

ORDINANCE NO. 2016-02

TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

**AN ORDINANCE AMENDING CHAPTER VIII, "FEES" AND
CHAPTER XVII, "STREETS, SIDEWALKS AND DRIVEWAYS" OF THE CODE
OF THE TOWNSHIP OF GREEN**

BE IT ORDAINED, by the Township Committee of the Township of Green in the County of Sussex and the State of New Jersey, as follows:

SECTION 1: The following Ordinance Section shall be amended so as to read as follows:

CHAPTER VIII - FEES

8-75B. Driveway Permits - Application fees and Escrow fees (subsection 17.2.1 through 2.14)

| TYPE | DESCRIPTION | APPLICATON FEE | TECHNICAL REVIEW (ESCROW) FEE | BOND |
|-------------|----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|---------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| Class I | Single family single access residential drive way not exceeding 8% grade and no sight distance issues | \$125.00 | \$750.00 | |
| Class II | All other single family single access residential | \$150.00 | \$850.00 | |
| Class III | All commercial or multi access residential | First opening \$200.00 Each Add'l opening \$100.00 | \$1,000.00 \$300.00 | |
| Class IV | All farmland access (not including access to structures) | \$75.00 | \$300.00 | |
| | Other uses | First opening \$100.00 Each Add'l opening \$50.00 | \$700.00 \$150.00 | |
| | Alteration to existing | \$75.00 | \$400.00 | |
| | Surety - Performance Guaranty (when delay of paving requested and approved due to hardship – not to exceed 6 months) | | Equal to original deposit plus \$1,000.00 if letter of credit or surety bond in lieu of cash bond | *\$500.00 PLUS \$3.00 per sq. ft. PLUS \$750.00 As-built if reqd. |

| | | | | |
|--|--------------------|----------|----------|--|
| | Appeal of decision | \$100.00 | \$500.00 | |
|--|--------------------|----------|----------|--|

*The total surety/performance bond shall equal \$500 PLUS \$3.00 per square foot of driveway required to be paved as determined by the Township Engineer PLUS \$750.00 when an as-built is required as determined by the Township Engineer.

SECTION 2: The following Ordinance sections shall be amended to read as follows:

CHAPTER XVII – STREETS, SIDEWALKS AND DRIVEWAYS

17-2.10 Completion and Inspection.

17-2.10a No Temporary Certificate of Occupancy or Certificate of Occupancy shall be issued unless all driveways on the lot or site have been completed in accordance with the approved plan or have posted a surety as defined in paragraph e of this subsection. Inspection to assure compliance will be done by the Township Engineer.

17-2.10e *Surety Deposits for Paving.* The applicant may request permission to delay paving the driveway provided a hardship can be shown to justify a delay in paving. The applicant shall make a written request for such a delay to the Township Engineer with a copy to the Township Planning Department. The reason(s) for the delay and the date proposed when the paving will be completed shall be stated in the written request. The Township Engineer shall determine if reasons justifying a delay in paving have been clearly demonstrated and if a delay in paving is to be granted. In general, a request for a delay in paving may be considered when the property owner can demonstrate that:

1. The required sub-base has been installed.
2. Weather conditions or other engineering concerns prevent the paving.
3. The constructed driveway will function satisfactorily until the pavement can be installed.
4. The delay for installation shall not exceed six (6) months.
5. A proper surety/performance guaranty is posted in accordance with Chapter VIII, Fees. If a letter of credit or bond is submitted as surety in lieu of a cash bond, additional escrow shall be required as established in Chapter VIII, Fees.
6. A minimum escrow shall be maintained as established in Chapter VIII, Fees.
7. A Temporary Certificate of Occupancy may be granted upon the approval of a request for a delay in the completion of the final paving of the driveway in accordance with this Section. A Certificate of Occupancy may only be issued upon satisfactory completion of the driveway.

17-2.12c In the event the applicant for an exception from the provisions of this section is denied the exception sought, the applicant shall have the right to appeal such denial to the Planning Board, which shall hold a hearing thereon, attended by the Township Engineer and shall render a determination within forty-five (45) days of the submission of such appeal.

17-2.14 Enforcement. The Township Engineer, the Zoning Official or such further official as may from time to time be designated by the Township Committee are hereby designated as the enforcement agents of this Ordinance acting for the Township Committee.

17-2.15b. Any person, persons, firm, corporation or other entity violating any of the provisions of this Chapter shall, upon conviction thereof, be liable to the penalties set forth in Chapter I, Section 1-5 General Penalty. Each and every day that the violation continues shall constitute a separate offense.

SECTION 3: Any provision in Section 17-2.10 of this Chapter not amended by this ordinance shall remain in full force and effect.

SECTION 4: If any section, subsection, paragraph, sentence or any part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 5: All Ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

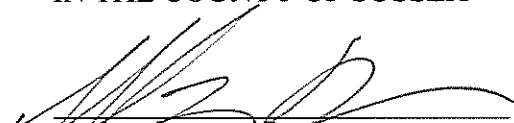
SECTION 6: This ordinance shall take effect after final passage and publication as prescribed by law.

ATTEST:

TOWNSHIP OF GREEN,
IN THE COUNTY OF SUSSEX



Linda Peralta,
Township Clerk



Margaret H. Phillips
Mayor, Green Township

cc: Linda Padula, CFO

Record of Vote – Adoption:

| | AYE | NAY | ABSTAIN | ABSENT |
|---------------|-------|-----|---------|--------|
| Mr. Chirip | 1st ✓ | | | |
| Mr. Conkling | ✓ | | | |
| Mr. Kurzeja | 2nd ✓ | | | |
| Mr. Reinbold | ✓ | | | |
| Mrs. Phillips | ✓ | | | |

INTRODUCED: February 22, 2016

ADVERTISED INTRODUCTION: February 25, 2016

PUBLIC HEARING: March 14, 2016

ADOPTED: March 14, 2016

ADVERTISED ADOPTION: