

**BOROUGH OF SEASIDE PARK**

**ORDINANCE NO. 1658**

**AN ORDINANCE OF THE BOROUGH OF SEASIDE PARK, OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER 405 ENTITLED "STREETS AND SIDEWALKS" AND CHAPTER 200 ENTITLED "DEVELOPMENT REGULATIONS"**

**BE IT ORDAINED** by the Borough Council of the Borough of Seaside Park, County of Ocean and State of New Jersey as follows:

**SECTION 1.** Chapter 405 of the Code of the Borough of Seaside Park entitled "Streets and Sidewalks" is hereby amended by creating Section 405-27 entitled "Permitted use of public right-of-way between paved area of public right-of-way and an abutting owner's property line." With language as follows:

- A. In that portion of the public right-of-way extending five feet from the edge of the impervious pavement toward the abutting owner's property line, no obstructions may be placed and that area shall remain clear and unobstructed. The only improvements which may be installed at the owner's desire are:
- (1) Curbs, sidewalks and driveways installed to meet with the specifications required in Section 200-35, 200-37, 200-48 and 200-52 of the Code of the Borough of Seaside Park
  - (2) Grass (not to exceed the height of three {3} inches)
  - (3) Stones or gravel
  - (4) Pavers, bricks or anything else which is flat and provides no impediment to pedestrian passage.
- B. Permit Required: No person shall alter, demolish or construct any part of public right-of-way between the improved area of the public-right-of-way and an abutting owner's property line within the limits of the Borough of Seaside Park, without having first applied for and obtained a permit in writing to do so. Before any permit is granted, application therefor shall be made in writing to the Zoning Official. Said application shall be signed by the applicant or the duly authorized agent of said applicant and shall designate the location whereupon it is proposed such use of the public right-of-way between the paved area of the public right-of-way and an abutting owner's property line shall be constructed. The Public Works Supervisor, Water Superintendent or, in his absence, the officials designated above shall investigate the work to be done under said application. Any drawing submitted must be to scale and must clearly indicate the dimensions of all work done.
- C. If the Borough of Seaside Park, its agents, assigns, heirs, successors, representatives or assigns require access to any underground drainage or utility or for any other Borough of Seaside Park purpose, located within the improved area of the public-right-of-way and an abutting owner's property line, then the Borough of Seaside Park, its agents, heirs, successors, representatives or assigns shall not be required to repair or replace any improvements or uses located on said property. Any necessary repair or replacement of said area shall be at the sole expense of the property owner.

**SECTION 2.** Chapter 405 of the Code of the Borough of Seaside Park entitled "Streets and Sidewalks" is hereby amended by creating Section 405-28 entitled "Violations and Penalties" with language as follows:

Any person who violates any one or more sections of this article shall be subject to the general penalty in Chapter 1, Article II, General Penalty, of the Borough Code.

**SECTION 3.** Section 200-38 of the Code of the Borough of Seaside Park entitled "Easements" is hereby amended to read as follows:

- A. Drainage and utility easements shall be alongside [along side] and/or near [rear] property lines where possible, shall not be less than 20 feet wide (except walk ways shall have widths as specified in § 200-53, shall be dimensioned on the plat, shall provide for maintenance access, shall prohibit plantings or construction, except as provided for in § 405-27, and shall be identified as follows: "Drainage/Utility easement granted to the Borough of Seaside Park as provided for in the Development Regulations Ordinance."

**SECTION 4.** All other ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.


**SECTION 5.** In the event that any portion of this ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the ordinance actually adjudged to be invalid, and the remaining portions of this ordinance shall be deemed severable therefrom and shall not be affected.

**SECTION 6.** This ordinance shall take effect upon final passage and publication in accordance with law.

#### **NOTICE OF PENDING ORDINANCE**

A copy of this ordinance has been posted on the bulletin board upon which public notices are customarily posted in the Borough Hall at 1701 North Ocean Avenue, Seaside Park, during the week prior to and up to and including the date of such meeting; copies of the ordinance are available to the general public of the Borough who shall request such copies, at the office of the Municipal Clerk in said Borough of Seaside Park, in the County of Ocean, New Jersey.

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed on the first reading at the regular meeting of the Borough Council of the Borough of Seaside Park, in the County of Ocean, held on the 9<sup>th</sup> day of October 2014, and will be considered for second reading and final passage at the regular meeting of said governing body to be held on the 13<sup>th</sup> day of November 2014, at 7:00 PM at the Council Chambers, Municipal Building, Sixth & Central Avenues, Seaside Park, New Jersey at which time and place any person desiring to be heard upon same will be given an opportunity to be so heard.

  
KAREN BARNA, Borough Clerk

Approved:

  
ROBERT W. MATTHIES, MAYOR


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ENTITLED "DEVELOPMENT REGULATIONS"**

**NOTICE OF ADOPTION**

Please take notice that the above Ordinance No. 1658 was adopted upon final reading at the regular meeting of the Borough Council at a meeting held at Sixth and Central Avenues, Seaside Park, NJ on November 13, 2014.

  
Karen Barna  
Borough Clerk

November 14, 2014

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