

ORDINANCE 2009 - 10

**ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF
NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER
55-123 "PERFORMANCE GUARANTEE" AND CHAPTER 55-80.4
"PERFORMANCE GUARANTY" OF THE CODIFIED
ORDINANCES OF THE TOWNSHIP OF BARNEGAT**

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, that Chapter 55-123 "Performance Guarantee" and Chapter 55-80.4 "Performance Guaranty" is hereby amended and supplemented as follows:

SECTION 1. Performance Guaranty.

A. "Before recording of a final subdivision plat, the developer shall post with the Township a performance guarantee assuring the installation and maintenance of the on-tract improvements. The performance guarantee shall be in the amount of 120% of the cost of installation of the improvements as calculated by the municipal engineer for the following improvements: streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments as shown on the final map and required by the Map Filing Law, water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices and public improvements of open space." If the developer chooses to install the subdivision improvements prior to the filing of the final map, then the developer must post a reforestation bond with the Township prior to commencing clearing operations to insure that the site will be

stabilized and revegetated should the developer decide to abandon the project after clearing has occurred.

B. "As a condition of final site plan approval, the developer shall post with the Township a performance guarantee assuring the installation and maintenance of the off-tract improvements located within the Township, County or State highway right-of-way. The performance guarantee shall be in the amount of 120% of the cost of installation of the improvements within the right-of-way as calculated by the municipal engineer and including streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments as shown on the final map and required by the Map Filing Law, water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices, and landscaping. In addition, in lieu of posting a bond for the on-site improvements, the developer will be required to post a reforestation bond with the Township prior to commencing clearing operations to insure that the site will be stabilized and revegetated should the developer decide to abandon the project after clearing has occurred. In addition, all of the required on-site improvements must be installed and accepted by the Township prior to the issuance of a certificate of occupancy. If the developer requests a certificate of occupancy before all of the required site improvements have been completed, then the Township reserves the right to determine if the improvements have been completed to the point where the issuance of a certificate of occupancy is warranted. In addition, the developer will be required to post a performance

guarantee with the Township to guarantee the completion of all outstanding items."

SECTION 2. Inspection Fees Required. Although a developer will not be required to provide a performance guarantee for onsite improvements associated with site plan approval, the developer as a condition of beginning onsite construction must post inspection fees based upon the cost of improvements mandated by the Planning Board, onsite and offsite, but not including fees for inspections which will be undertaken by persons other than the Township Engineer, such as, but not limited to, the Township Construction Code Official, Plumbing Subcode Official or Electrical Subcode Official. Any and all inspection fees required to be paid for those services shall be paid in accordance with the provisions of the Uniform Construction Code as incorporated into the Barnegat Township Code.

SECTION 3. Aggregated Performance Guarantees. All provisions in Section 55-80.4 of the Township Code are incorporated herein by reference and shall be a part hereof. Therefore existing Section 55-80.4 shall be deleted in its entirety from the Township Code.

SECTION 4. Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 5. Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 6. Effective Date. This Ordinance shall take effect upon publication in an official newspaper of the Township, as required by and in conformance with law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Committee of Barnegat on first reading at meeting held on the 2nd day of March, 2009 at 6:30 p.m. The Ordinance will be considered for second and final reading at a meeting of the Township Committee which is scheduled for the 6th day of April, 2009, at 6:30 p.m., or as soon thereafter as the matter may be reached, at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

Kathleen T. West, RMC
Municipal Clerk

Prepared by:

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