

TOWNSHIP OF NEPTUNE
NOTICE OF FINAL ADOPTION OF ORDINANCE
ORDINANCE NO. 16-18

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE
CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING A
RESIDENT HANDICAPPED ON-STREET PARKING ZONE ON
ABBOTT AVENUE AND REMOVING HANDICAPPED PARKING
ZONES ON ABBOTT AVENUE AND BATH AVENUE

Approved on First Reading: May 9, 2016

Approved, passed and adopted on final reading: May 23, 2016

NOTICE
ORDINANCE NO. 16-19
Township of Neptune
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 23rd day of May, 2016, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 13th day of June, 2016, at the Neptune Municipal Complex, Township Committee Meeting Room – 2nd Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at www.neptunetownship.org.

ORDINANCE NO. 16-19

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XIII, SECTION
13-1 OF THE CODE OF THE TOWNSHIP OF NEPTUNE TO
AMEND THE PROVISIONS REGULATING THE EXCAVATION OF
STREETS AND SIDEWALKS

BE IT ORDAINED, by the Township Committee of the Township of Neptune of the County of Monmouth in the State of New Jersey as follows:

SECTION 1.

Volume I, Chapter XIII, Section 13-1, entitled "Excavation of Streets and Sidewalks", shall be amended in its entirety as follows:

13-1 EXCAVATION OF STREETS AND SIDEWALKS.

13-1.1 Definition of Department of Engineering & Planning.

Whenever in this section reference is made to the "Department of Engineering & Planning" or their designated representative," this shall also mean that in the event there is no Director of Engineering & Planning, this shall then refer to the Assistant Director of Engineering & Planning.

13-1.2 Permit Required.

No person, firm or corporation shall excavate, dig up or disturb any right of way, street, avenue, highway, road, alley, sidewalk, or any public place whatsoever in the Township of Neptune, in the County of Monmouth for the purpose of laying, installing, replacing or repairing of water, gas and sewer pipes and mains, and telephone and electrical conduits, storm sewer, curbing, driveways, or for any other purpose whatsoever without obtaining a permit therefore from the Director of Engineering & Planning or their designated representative.

13-1.3 Application Information and Fee.

Application Permit forms shall be obtained from the Director of Engineering & Planning, or their designated representative, and shall contain the name and address of the person, firm or corporation making the application, and signed by the applicant or a duly authorized agent, and shall set forth the location where work is to be performed, the character of the work, and the time within which it is to be completed, together with scaled drawings of the proposed work. ~~together with a nonrefundable application fee of twenty five (\$25.00) dollars for every one hundred (100) square feet of opening or fraction thereof.~~

- a. ***For proposed openings less than ninety (90) square feet/ten (10) square yards a non-refundable application fee of fifty (\$50.00) dollars payable to the Township of Neptune is required;***
- b. ***For proposed openings greater than ninety (90) square feet/ten (10) square yards a non-refundable application fee of twenty-five (\$25.00) per one hundred (100) square feet of proposed opening is required;***

13-1.4 Excavation of Streets Not Permitted During the Summer Season in the Ocean Grove Historic District.

A road excavation permit issued for any street within the Ocean Grove Historic District shall only be valid between September 16th and April 30th. No excavation of streets shall be permitted within the Ocean Grove Historic District between May 1st and September 15th. A road excavation permit may be issued for a road excavation during the prohibited time period in the event of emergency circumstances as determined by the Director of Engineering & Planning.

13-1.5 Insurance Required; Amount.

Before a permit is issued the applicant shall be required to deliver to the Director of Engineering & Planning or their designated representative, a certificate of insurance in the amount of one hundred thousand (\$100,000.00) dollars to two hundred fifty thousand (\$250,000.00) dollars for bodily injury, and twenty-five thousand (\$25,000.00) dollars property damage for the purpose of indemnifying the Township of Neptune, in the County of Monmouth for any personal injuries or property damage that may be sustained during the progress of the work.

13-1.6 Bond Requirements.

Before a permit will be issued **for work requiring a street opening permit that exceeds ninety (90) square feet or ten (10) square yards**, a street opening performance bond in favor of the Township shall be posted in the amount of four thousand (\$4,000.00) dollars for a term of five (5) years to guarantee the cost of replacing or repairing any street, road, avenue, highway, sidewalk, curb, gutter, alley or driveway or any other public place whatsoever to its original condition where the work has been performed. Permanent restoration shall be made within three (3) months after completion of the work, subject to the provisions of subsection 13-1.10 herein relating to permanent restoration of road surfaces and subject to the approval of the Director of Engineering & Planning or their designated representative. The said Township may undertake the permanent restoration if the permittee so requests provided the permittee shall pay, in advance, the prevailing cost in cash or by certified check as determined by the Director of Engineering & Planning or their designated representative.

