

**TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY**

**ORDINANCE NO. 2009-10**

**ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES  
OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX,  
STATE OF NEW JERSEY, BY THE CREATION OF A NEW CHAPTER 68,  
ENTITLED "DRIVEWAYS"**

**WHEREAS**, the Planning Board and the Township Engineer have recommended the adoption of an ordinance regulating the construction of private driveways in the Township; and

**WHEREAS**, the Township Committee finds that it is in the public interest to regulate the installation and alteration of private driveways in order, among other reasons, to minimize soil erosion, control runoff, and promote safe roadway conditions.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Andover, in the County of Sussex, State of New Jersey, as follows:

**SECTION 1.** The Revised General Ordinances of the Township of Andover, are hereby amended and supplemented with the creation of Chapter 68, "Driveways" to read as follows:

**DRIVEWAYS**

**§ 68-1. Purpose.**

The purpose of this Chapter is to assure the proper installation and alteration of all private driveways in the Township of Andover, to minimize erosion and flow of soil and debris from driveways, to prevent increased runoff onto adjoining properties, to ensure adequate gutter flow, and to promote safe and comfortable roadway conditions. This Chapter requires design criteria and professional supervision during construction to insure that new driveways be located and constructed in a manner to minimize the foregoing problem areas.

**§ 68-2. Definitions.**

As used in this Chapter, the following terms shall have the meanings indicated:

**AGRICULTURAL AND HORTICULTURAL USE** — That use of lands and premises as defined under the Farmland Assessment Act of 1964 (N.J.S.A. 54:4-23.1), as provided under N.J.S.A. 54:4-23.1 and 54:4-23.4, independent of acreage for compliance.

**ALTER DRIVEWAY** — A driveway is altered within the meaning of this Chapter when the horizontal or vertical alignment of it's center-line is relocated by more than two feet (2'), or when it's dimensions are enlarged beyond those specified in §68-10A of this Chapter. Normal maintenance, such as replacing stone, patching asphalt, and repaving, or improvements to an existing driveway (subject to the limitations set forth in the previous sentence hereof), such as paving or widening, shall not be considered as "altering a driveway."

**COMMERCIAL DRIVEWAY** — One providing access to an office, retail or institutional building or to an apartment building having more than five dwelling units or any other use classified as commercial or institutional in the Andover Township Land Use Ordinance, but not by way of limitation thereof. Industrial plant driveways whose principal function is to serve administrative or employee parking lots are considered "commercial driveways."

**COMMON DRIVEWAY** — A jointly owned roadway that provides entry to more than one dwelling or place of business from a public road or street.

**DRIVEWAY** — In addition to its regularly accepted common meaning, also refers to any lane, way, field entrance or privately owned road, except as hereinafter exempted in § 68-3.

**INDUSTRIAL DRIVEWAY** — One directly serving substantial numbers of truck movements to and from loading areas of an industrial facility, warehouse or truck terminal.

**PLOT PLAN OR SKETCH** — A construction plot plan prepared by a licensed professional engineer in the State of New Jersey; or prepared by the owner containing sufficient detail and determined to be acceptable by the Township Engineer that complies fully with all provisions of this Chapter.

**RESIDENTIAL DRIVEWAY** — One providing access to a single- or multifamily residence or to an apartment building containing five or fewer multifamily residences or to an apartment building containing five or fewer dwelling units.

**ROADWAY** — The portion of a public road right-of-way on which travel is conducted.

**STANDARD SPECIFICATIONS** — The New Jersey State Department of Transportation Specifications for Road and Bridge Construction, 1989, and amendments thereto.

### **§ 68-3. Exemption.**

All lands and premises used for agricultural and horticultural purposes and served by a driveway solely for access to fields and woods for said agricultural or horticultural purposes and not for residential or commercial uses in conjunction therewith are hereby deemed exempt from the provisions of this Chapter, with the exception of the provisions of § 68-11 and § 68-12.

