

**Chapter 13**

**BONDS**

**ARTICLE I**

**Posting of Bond Before Using Heavy Equipment on Public Property**

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HISTORY: Article I adopted by the Mayor and Borough Council of the Borough of Seaside Park 5-11-1978 as Ordinance No. 768. Amended 12-20-2001 by Ord. No. 1291.

*Be it ordained by the Mayor and Borough Council of the Borough of Seaside Park, in the County of Ocean and State of New Jersey, as follows:*

**ARTICLE I**  
**Posting of Bond Before Using Heavy Equipment on Public Property**  
*Adopted 5-11-1978 as Ord. No. 768*

**§13-1. Purpose.**  
 It is the purpose of this ordinance to require any individual person, corporation or other organization to post a bond prior to taking heavy equipment over public property where the same may cause damage resulting in an unwarranted expense to the borough.

**§13-2. Definitions.**  
 As used in this ordinance, the following terms shall have the meanings indicated:  
 HEAVY EQUIPMENT — Any equipment having a gross weight in excess of one thousand (1,000) pounds.

**§13-3. Situations requiring bond; exception.**  
 It shall be necessary for anyone desiring to cross over or upon public property with heavy equipment to first post a cash or surety company bond acceptable to the borough if said equipment shall pass over any portion of

public property where an improvement is located which might be damaged as the result of said passage. In particular, it shall be necessary to supply said bond prior to crossing any section of the public boardwalk. This section shall not apply to any four-wheeled recreational vehicle weighing less than six thousand (6,000) pounds crossing over the public boardwalk at the Brighton Avenue or the Porter Avenue ramps designed for the same.

**§13-4. Information required; referral of disputes.**  
 A. It shall be the duty of anyone required to post such a bond to first indicate exactly where said equipment shall cross said public property and to note any and all present damage. Said information shall be furnished to the Borough Clerk, who shall refer the same to the Borough Superintendent,<sup>1</sup> who shall review the same and set a bond amount sufficient to cover the replacement of the section of public property to be replaced. In the event that the individual applying to post said bond shall dispute the bond's amount, the matter shall be referred to the

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<sup>1</sup> EDITOR'S NOTE: Ord. No. 1046, adopted 7-21-1988, established the position of Public Works Director which replaced the Borough Superintendent.

Borough Engineer for his review, and he shall thereafter set the amount of the bond.

- B. The individual applying to post any bond shall further set forth the exact time when he shall cross over said public property and shall be responsible for any damage not set forth as required in Subsection A above. The applicant shall further supply the exact weight of the machinery and any supplies or cargo to be carried across the public property.

**§13-5. Application fee; fee for supervision.**

Any applicant desiring to post a bond shall pay to the borough an application fee of ten dollars (\$10.); and, if the Borough Superintendent deems it necessary to have a borough employee present at the time or times when the applicant intends to cross said area, the applicant shall pay to the borough a sum equal to the exact salary cost of said supervision plus a twenty-five percent charge for overhead costs.

**§13-6. Violations and penalties.**

*Amended 12-20-2001 by Ord. No. 1291*

Anyone failing to comply with this ordinance shall be subject to a fine not to exceed one thousand dollars (\$1,000.) or a term in the Ocean County Jail not to exceed ninety (90) days, or both. Said fine or imprisonment shall be in the discretion of the Judge before whom said person shall be tried and convicted.

**§13-7. Severability.**

In the event that any provision of this ordinance shall be found to be invalid by a court of competent jurisdiction, the remaining portions shall continue to have full force and effect. The provisions of this ordinance are severable.

**§13-8. Repealer.**

This ordinance hereby repeals any inconsistent ordinance and ordinances, or part or parts thereof.

**§13-9. When effective.**

This ordinance shall take effect immediately upon its final passage, approval and publication as required by law.