

TOWNSHIP OF MANALAPAN

COUNTY OF MONMOUTH

ORDINANCE NO. 2003-27

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 176
"PROPERTY MAINTENANCE" CREATING ARTICLE III
"TOWNSHIP PROPERTIES" OF THE REVISED GENERAL CODES
OF THE TOWNSHIP OF MANALAPAN**

BE IT ORDAINED by the Township Committee of the Township of Manalapan, County of Monmouth and State of New Jersey that Chapter 176 "Property Maintenance", creating Article III "Township Properties" be and is hereby amended and supplemented as follows (additions are underlined and deletions are in [brackets]):

I

ARTICLE III

Township Property

§176-30. Prohibition of maintenance of structures on Township property.

No residential, commercial or industrial property owner shall maintain any structure, facility, building, roadway, driveway or improvement on any property or easement owned by or dedicated to the Township of Manalapan without the express permission of the Township by reservation of easement, the granting of an easement in accordance with the New Jersey Land and Buildings Law (N.J.S.A. 40A:12-1 et seq.) or the granting of a revocable license by resolution of the Township Committee. If

and in the event a property owner is found to be in violation of this requirement, the property owners shall be notified by letter requiring the removal of such structure, facility, building, roadway, driveway or improvement within ten (10) days. If said structure, facility, building, roadway, driveway or improvement has not been removed, the Township shall authorize its removal under the appropriate enforcement proceedings of this chapter.

§176-31. Licensing of use of Township property.

Where the Township has discovered that a property owner has minimally placed a structure, facility, building, roadway, driveway or improvement on Township property and that the Township's general welfare and interests are not harmed by the presence of such structure, facility, building, roadway, driveway or improvement, the Township Committee may grant by a revocable license the right of the property owner to maintain such structure, facility, building, roadway, driveway or improvement on the Township property in accordance with a licensing agreement authorized by the Township Committee. In the case of a fence, such application shall be made under Section 95-7.24 of this Code.

a. Application for license.

(1) A property owner maintaining a structure, facility, building, roadway, driveway or improvement on Township property may apply to the Township Committee for a license by the payment of a fee of Fifty Dollars (\$50.00) and the posting of Five Hundred Dollar (\$500.00) escrow for the purposes of

defraying the costs for an engineering inspection, preparation of a license agreement by the Township Attorney and the costs of any publication or filings required by law.

(2) The escrow so deposited shall be utilized for legal, engineering and other professional fees and costs which shall be billed in accordance with the existing Township contracts. Any excess escrow funds after all expenses shall be returned to the applicant. Any deficient amounts shall be paid prior to the issuance of the license.

(3) The license agreement shall provide that the property owner may maintain such structure, facility, building, roadway, driveway or improvement for a specified period of time or an unlimited period of time subject to removal on notice by the Township. The license may or may not run with the land as specified in the license. The license agreement shall not create an ownership interest in the property on the part of the adjoining property owner unless granted in accordance with the appropriate laws of the State of New Jersey. If and in the event the structure, facility, building, roadway, driveway or improvement shall at any time be removed from the Township's property, the license shall automatically be revoked and no new structure, facility, building, roadway, driveway or improvement shall be constructed on the Township property without a new license agreement.

(4) The license agreement issued by the Township may be revoked at the sole discretion of the Township on notice to the property owner by the Township.

(5) If and in the event the Township in its sole discretion has determined that a property owner has violated the terms and conditions of a license agreement, same may be revoked by the Township upon five (5) days notice to the property owner. The property owner may appeal to the Township Committee any revocation which the property owner believes to be in error. The Township Committee's determination shall be final.

II

SEVERABILITY.

If any section, subsection, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

III

REPEAL.

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

V

EFFECTIVE DATE

This Ordinance shall take effect upon due publication according to law.

NOTICE

The Ordinance published herewith was introduced at a meeting of the Township Committee of the Township of Manalapan held on October 22, 2003 at the Town Hall, Manalapan, New Jersey, and will be further considered for final passage after a

public hearing thereon at a meeting of November 12, 2003 at 8:00 p.m. or as soon thereafter as the matter may be reached, or at any meeting to which that meeting may be adjourned, at which time any and all persons who may be interested therein will be given an opportunity to be heard.

ROSE ANN WEEDEN
Municipal CLERK

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Manalapan Township Committee at a meeting held on .

Rose Ann Weeden
Municipal Clerk