### **§ 68-4. Permit required; application.**

- A. No person or persons, corporation or corporations, industry or commercial establishment shall cut or construct or alter any driveway from private property to a public road without first having secured a Driveway Permit from the Andover Township Engineer.
- B. The Owner, or the authorized agent of the Owner who is constructing or altering a driveway that enters onto a Township Road shall submit an Application for a Driveway Permit to the Township Construction Official. Major and minor subdivisions shall not be exempt from permit requirements regardless of whether the driveway construction is by the Owner, subdivider or his successor.
- C. The Township Construction Official shall transmit the Application for a Driveway Permit to the Township Engineer, within five (5) days of the Construction Official's receipt of a completed application. The Township Engineer shall review and advise the Construction Official with regard to compliance or noncompliance of the proposed driveway with the provisions of this Chapter within ten (10) days of the Township Engineer's receipt of said application. If the Township Engineer shall fail to inspect and review the Application for a Driveway Permit and so advise the Construction Official within ten (10) days of the Engineer's receipt of same, the Construction Official shall have the right to either approve or reject the Application for a Driveway Permit without having received comments from the Township Engineer. At such time that the Township Engineer is

satisfied that the design requirements have been met, he will direct the Construction Official to issue a permit.

- D. The application for such permit shall include a plot plan or sketch (minimum scale at one inch = 50 feet), submitted in triplicate, including the location of the proposed driveway. The plot plan or sketch shall include the following:
- (1) The name and address of the owner and applicant, Tax Map sheet, block and lot number.
  - (2) Property lines.
  - (3) Setback and location of structures.
  - (4) Curb, if any.
  - (5) Utility installments affecting the driveway.
  - (6) Sidewalk, if any.
  - (7) Trees and other obstructions within proposed sight triangles for a minimum distance as described in §68-6 E in each direction of the proposed driveway location.
  - (8) Advisory, directional, regulatory and advertising signs within sight triangles.
  - (9) Location of existing driveways on the lot in question and adjoining lots.
  - (10) Driveway width, slope and proposed driveway cross section. Additional information may be required for driveways in excess of 8% slope.
  - (11) Driveway angle with the existing roadway.
  - (12) Curblin opening.
  - (13) Centerline Profile for Drives Over 8% at any point along the driveway.
  - (14) Sight line profiles in each direction.
  - (15) For other than single-family residential, the estimated number of cars and trucks using the driveway each day.
  - (16) Type of storm drainage to be constructed at the driveway entrance to the public road (i.e., dish-type gutter, pipe or culvert). Sizes of pipes, culverts and gutters, grades, elevations, typical cross sections, construction details and any other information deemed necessary for the proper analysis of the drainage design. (See Figure 1)
- E. The Township Engineer may require that additional information, such as a driveway plan and profile and a drainage plan, be prepared by a professional engineer licensed in the State of New Jersey in those instances where the Township Engineer has determined that conditions are such that the driveway design and drainage plan will require the application of engineering expertise.
- F. Upon receipt of an application, together with said drawings, the Township Engineer shall inspect and study the site of the proposed driveway, lane or other entrance, and in the

event that, in his opinion, there are changes or additions to be made in order to comply with the requirements of this Chapter, they shall be so stated and outlined on the application and drawings and be made known to the applicant by the Township Engineer.

- G. If a driveway existed at the date of the adoption of this Chapter and the owner proposes to alter the same, then the owner shall file an application with the Township Construction Official on forms provided for existing driveway improvement. The Township Engineer shall inspect the premises and review the application as to the proposed improvement, and if it is his determination that the proposed improvement complies with the standards of this Chapter, then in that event the Township Engineer shall issue a permit to said applicant. If the determination is that the proposed improvement of the driveway does not comply with the standards of this Chapter, then the applicant will receive written notice to comply with the provisions of the Chapter as to which the application is deficient.
- H. The Construction Official shall not issue a building permit until an approved Driveway Permit has been issued pursuant to this Chapter.
- I. For properties with frontage on a County road applicant shall apply for and receive a driveway entrance permit from the County Engineering Department. The provisions of this Chapter shall apply to all aspects of the driveway not under County jurisdiction.

