

ORDINANCE NO. 2024-16

**AN ORDINANCE OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN, STATE OF
NEW JERSEY AMENDING AND SUPPLEMENTING
CHAPTER 66 OF THE TOWNSHIP CODE
ENTITLED “STREETS AND SIDEWALKS” AND
ESTABLISHING ARTICLE V THEREOF
ENTITLED “REPAIR AND REPLACEMENT OF
SIDEWALKS AND CURB”**

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey that Chapter 66 of the Township Code entitled “Streets and Sidewalks” is hereby amended to establish Article V thereof entitled “Repair and Replacement of Sidewalks and Curb” shall read as follows:

SECTION 1.

§66-46 Repair and replacement at expense of land owner.

All sidewalks, driveway aprons, and curbs along any streets, roads and public rights-of-way in the Township of Barnegat shall be reconstructed, repaired or replaced at the cost and expense of the owner or owners of the lands in front of which such sidewalks, driveway aprons, and curbs are constructed.

§66-47 Construction specifications.

All curbs, driveway aprons, and sidewalks shall be constructed in accordance with the specifications of the Township of Barnegat as prepared by the Township Engineer. Copies of said construction specifications will be provided, at no cost, to any property owner upon request.

§66-48 Permit required.

Prior to replacing or repairing the curb or driveway aprons, the property owner must obtain a street opening permit from the Township of Barnegat in accordance with

Chapter 66-26. The property owner will be required to submit an application form for the permit for the replacement or repair of curb and/or driveway aprons.

§66-49 Notice to repair; time limit; failure to comply.

Whenever the Township Administrator has determined, upon advice from the Township Engineer or Township Construction Code Official, that any curbs, driveway aprons and/or sidewalks are in need of repair or reconstruction, the Administrator shall advise the Township Committee in writing that such curbs, driveway aprons, and/or sidewalks are in need of repair or reconstruction, specifying the location and assessed owner of the property.

§66-50 Notice to owner of required improvements.

The Township shall determine the necessity of said improvement, and if it deems that said improvement is necessary, it shall by resolution cause a notice in writing to be served upon said abutting owners or occupants of said lands requiring the necessary specified work to said curb, driveway apron, and/or sidewalk to be done by said owner or occupants within a period of not less than 120 days no more than 180 days from the date of service of the notice.

§66-51 Manner of serving notice.

The notice provided for in §66-50 shall be served upon the owner(s) of the affected lands in accordance with the provisions of N.J.S.A. 40:65-14.

§66-52 Failure to comply; work to be done by Township; costs to become lien.

In the event that the owner or occupant of such abutting lands shall not comply with the requirements of said notice, it shall be lawful for the Township Administrator, in accordance with N.J.S.A. 40:65-14, to cause the required work to be done and paid for out of municipal funds available for that purpose. The cost of such work shall be certified

by the Township Engineer to the Tax Collector or person having charge of the collection of assessments in Barnegat Township. Upon filing said certificate of costs, the amount of the cost of such work shall be and become a lien upon said abutting lands in front of which such work was done, to the same extent that assessments for local improvements are liens in the municipality, and shall be collected in the manner provided by law for the collection of such other assessments and shall bear interest at the same rate. In addition, thereto, the Township Committee may commence, in any court having jurisdiction thereof, an action against the owner of said lands to recover said amount.

§66-53 Repair and/or replacement of sidewalks, driveway aprons and curbs at Township expense.

Notwithstanding any provision to the contrary in this article, the Township reserves the right to repair and replace sidewalks, driveway aprons, and/or curbs at no cost to the property owner in conjunction with any road or drainage improvements that the Township undertakes on any Township road or street. In addition, the Township reserves its rights to repair and construct curbs, driveway aprons, and/or sidewalks at the Township's expense in accordance with the provisions of N.J.S.A. 40:65-1 et seq., when the governing body of the Township determines that it is in the best interest of the Township to take such an action.

SECTION 2. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the **6th day of June, 2024**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **2nd day of July, 2024, at 6:30 PM.** at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Donna M. Manno, RMC
Municipal Clerk