13-1.7 Tunneling or Boring Requires Special Permission.

Tunneling or boring will be permitted in special cases, subject to the approval of the Director of Engineering & Planning or their designated representative, with the filing of a performance bond in an amount and term required by the Township Committee, and in accordance with the specifications approved by the Township Committee.

13-1.8 Traffic and Pedestrian Protection.

Any person, firm or corporation undertaking any work pursuant to any permit shall keep the area where the work is performed open to traffic at all times, barricading every excavation on all sides and posting warning signs during the day and one-half (1/2) hour before sunset and one-half (1/2) hour after sunrise; lights shall be placed around such excavation, in addition to the aforesaid barricades. Provisions for the protection of pedestrians and vehicles shall be in such manner as shall be satisfactory to the Police Department of the Township of Neptune pursuant to the Manual on Uniform Traffic Control Devices (MUTCD). If the excavation extends the full width of the street, avenue, road, etc., only one-half (1/2) of the road shall be opened, and this is to be backfilled before the other half is opened to permit the free flow of traffic at all times. **Any road closures or detours shall be coordinated with the Neptune Township Police Department Traffic Safety Officer and the Department of Engineering and Planning.**

13-1.9 Public Utilities; Corporations; Bond Required.

a. Any corporation which is a public utility, subject to regulation by the Board of Public Utility Commissioners of the State of New Jersey, or a municipal corporation of the State of New Jersey, may, in lieu of the provisions of subsection 13-1.5 hereof, post a bond of the public utility corporation or municipal corporation, as the case may be, in the penal sum of ten thousand (\$10,000.00) dollars. Such bond shall be conditioned upon the compliance with the applicable provisions of this section in respect to any work which shall be hereafter performed by such a public utility corporation or municipal corporation in the Township of Neptune, and the obligation of such bond shall be a continuing obligation to the full amount thereof for any and all work performed.

~~13-1.10 Permit Fee for Utilities or Corporations.~~

~~a. Whenever any such public utility, corporation or municipal corporation has filed such a bond and while the same is in full force and effect and furnishes a scaled drawing of the proposed work, requests the Director of Engineering & Planning or their designated representative, by written application on the forms provided, to issue said utility or corporation a permit, it shall be the duty of the Director of Engineering & Planning, or their designated~~

~~representative, to issue a permit, the fee for which shall be twenty-five (\$25.00) dollars for every one hundred (100) square feet of opening or fraction thereof. In the event a public utility is performing multiple openings on the same avenue, street or roadway, within the same block (maximum of three hundred (300') feet in length) for maintenance or repair of underground utilities, the public utility or corporation is permitted to file one (1) blanket application for said block (maximum of three hundred (300') feet in length) at a fee not to exceed seventy-five (\$75.00) dollars.~~

b. A public utility corporation or municipal corporation, during the period while such bond is in full force and effect, may in lieu of filing a certificate of insurance for bodily injury and property damage in the amounts as set forth in this section, file with the Director of Engineering & Planning or their designated representative, a certificate certifying that it is a self-insurer and exempt from the necessity of obtaining an insurance policy pursuant to the provisions of the statutes of the State of New Jersey, and that the Township of Neptune is completely indemnified thereby.

~~13-1.14~~ **13-1.10** Backfilling; Restoration of Surface.

The permittee shall assume all responsibility and hold the Township harmless for any property damage or bodily injury which may occur as a result of the work performed from the time the work commences until the permanent restoration has been made by the permittee. The permittee shall immediately backfill the opening with excavated material if such material is suitable, in layers not exceeding two (2') feet in thickness if heavy compacting equipment is used or in layers not exceeding one (1') foot in thickness if hard or light compacting is used. This fill shall be brought to an elevation of six (6") inches below the permanent surface. If the Director of Engineering & Planning, or their designated representative, determines that the excavated material is not suitable for backfilling as specified, then it shall be removed from the site and the opening backfilled as herein specified with suitable material, then six (6") inches of road gravel of a grade satisfactory to the Director of Engineering & Planning, or their designated representative, shall be applied and thoroughly compacted. This temporary restoration shall be checked for settling and all holes shall be filled evenly with the surface of the adjoining pavement.