#### **§ 68-5. Fees.**

There shall be submitted with an application for a Driveway Permit, the following fees, payable to the Township of Andover:

- A. Non-refundable permit application fee: \$25.
- B. Driveways up to 8% slope, engineering review and inspection escrow fee: \$500.
- C. Where driveway slopes exceed 8%, an additional fee of \$300 shall be deposited with the application to defer the costs associated with review of the increased complexities of design and construction.
- D. Where the review and inspection costs exceed, or are anticipated to exceed, the initial escrow deposit, the applicant shall pay the additional amount prior to the issuance of a certificate of approval (CA).
- E. Where the anticipated review and inspection costs do not exceed the initial escrow deposit, the applicant shall be refunded any amount that is not expended by the Township for such costs.

#### **§ 68-6. Location.**

All entrance and exit driveways to a Township road shall be located to afford maximum safety to traffic on said Township road in accordance with the following requirements and standard specifications as defined in § 68-2 and the New Jersey State Department of Transportation Specifications for Road and Bridge Construction, 1989, and amendments thereto. (Note: Certain requirements may be superseded for driveways along County or State roads.)

- A. Driveways shall be not less than 75 feet from any street intersection.

- B. No part of any driveway shall be located within 10 feet of a side property line unless one driveway serves two lots.
- C. Where two or more driveways connect a single site to any one Township road, a minimum clear distance of 150 feet measured along the right-of-way line shall separate the closest of any two such drives.
- D. New driveways shall be so designed as to allow motor vehicles to turn around on the site in order to make it unnecessary to back any motor vehicle onto the street.
- E. Whenever possible, all driveways shall be designed in profile, grade, and location to permit a minimum sight distance in accordance with the following table. Roads which are not posted for speed limits shall be considered to be fifty (50 mph) miles per hour, unless, in the opinion of the Township Engineer, the applicant's engineer can demonstrate in writing that the horizontal geometric considerations, or location, dictate otherwise. The sight distance measurement shall be from a sight point on the center line of the driveway and 10 feet behind the curblineline of the thoroughfare, or if no curblineline exists, a minimum of 10 feet from the edge of the road. The sight line, equal to the required sight distance, shall be between sight points set at an eye height three and one-half (3 ½) feet to an object of equal height and shall not be less than six (6") inches above any obstruction other than planted areas. In planted areas the sight line shall be no less than one (1') foot above grade. A clear sight triangle shall be established connecting the sight points described above, and shall be graded and otherwise kept free of trees, shrubbery, fences, structures, etc., in order to maintain clear vision between sight points. All driveways, including exit or entrance driveways, shall be located to afford maximum safety to the traffic on the Township road.

**Allowable Speed on Township Road Required Sight Distance**

<b>(mph)</b>	<b>(feet)</b>
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25	240
30	275
35	315
40	350
45	420
50	475

NOTE: In no instance shall the sight distance be less than 200 feet.

- (1) All applicants shall take the required action to obtain the required sight distance immediately after receipt of initial Driveway Permit approval and during the commencement of the drives construction. In no instance will a temporary or a permanent certificate of approval be granted until the required sight distance on the approved plan is verified in the field. The Township Engineer may require a statement by the applicant's engineer, on the engineer's letterhead, attesting that the required sight distance has been met.
- (2) Any and all actions taken to obtain the required minimum sight distance shall be done in a lasting and permanent manner.

- (3) Any trees shall be removed within the sight triangle.

