same rate as unpaid municipal taxes.

C. The Borough may pursue any and all remedies available at law or in equity to enforce payment of such costs.

§ 50-36. Standards for Repair and Replacement.

A. All repairs or replacements required under this Article shall be performed in accordance with the specifications and standards established by the Borough Engineer or as otherwise set forth in applicable Borough ordinances, construction codes, or engineering standards.

B. Any person undertaking such work shall be responsible for obtaining all required permits and inspections prior to the commencement of work.

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C. All work shall be completed in a good and workmanlike manner and shall be subject to inspection and approval by the Borough.

§ 50-37. Emergency Conditions.

In the event that a sidewalk or curb condition constitutes an immediate threat to public health or safety, as determined by the Borough, the Borough may undertake immediate corrective action without prior notice to the property owner. In such cases, the costs of such work shall be recoverable in the same manner as set forth in § 50-35.

§ 50-38. Violations and Penalties.

A. Any property owner who violates any provision of this Article, or who fails to comply with a notice issued pursuant to § 50-34, shall be subject to the following penalties:

(1) For a first offense, a fine of not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500);

(2) For a second offense occurring within a twelve (12) month period, a fine of not less than two hundred fifty dollars (\$250) and not more than seven hundred fifty dollars (\$750);

(3) For a third or subsequent offense occurring within a twelve (12) month period, a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000).

B. Each day that a violation continues after the expiration of the time period set forth in the notice of violation shall constitute a separate and distinct offense subject to an additional fine as set forth herein.

C. In addition to or in lieu of the imposition of fines, the Municipal Court may impose a period of community service not exceeding ninety (90) days, as permitted by law.

D. The Borough may also seek injunctive relief in a court of competent jurisdiction to compel compliance with this Article, including but not limited to an order requiring the repair or replacement of sidewalks or curbs.

E. The imposition of penalties under this section shall not preclude the Borough from exercising its right to perform the required work and recover costs pursuant to § 50-35, nor shall it preclude the Borough from pursuing any other remedies available at law or in equity.

§ 50-39. Severability. If any section, subsection, paragraph, or provision of this Article shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Article, which shall continue in full force and effect.

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SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. This ordinance shall be codified as part of Chapter 50 of the Code of the Borough of Helmetta.

SECTION 4. If any section, subsection, paragraph, sentence, or provision of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 5. This ordinance shall take effect upon final passage and publication according to law.

ORDINANCE 2026-04
BOROUGH OF HELMETTA
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

Introduced: April 15, 2026

Recorded Vote

Motion made by *Council President Karczewski*

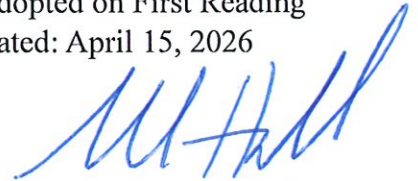
Second by *Councilwoman Bohinski*

Roll Call

	AYES	NAYS	ABSTAIN	ABSENT
Council President Karczewski	✓			
Councilwoman Bohinski	✓			
Councilman Dzingleski	✓			
Councilman Reid	✓			

Adopted on First Reading

Dated: April 15, 2026



Melissa Hallerman, Municipal Clerk

Adopted: May 20, 2026

Recorded Vote

Motion made by *Council President Karczewski*

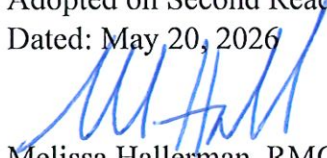
Second by *Councilman Reid*

Roll Call

	AYES	NAYS	ABSTAIN	ABSENT
Council President Karczewski	✓			
Councilwoman Bohinski	✓			
Councilman Dzingleski	✓			
Councilman Pirrone	✓			
Councilman Reid	✓			

Adopted on Second Reading

Dated: May 20, 2026



Melissa Hallerman, RMC