Once the excavation work area has been properly saw cut, and the backfill tamped and compacted, the permittee shall install no less than six (6") inches of bituminous stabilized base course to the trench surface. If the distance from the edge of the excavation work area to the existing curb is less than two (2') feet, the permittee shall be required to excavate to the curb and evenly install six (6") inches of bituminous stabilized base course in the entire area.

The partially restored pavement shall be allowed to settle for no less than ninety (90) and no more than one hundred eighty (180) days. If at any time during the settlement period, the trench becomes unacceptable as determined by the Director of Engineering & Planning, the permittee shall be notified of the condition requiring repair, and such repair shall be performed within twenty-four (24) hours of such notification by the Director Engineering & Planning. If the repair is not made in the time specified, the Township may make the repair and any cost thereof will be charged against the permittee's cash repair deposit and/or maintenance bond. At the end of the period of time of settlement required by the Department of Engineering & Planning, an inspection shall be performed by the Department.

At this time, the permittee shall be required to mill the excavation work area surface to a width equal to one (1') foot wider on each side of the initial repair and install no less than two (2") inches of FABC surface course. The permittee shall also be required to provide a tack coat on all existing bituminous and concrete surfaces and a hot-poured, rubber asphalt joint sealer (per current DOT Standard Specifications for Roads and Bridges).

Unless authorized by the Department of Engineering & Planning, any excavation less than ninety (90) ~~square yards~~ **square feet/ten (10) square yards** shall require milling and restoration of the excavation work area extending a minimum of one (1') foot beyond the edge of excavation to the nearest curb. Any excavation equal to or greater than ninety (90) ~~square yards~~ **square feet/ten (10) square yards** shall require milling and restoration of the excavation work area extending from the center line of road to the curb and extending a minimum of one (1') foot beyond the outer edges of the excavation. If the excavation work area will be within two hundred (200') feet or less of previous excavations occurring within one (1) year of the subject excavation (by same permittee along the same side of the road), the permittee shall be required to mill and restore the roadway between the outer most excavations.

The permittee shall be required to replace any facilities including, but not limited to, curb, pavement, sidewalk, line striping, etc., that is affected by the excavation and restoration work, at the permittee's expense. Such work shall be performed according to Township standards.

With Department of Engineering & Planning approval, center line of road milling and restoration may be offset by the distance necessary to avoid disturbing existing line striping or markers. (Ord. No. 1671 § 10)

Work that is completed in the Public Right of Way, but outside of the cartway, should be restored to existing conditions. If the work contains curb and sidewalk then the area shall be restored with curb and sidewalk in accordance with the Township Engineer's review and recommendations on specifications.

If the work was other than sidewalk, such as slate or pavers, than it shall be restored to slate or pavers or the material that existed prior to excavation.

~~13-1.12~~ **13-1.11** Engineering Inspection and Construction Administrative Escrow Fees.

The permittee shall establish an engineering inspection escrow account with the Township Finance Officer unless specifically waived by the Township of Neptune, by and through the Department of Engineering & Planning, **for any proposed permit for over ninety (90) square feet or ten (10) square yards. In the event of a multiple repairs/replacements on the same street or within three (3) feet the openings shall be cumulative and not submitted as separate permits in order to avoid the inspection fee.** The account shall be for five (5%) percent of the estimated cost of the project, or five hundred (\$500.00) dollars, whichever is greater. The escrow shall be used by the Township for the reimbursement of engineering fees, inspection fees and other reasonable fees associated with the permittee's project.

In the event that charges deplete the escrow account by more than fifty (50%) percent of the original submission, the permittee shall be notified and requested to submit additional escrow sums in sufficient amount to restore the escrow account to not less than seventy-five (75%) percent of the original escrow deposit.

~~13-1.13~~ **13-1.12** Emergency Permits.

In case of emergency, an emergency permit may be issued by the Police Department of the Township of Neptune, after which an application for a permit, as hereinbefore required, shall be made to the Director of Engineering & Planning, or their designated representative, within forty-eight (48) hours after the work has been commenced.

13-1.13 Notice Required Prior to Paving Streets

When **a Township street, right of way is to be paved or improved**, ~~the Township improves or paves any street or a person or representatives of a person improves or paves any street,~~ the Township Engineer's office, **or said utility or company completing work**, shall first give notice to all persons owning property abutting the street about to be paved or improved and to all public utilities and authorities operating in the Township, and all such persons, utilities and authorities shall make all connections as well as any repairs thereto which would necessitate excavation of the street within sixty (60) days of the giving of such notice. The time shall be extended if permission is requested in writing and approved by the Township Engineer.