**§ 68-7. Common driveways.**

The Land Use Board must approve common driveways. If the Land Use Board approves a driveway utilized by more than two (2) residential units, it shall be in accordance with the following minimum requirements:

- A. All common driveways within the Township shall have deeded provisions for maintenance, parking, and snow removal, however, the Township will have the power but not the duty to enforce this provision. For new subdivisions, the Land Use Board Engineer and Attorney must approve the deeded provisions.
- B. The driveway shall have a minimum width of fourteen (14') feet and a graded width of not less than eighteen (18') feet.
- C. Common driveways which exceed three hundred (300') feet in length shall have one (1) or more passing areas, within sight of each other and not more than five hundred (500') feet apart. Such passing areas shall be cleared and graded to a width of twenty (20') feet and shall be improved to a width of sixteen (16') feet. The minimum length of this widened area shall be twenty (20') feet, with ten (10') foot tapers on each end.

**§ 68-8. Slope.**

All driveways to be constructed, or existing driveways to be altered, which intersect with the right-of-way line of any public road shall be constructed or altered in accordance with the following minimum requirements:

- A. Within the right-of-way limits, the finished grade of the driveway shall be no greater than 6%.
- B. In instances where the driveway to be constructed or altered intersects a roadway with a shoulder, the driveway grade shall be the grade of the shoulder.
- C. The driveway shall slope upward or downward from the gutter line on a straight slope of a maximum of 6% at least 25 feet long for residential driveways and 40 feet long for commercial and industrial driveways, unless otherwise specified by the Township Engineer. (See Figure 1)
- D. At no point shall the finished grade of the driveway be greater than 15%.
- E. Changes in centerline grades of 2% or more shall be made with smooth vertical curves not less than twenty-five (25') feet in length.
- F. All side slopes shall not exceed a six (6') foot vertical change in elevation with side slopes exceeding a ratio of three to one (3:1) without a wooden guide rail, boulder or other approved method of protection.

**§ 68-9. Angle of roadway.**

- A. Two-way operation. All driveways, constructed or altered, shall meet the abutting roadway at a horizontal angle of between seventy-five (75°) and one hundred five (105°) degrees off the road centerline or, in the case of curved roads, fifteen (15°) degrees off a line radial to the road centerline. Any curved or angular

approach of the driveway shall be accomplished outside of the public road right-of-way, or a projected right-of-way of 50 feet in total width, whichever is wider.

- B. One-way operation.
  - (1) Right turn only. Driveways shall not form an angle smaller than forty-five (45°) degrees with a street unless acceleration and deceleration lanes are provided.
  - (2) Both left- and right-hand turn. Driveways shall intersect the street at a horizontal angle of between seventy-five (75°) and one hundred five (105°) degrees off the road centerline or, in the case of curved roads, fifteen (15°) degrees off a line radial to the road centerline.
- C. Commercial and industrial driveways. Industrial driveways shall be designed for their particular situation, using turning templates to test truck movements to and from both directions of travel. Flat angles and one-way drives should be utilized whenever feasible to facilitate the movement of trucks on and off the traveled way without impeding through traffic. Driveway exits for one-way operation shall be at an angle not less than thirty (30°) degrees.
- D. All curves along the course of any driveway of over 100 feet in length, to be constructed or altered, shall have radii of sufficient length to allow standard fire-fighting vehicles to negotiate the driveway without difficulty. For the purpose of this determination, the American Association of State Highway Officials SU design vehicle shall be used for design purposes.
- E. Driveways of 400 feet or more in length shall have facilities suitable for fire engine turnaround consisting of the following:
  - (1) K-turn with fifty-foot depth, fourteen-foot width and with sufficient radii to satisfy § 68-9D within 200 feet, but not less than 75 feet of the dwelling; or
  - (2) Looped driveway of fourteen-foot width and fifty-foot or more center-line radius.

**§ 68-10. Dimensions.**

- A. Driveways shall be designed to accommodate adequately the volume and normal character of vehicles anticipated to be traveling the driveway. The required maximum and minimum dimensions for driveways are indicated in the following table. Driveways serving large volumes of daily traffic or industrial driveways as defined herein (25% of traffic is truck traffic) shall be required to use the maximum dimensions as shown on the following table.

