

**PENDING ORDINANCE**  
**PUBLIC HEARING 12/13/10**

**DELAWARE TOWNSHIP**  
**ORDINANCE #2010-21**

AN ORDINANCE OF THE TOWNSHIP OF DELAWARE, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XIII SECTION 13 (CONSTRUCTION OF DRIVEWAYS) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF DELAWARE. #2010-21 AMENDED 11/22/10

BE IT HEREBY ORDAINED, by the Township Committee of the Township of Delaware, Hunterdon County, New Jersey as follows:

Section 1. Section 13-1 PURPOSE; PERMIT REQUIRED shall be amended and supplemented as follows:

13-1 c. shall be repealed and replaced in its entirety as follows:

13-1 c. The applicant for a driveway permit shall pay the township a fee of Five Hundred (\$500.00) dollars upon application for a driveway permit to cover the cost of review of the application including a review of the application and a site inspection by the Township Engineer, if necessary.

13-1 d. shall be established as follows:

13-1 d. The applicant for a driveway permit shall deposit with the township the sum of Two Thousand (\$2,000.00) dollars at the time of the application for the driveway permit as a performance guarantee to ensure satisfactory completion of the required work and improvements.

Section 2. Section 13-6 APPEALS shall be repealed and replaced in its entirety as follows:

13-6 FINAL DECISION. The decision of the township road supervisor is final.

Section 3. Section 13-7 BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY shall be amended and supplemented as follows:

13-7 b. shall be repealed and replaced in its entirety as follows:

13-7 b. All work and improvements required by the driveway permit shall be completed prior to the issuance of the certificate of occupancy. However, in the event that the required work and improvements cannot be completed at the time of application for a certificate of occupancy because of unsatisfactory weather conditions, such as cold or freezing temperatures, or wet soil conditions, or because of other unusual conditions that would cause undue hardship to the property owner, the certificate of occupancy may be issued provided that the performance guarantee required under Section 13-1 d is filed with the Chief Financial Officer. The property owner is responsible for completion of all work and improvements required by the driveway permit within a reasonable time.

13-7 c. shall be repealed and replaced in its entirety as follows:

13-7c. In the event that the property owner fails to complete all work and improvements required by the driveway permit in a timely manner after the issuance of the certificate of occupancy, the township road supervisor shall notify the property owner by certified and regular mail that the work and improvements shall be completed within thirty (30) days. The township road supervisor may extend that period upon written request by the property owner for an additional thirty (30) days. In the event that the property owner fails to complete the required work and improvements within the prescribed time period, or within the extended time period, the Township may utilize the performance guarantee posted pursuant to section 13-1d to complete the required work and improvements. The township road supervisor shall notify the property owner by certified mail and regular mail that he has arranged for a contractor to complete the required work and improvements. The chief financial officer shall pay the contractor for the driveway work using the performance guarantee posted by the property owner. The property owner shall not interfere with the work being completed by the contractor.

13-7 d. shall be created as follows:

13-7 d. Upon certification by the township road supervisor that all work and improvements required by the driveway permit have been completed, the chief financial officer shall return any remaining amount of the performance guarantee to the person who supplied same.

Section 4. Section 8 INSPECTION shall be amended and supplemented as follows:

Section 8 INSPECTION AND DRIVEWAY COMPLETION

13-8e. shall be created as follows:

13-8e. In the event that the property owner fails to complete all work and improvements required by the driveway permit in a timely manner, the township road supervisor shall notify the property owner by certified and regular mail that the work and improvements shall be completed within thirty (30) days. The township road supervisor may extend that period upon written request by the property owner for an additional thirty (30) days.

In the event that the property owner fails to complete the required work and improvements within the prescribed time period, or within the extended time period, the Township may utilize the performance guarantee posted pursuant to section 13-1d to complete the required work and improvements. The township road supervisor shall notify the property owner by certified mail and regular mail that he has arranged for a contractor to complete the required work and improvements. The chief financial officer shall pay the contractor for the driveway work using the performance guarantee posted by the property owner. The property owner shall not interfere with the work being completed by the contractor.

13-8f. shall be created as follows:

13-8f. Upon certification by the township road supervisor that all work and improvements required by the driveway permit have been completed, the chief financial officer shall return any remaining amount of the performance guarantee to the person who supplied same.

Section 5. Repealer. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Section 6. Severability. If any section, subsection, sentence, clause, phrase or portion of the Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 7. Adoption. Upon adoption, this Ordinance will be incorporated into and become part of the Revised General Ordinances of the Township of Delaware.

Section 8. Effective Date. This Ordinance shall take effect immediately upon final passage and publication according to the Laws of the State of New Jersey.

ATTEST:

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George Hrehowesik, Mayor

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Judith A. Allen, RMC  
Township Clerk  
November 22, 2010  
Published 12/2/10

PLEASE TAKE NOTICE that the above Ordinance was approved on first reading at a Regular Meeting of the Delaware Township Committee held on November 22, 2010. It will be considered on second reading for final adoption at a Regular Meeting to be held December 13, 2010 beginning at 8:00 p.m. at Township Hall, 570 Rosemont Ringoes Road (Rt. 604), Sergeantsville, NJ. At that time an opportunity will be given for all interested citizens to be heard.