13-1.14 Excavation of Newly Paved Streets

No street opening permit shall be issued by the Director of Engineering & Planning to any person given notice under this section or their assignees or successors which would allow an excavation or opening in paved and improved street surface less than three (3) years old unless the applicant can clearly demonstrate that public health or safety requires that the proposed work be permitted or unless an emergency condition exists.

If determined that the roadway needs to be opened in the event of an emergency the penalty shall apply.

The penalty charge shall be on a sliding scale determined as follows:

- | | |
|-----------------------------------|-----------|
| a. Penalty assessment | = \$1,000 |
| b. Area of road cut in S.F. x \$5 | = Varies |
| Total a. and b. | = Varies |

Penalty factor is three (3%) percent of the above total for each unelapsed month or fraction thereof of the three (3) year (36 months) restricted period. Maximum penalty shall be one hundred eight (108%) percent of above total and minimum penalty shall be five hundred (\$500.00) dollars. Inspection and permit fees are payable in addition to the penalty charges set forth herein pursuant to subsection 13-1.13. No portion of the penalty charge shall be refundable and penalty charges do not relieve the permit holder from the required performance cash bond or the required insurance. Restoration of all road openings in "new street" pavement shall be to a "newly paved" condition. The restoration shall be according to subsection 13-1.10.

13-1.15 Penalties for Violations.

Any person, firm or corporation violating any of the provisions of this section shall, upon conviction, suffer and be subject to a fine not exceeding the amount authorized in N.J.S.A. 40:49-5, a term of imprisonment not exceeding the term authorized in N.J.S.A. 40:49-5 or a period of community service not exceeding the period authorized in N.J.S.A. 40:49-5 or any combination thereof.

SECTION 2

All Ordinances or parts of Ordinances, including Ordinance 15-10, which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

SECTION 3

The amended Ordinance shall become effective immediately upon its final passage and publication as required by law.

Richard J. Cuttrel,

Municipal Clerk

NOTICE
ORDINANCE NO. 16-20
Township of Neptune
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 23rd day of May, 2016, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 13th day of June, 2016, at the Neptune Municipal Complex, Township Committee Meeting Room – 2nd Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at www.neptunetownship.org.

ORDINANCE NO. 16-20

AN ORDINANCE TO AMEND SECTION 201 AND ZONING
SCHEDULE B OF THE LAND DEVELOPMENT ORDINANCE OF
THE TOWNSHIP OF NEPTUNE BY DEFINING “EFFECTIVE LAND
AREA” AND AMENDING THE MAXIMUM FLOOR AREA RATIO
CALCULATION

BE IT ORDAINED, by the Township Committee of the Township of Neptune, County of Monmouth that the Land Development Ordinance be and is hereby amended as follows:

SECTION 1.

SECTION 201 – DEFINITIONS, shall be amended to include the following:

Effective Land Area- The area of the lot after first reducing the total area by portions of land subject to certain constraints as provided in the following schedule:

Percentage of Area of Constraint by which Lot Area Is To Be Reduced

Constraint	Reduced
Bodies of water	100
Flood areas ¹	100
Wetlands ²	100
Slopes 15% to 25% ³	50
Slopes 25% to 35% ³	75
Slopes 35% and greater ³	100

¹DEP or other equally reliable source.

²Verification by the NJDEP.

³Calculated within two-foot contour intervals from aerial topography or survey by a New Jersey licensed land surveyor.

SECTION 2.

ZONING SCHEDULE B- ZONING DISTRICT BULK REGULATIONS, shall be amended as follows:

(For the following amendments, sections marked ***in bold, italicized and underlined*** shall indicate an addition, and words marked with a ~~strikethrough~~ shall indicate a deletion. All other portions of the ordinances shall otherwise remain unchanged)

	Maximum Floor Area Ratio
B-1, C-4, C-6, C-7	0.6 ^{***}
B-2	1.0 ^{***}
B-3	0.7 ^{***}
C-1	0.6 <i>0.8</i> ^{***}
C-2, C-3, C-5	0.6 <i>0.8</i> ^{***}

****** Floor Area Ratio shall be calculated using the Effective Land Area***

SECTION 3. REPEALER

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 4. INCONSISTENT ORDINANCES

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION 5. SEVERABILITY

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication according to law.

Richard J. Cuttrell,
Municipal Clerk