**DRIVEWAY DIMENSIONS**

<u>Type of Driveway</u>	<u>Driveway Width (feet)</u>	<u>Depressed Curb (feet)</u>	<u>Curb Return Radius (feet)</u>
<b>Residential (Single-Family)</b>			
One-way operation	10-15	16-21	5-15
Two-way operation	10-16	16-21	5-15

**Commercial**

One-way operation	10-15	16-21	15-40
Two-way operation	24-30	30-36	15-40

**Industrial**

One-way operation	12-24	18-30	25-50
Two-way operation	24-30	30-36	25-50

- B. All driveways shall be cleared and graded to a width of two (2') feet beyond each edge of the driveway.

**§ 68-11. Erosion control.**

- A. All driveways shall be constructed and maintained at all times in such a manner as to prevent erosion of soil and debris from them and land adjoining them. Soil and debris shall be prevented from running onto the public roadways and adjoining properties, and from entering road gutters, catch basins, inlets or drainage pipes.
- B. The owner of any existing driveway that causes public safety problems in connection with soil erosion or excess runoff within the public right-of-way or on adjoining property shall, upon written notice from the Township Engineer, correct the conditions causing said problems within 14 days of said notification. Failure to make such corrections shall be in violation of this Chapter.
- C. The owner of any existing driveway that causes the depositing of soil and debris upon the roadway shall immediately remove the same therefrom, but in any event, the same shall be removed within 24 hours of written notice by the Township Engineer. Failure to make such corrections shall be a violation of this Chapter.

**§ 68-12. Drainage.**

- A. All driveways constructed or altered within the public road right-of-way shall be constructed in such a manner as not to interfere with the drainage along the existing pavement or traveled way. Under no circumstance shall the driveway be allowed to extend beyond the edge of the existing gutter line of a public roadway and create a hump or uneven driving surface on the pavement or traveled way or shoulder. In certain situations, as determined by the Township Engineer, the driveway may be constructed to have a sufficient rise above shoulder level to prevent excessive runoff from the roadway onto other properties.
- B. The construction of a properly sized dish-type gutter will be permitted, provided that existing water flow will not be blocked, altered or changed in any manner. (See Figure 1)
- C. The installation of a suitable-sized reinforced concrete pipe culvert or approved equivalent shall be required in the event the existing flow line or ditch cannot be crossed with a shallow dish-type gutter. The pipe or culvert required shall be sized to accept flow from a twenty-five (25) year storm determined by the rational-method of runoff calculation and shall be installed beneath the driveway by the Owner. If the proposed drainage pipe connects with an existing storm drainage system, a catch basin shall be

constructed. Such pipes shall extend to allow a flat graded area at least five (5') feet beyond the edges of the driveway. No pipe or culvert shall be less than 15 inches in diameter. (See Figure 1)

- D. The installation of suitable-sized cross drains shall be required at points along the driveway as deemed necessary by the Township Engineer in order to prevent the accumulation of large quantities of runoff waters and effects of soil erosion on the public right-of-way or adjoining property.
- E. The Township Engineer may require that measures be taken to limit runoff rates from the proposed driveway necessary to prevent increased runoff from affecting downstream properties. In such instances, runoff rates in the post development condition shall be modified to equal those existing before development.

**§ 68-13. Construction materials.**

Driveways shall be constructed of the following materials:

