

ORDINANCE 2016-20

**AN ORDINANCE OF THE BOROUGH OF BAY HEAD,
COUNTY OF OCEAN, STATE OF NEW JERSEY
AMENDING AND SUPPLEMENTING THE
MUNICIPAL CODE OF THE BOROUGH OF BAY
HEAD, SO AS TO AMEND CHAPTER 209, ENTITLED
“SIDEWALKS.”**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Bay Head, County of Ocean, and State of New Jersey, as follows:

SECTION 1. The Municipal Code of the Borough of Bay Head is hereby amended and supplemented so as to amend Chapter 209, entitled “Sidewalks,” so as to repeal in its entirety Article II entitled “Sidewalk Construction” and to replace with a new Article II which shall be entitled “Sidewalk Construction” and which shall read as follows:

§ 209-14 Sidewalk installation for New Construction/Significant Renovations

- A. Construction of a sidewalk is a requirement for all new construction and significant renovations of all residential and nonresidential properties in the Borough.
- B. Construction of a sidewalk occurring with new construction and significant renovations shall be completed by the property owner and/or his agent.
- C. The finished sidewalk shall be inspected and approved by the Borough Engineer upon completion.

§ 209-15 Order for Sidewalk Improvement

- A. The Mayor and Borough Council may, by resolution, order the construction and reconstruction, paving and repaving, curbing and recurbing, repairing and improving of the sidewalks of any street in the borough.
- B. When the construction or repair of curbs or sidewalks is ordered by the Borough Council, the cost of such construction or repair of curbs or sidewalks shall be paid by the owner of the real estate in front of which the improvement is made. In the case of new construction, the Borough shall pay the entire cost of the curbs and sidewalks lying in the angles of the intersections of streets. Primary engineering costs for this construction shall be paid by the Borough.
- C. Pursuant to N.J.S.A. 40:65-3, et seq., the Municipal Clerk shall give notice to the owners of all real estate affected following the adoption of a resolution for the curb or sidewalk improvement and prior to the making of the improvement or awarding the contract therefor.
- D. A notice of repair shall contain a description of the property sufficient to identify it, a description of the improvement required and a statement that, unless the owner or owners complete the same within thirty (30) days after service thereof, the borough shall make the improvement at the expense of the owner. Assessments for the construction repair of sidewalks and curbs shall be made in accordance with the provisions of N.J.S.A. 40:65-8, and shall become a lien on the premises affected thereby as provided by law.

§ 209-16 Assessments for curb grade

Any property owner requesting the Borough to furnish grades on a public street which has been accepted for maintenance shall deposit a check, in a sum as set forth in the fee schedule on file at the office of the Municipal Clerk, with the Municipal Clerk when the request for curb grades is made. Construction of the proposed sidewalk or curb shall be completed within thirty (30) days of the stakeout by the Borough Engineer.

§ 209-17 Construction standards to be established by Borough Engineer

All construction and repair of sidewalks and curbs shall be in accordance with specifications of the borough for the construction of sidewalks and curbs that may be established by the Borough Engineer.

§ 209-18 Violations and penalties

For a violation of any provision of this Article, the maximum penalty, upon conviction thereof, shall be a fine not exceeding one thousand dollars (\$1,000.) or imprisonment for up to ninety (90) days or a period of community service not exceeding ninety (90) days, or any combination thereof.

SECTION 2. 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 3. This ordinance shall take effect after second reading and publication as required by law.

ATTEST:

APPROVED:

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor

Introduced on First Reading:

October 3, 2016

Introduced on Second Reading:

November 7, 2016

Approved on Second Reading:

November 7, 2016

ATTEST:

APPROVED:

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor