

ORDINANCE NO. 2016-37-OA

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE OF THE TOWNSHIP OF BERKELEY, CHAPTER XVII, ENTITLED "STREETS AND SIDEWALKS"

November 14, 2016

BE IT ORDAINED by the Township Council of the Township of Berkeley, County of Ocean, and State of New Jersey, as follows:

SECTION 1. Chapter XVII of the Township Code of the Township of Berkeley, entitled "Streets and Sidewalks," is hereby amended so as to amend §17-1.1, entitled "Permission Required to Open Public Street," so as to add a final sentence to the section, which shall read as follows:

No application to open a Township-owned bituminous concrete paved roadway shall be approved within five years after paving or re-paving of said street. An exception to this restriction may only be given by resolution of the governing body.

SECTION 2. Chapter XVII of the Township Code of the Township of Berkeley, entitled "Streets and Sidewalks," is hereby amended so as to amend §17-1.9, entitled "Opening, Backfilling and Resurfacing," so as to add subsection k., which shall read as follows:

k. Infrared patching shall be required, an exemption may be given at the sole discretion of the Director of Public Works.

SECTION 3. Chapter XVII of the Township Code of the Township of Berkeley, entitled "Streets and Sidewalks," is hereby amended so as to amend §17-1.10, entitled "Restoration," so as to delete the first sentence in subsection f. and replace as follows:

f. Any newly paved road will have a five (5) year opening restriction from the date of acceptance or, upon approval by resolution of the governing body, shall be overlaid along the entire length of the opening for the full paved width of the roadway for longitudinal trenches and twenty-five (25) feet on either side of the opening (in addition to the length of the opening) for the full paved width of the roadway for perpendicular trenches or other openings.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5. 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 6. This ordinance shall take effect after second reading and publication as required by law.

CARMEN F. AMATO, JR., Mayor

JOHN A. BACCHIONE, Council President
SOPHIA GINGRICH, Council Vice President

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Berkeley, in the County of Ocean, State of New Jersey, held on **November 14, 2016**, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the **5th** day of **December, 2016**, at 6:00 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 627 Pinewald-Keswick Road, Bayville, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

BEVERLY M. CARLE, RMC
Township Clerk, Township of Berkeley