- A. Residential driveways entering unpaved roads.
  - (1) Six inches (compacted thickness) of one-and-one-half-inch quarry process (blend) stone, three-fourths-inch dirty road stone or soil aggregate Type 5, Class A, or Type 2, Class B, thoroughly rolled and compacted at the specified width.
- B. Residential driveways entering paved roads.
  - (1) Driveways with slopes less than 8% shall be constructed with a base course six inches (compacted thickness) of one-and-one-half-inch quarry process (blend) stone, three-fourths-inch dirty road stone or soil aggregate Type 5, Class A, or Type 2, Class B, thoroughly rolled and compacted at the specified width. The first 25 feet from the edge of the roadway shall be paved with two inches of bituminous concrete Type F FABC-1, Mix I-5, thoroughly compacted.
  - (2) All driveway slopes in excess of 8% at any point within two hundred fifty (250') feet of the public right-of-way shall be paved with two inches thoroughly rolled and compacted thickness of bituminous concrete Type FABC-1, Mix I-5, over a four-inch soil aggregate Type 5, Class A, or Type 2, Class B, stone or dense graded aggregate thoroughly rolled and compacted from the right-of-way to the end of the eight (8%) percent grade.
- C. Commercial driveways.
  - (1) Surface course: two inches (compact thickness) of bituminous concrete Type FABC-1, Mix I-5, over
    - Base course: four inches (compacted thickness) of plant-mixed bituminous concrete, Mix I-2, thoroughly rolled and compacted, over
    - Sub-Base course: four inches (compacted thickness) of 1 1/2 inch quarry process (blend) or soil aggregate, Type 5, Class A, or Type 2, Class B, stone or dense graded aggregate thoroughly rolled and compacted.
- D. Driveways entering curbed roads.

- (1) Curbs crossing driveways shall be constructed or reconstructed to provide a depression with a two-inch curb height relative to the edge of the roadway pavement. The top of the depressed curb shall be sloped down toward the roadway to provide a one-and-one-half-inch curb face.
- (2) The total depth of concrete shall be maintained across the depression.
- (3) Transitions from the depressed curb to the full faced curb shall be over a maximum length of 18 inches. If an existing expansion joint is within four feet of a new depressed concrete curb, the existing curb shall be replaced to that control joint.

#### **§ 68-14. Inspection.**

- A. Upon notice to the Township Engineer of the completion of the construction of the driveway, the Township Engineer shall inspect the same and shall determine if the driveway construction is in compliance or noncompliance with standards specified herein. The construction of the driveway shall not be deemed in accord with the provisions of this Chapter unless and until the Township Engineer issues a certificate of approval (CA).
- B. No certificate of occupancy shall be issued by the Construction Official unless all driveways on the lot or site have been completed in accordance with the approved plan and a certificate of approval (CA) has been issued. Inspection to assure compliance will be done by the Township Engineer.
- C. If, due to inclement weather conditions, it is not feasible in the judgment of the Township Engineer to complete the driveway, a cash bond or certified check in the amount of 120% of the cost of the remaining improvements as determined by the Township Engineer, but in no case less than \$1,000, may be submitted to the Township thereby allowing the Township Engineer to release a temporary certificate of approval (TCA) which would allow the Construction Official to release a temporary certificate of occupancy (TCO).
- D. In the event that the remaining driveway improvements are not completed within one year after the TCO was issued and if the permittee, upon 15 days' notice, does not complete the improvements required by the approved plans under this Chapter, the Township may complete the outstanding improvements using the funds available from the bond referenced in § 68-14C.

#### **§ 68-15. Waiver of Conditions by the Township Engineer.**

Notwithstanding the foregoing, in the event the Township Engineer, in his review of an Application for a driveway permit, determines that strict adherence to any of the requirements in this Section 68 would impose a severe hardship on the owner without any corresponding benefit to the health, safety and welfare of the residents of Andover Township, the Township Engineer, may (but shall not be obligated to) grant waivers from the strict application of the provisions of this Section 68. The Township Engineer shall not, however, approve any such waivers if the requirements for same are included in any of the ordinances of the Township of Andover, so that a waiver of same would mandate that the Applicant seek a waiver or variance from any board or body having jurisdiction over such provision. In such event any such board or body, upon proper application and notice as provided by law, may grant the requested waivers. It is the intention of this section to vest in the Township Engineer, the discretion to grant waivers from the strict requirements provided same does not impact the health, safety and welfare of persons traversing driveways and roadways in the Township of Andover.

### **§ 68-16. Liability for damages.**

Any person or persons, firm or corporation violating any provision of this Chapter which results in deteriorated aprons, broken pipes or debris in the roadway caused by debris flow from driveways or results in damage to or obstruction of any public road, gutter, storm drain, ditch, basin inlet or culvert shall be responsible for all expenses incurred by the Township in repairing said damage or removing said obstruction, in addition to the penalty herein provided. Further, in the event that property owner negligence in driveway construction or maintenance has contributed to said damage or obstruction, the Township Public Works Supervisor shall notify, in writing, said property owner of the specific conditions requiring correction and request driveway repair. If, in the opinion of the Township Public Works Supervisor, said repairs are not completed in a timely manner, then the Township shall cause said repairs to be completed at the property owner's expense.

### **§ 68-17. Appeals.**

If any person shall be aggrieved by an action of the Township Enforcement Officer/Engineer/Public Works Supervisor under this Chapter, appeal therefrom in writing to the Township Committee may be taken within 10 days after the date of such action. The Township Committee shall fix a reasonable time for the hearing of the appeal, giving due notice thereof to the appellant. Said appellant shall, at least 10 days to the time appointed, notify by certified mail all owners of property within 200 feet of the extreme limits of the property to be affected by such appeal, measured along both sides of the public road, as they appear on the current municipal tax records. Said notice shall state the time and place of the hearing and the matter being appealed. The appellant shall also cause notice of the hearing to be published in the official newspaper or a newspaper of general circulation in the Township at least 10 days prior to the hearing. The appellant shall, by affidavit, present satisfactory proof to the Township Committee at the time of the hearing that said notices have been duly mailed and published as required by this section.

### **§ 68-18. Violations and penalties.**

A. Any person or persons, firm or corporation violating any section of this Chapter, which violation results in damage to or obstruction of any public road, gutter, storm drain, ditch, basin, inlet or culvert, shall be responsible for all expenses incurred by the Township of Andover for repairing said damage or removing said obstruction, in addition to the penalties herein provided.

B. Any person or persons, firm or corporation who violates any section of this Chapter, in addition to the provisions of Subsection A, shall be subject to the penalties for violations in accordance with Chapter 1, Art. II, General Penalty, of this Code. Each and every day that a violation continues after notification thereof shall constitute an additional, separate and specific violation.

**SECTION 2.** The Township Clerk is hereby directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Sussex County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Sussex County Planning Board as required by N.J.S.A. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

**SECTION 3.** This Ordinance may be renumbered for modification purposes.

**SECTION 4.** All ordinances of the Township of Andover which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 5.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 6.** This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

**NOTICE IS HEREBY GIVEN,** that the foregoing Ordinance was introduced in writing at a meeting of the Mayor and Township Committee of the Township of Andover, County of Sussex and State of New Jersey, held on the 09<sup>th</sup> day of March, 2009, introduced and read by title and passed on the first reading and that the said Governing Body will further consider the same for second reading and final passage thereon at a meeting to be held on the 13<sup>th</sup> day of April, 2009, at 7:30 p.m., prevailing time, at the Municipal Building in said Township, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

**INTRODUCED:    March 09, 2009**  
**ADOPTED:                    April 13, 2009**  
**Attest:                    April 14, 2009**

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Vita Thompson, R.M.C.  
Municipal Clerk

**EFFECTIVE DATE:            April 17, 2009**

**TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY**

**ORDINANCE NO. 2009-10**

**ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES  
OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX,  
STATE OF NEW JERSEY, BY THE CREATION OF A NEW CHAPTER 68,  
ENTITLED "DRIVEWAYS"**

**NOTICE OF FINAL ADOPTION**

**NOTICE** is hereby given that the above entitled ordinance was introduced and passed on first reading at a meeting of the Township Committee of the Township of Andover held at the Municipal Building on the 09<sup>th</sup> day of March 2009. The same came up for final adoption at a meeting of the Township Committee of the Township of Andover held at the Municipal Building on the 13<sup>th</sup> day of April 2009, and, after all persons present were given an opportunity to be heard concerning same, it was finally passed and adopted and will be in full force in the Township according to law.

Vita Thompson, R.M.C.  
Municipal Clerk