

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

ORDINANCE NO. 2009-11, ——— 07

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AN ORDINANCE TO AMEND CHAPTER 74, LAND USE PROCEDURES, SECTION 74-56, PROFESSIONAL REVIEW AND EXPERT WITNESS FEES AND SECTION 74-57, FEE SCHEDULE; CHAPTER 136, SOIL EROSION, SECTION 136-11, FEES; CHAPTER 140, SOIL REMOVAL, SECTION 140-11, APPLICATION AND INSPECTION FEES; CHAPTER 155, STREETS AND SIDEWALKS, SECTION 155-2, APPLICATION DEPOSIT AND FEE, AND SECTION 155-3, AMOUNT OF DEPOSIT; CHAPTER 159, SUBDIVISION OF LAND, SECTION 159-8, SUBMISSION OF PLAT AND APPLICATION, MAJOR SUBDIVISION APPROVAL, AND SECTION 159-10, SUBMISSION OF FINAL PLAT OF MAJOR SUBDIVISION; AND CHAPTER 190, ZONING, SECTION 190-28, PEAT HARVESTING OPERATIONS, OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES WITH THE CREATION OF CHAPTER 68, "DRIVEWAYS"

~~NOW, THEREFORE BE IT ORDAINED~~WHEREAS, the Township Committee finds that various provisions of the Township's Land Use Ordinances require updating with respect to fees, in view of increased expenses.

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

SECTION 1. Chapter 74, Land Use Procedures, Article VI, Fee and Costs, Section 74-56, Professional Review and Expert Witness Fees, Paragraph C, is amended to read as follows:

A. Amount of escrow. Subject to the provisions of Subsection D, each applicant shall, prior to the application being ruled complete pursuant to the provisions of the Municipal Land Use Law and this section, submit sums in accordance with §74-57 of this Chapter to be held in escrow in accordance with the provisions hereof.

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SECTION 2. Chapter 74, Land Use Procedures, Article VI, Fee and Costs, Section 74-57, Fee Schedule, is amended to read as follows:

§ 74-57. Fee schedule.

A. Minor subdivision (including lot line adjustment and/or amended application):

- (1) Application fee: \$250
- (2) Escrow deposit: \$3,000 (Replenish at \$1,500)

B. Major subdivision:

- (1) Preliminary major subdivision application Fee: \$500 plus \$100 per lot
- (2) Resubdivision application Fee: \$250 minimum or 25% of preliminary, whichever is greater
- (3) Preliminary major subdivision escrow deposit: \$750/Lot, \$3,500 Minimum (Replenish at 30% of initial deposit), \$20,000 Maximum initial deposit
- (4) Final major subdivision application Fee: \$500 minimum or 25% of preliminary.

whichever is greater

- (5) Final major subdivision escrow deposit: \$250/Lot, \$2,500 Minimum (Replenish at 30% of initial deposit), \$10,000 Maximum initial deposit (\$75-57B(3) applies to combined preliminary and major subdivision applications)
- (6) Amended preliminary major or final major application fee: \$500
- (7) Amended preliminary major or final major escrow deposit: \$300/Lot, \$2,500 Minimum (Replenish at 30% of initial deposit), \$10,000 Maximum initial deposit

C. Site plan:

- (1) Application fee: \$250 Minor; \$500 Preliminary Major and Final Major
- (2) Minor site plan escrow deposit: \$3,000 (Replenish at \$1,500)
- (3) Preliminary major site plan escrow deposit: \$2,000/acre of disturbance, \$3,500 Minimum (Replenish at 30% of initial deposit), \$20,000 Maximum initial deposit
- (4) Final major site plan escrow deposit: \$1,000/acre of disturbance, \$2,500 Minimum (Replenish at 30% of initial deposit), \$10,000 Maximum initial deposit (\$75-57C(3) applies to combined preliminary and final major site plan applications)
- (5) Amended minor, preliminary major or final major application fee: \$250
- (6) Amended minor, preliminary major or final major escrow deposit: \$3,500 (Replenish at \$1,500)

D. Variances:

- (1) Appeals and Interpretations under N.J.S.A. 40:55D-70a and b:
 - (a) Residential application fee: \$100 each
 - (b) Commercial/Industrial/Other application fee: \$500 each
 - (c) Escrow deposit: \$1,000 each
- (2) Bulk Variance under N.J.S.A. 40:55D-70c:
 - (a) Residential application fee: \$100 each (\$300 maximum)
 - (b) Additions to existing residential structure application fee: \$100 each (\$300 maximum)
 - (c) New dwelling structure/lots on improved street application fee: \$400.
 - (d) New dwelling structure/lots on unimproved street application fee: \$800.
 - (e) Commercial application fee: \$500.
 - (f) Industrial application fee: \$2,500.
 - (g) Escrow deposit as identified above, or \$3,000 (Replenish at \$1,500), whichever is greater
- (3) Use Variance under N.J.S.A. 40:55D-70d:
 - (a) Residential application fee:
 - [1] Single-family: \$200. Where proposed residential development does not comply with the density requirements of Chapter 190, Zoning, the fee shall be \$200 for each proposed lot not conforming to the density requirements.
 - [2] Multifamily:

| | |
|--------------|------------|
| <u>Units</u> | <u>Fee</u> |
|--------------|------------|

| | |
|-------------------|-----------------|
| <u>2 to 5</u> | <u>\$500</u> |
| <u>6 to 10</u> | <u>\$1,000</u> |
| <u>11 to 25</u> | <u>\$1,500</u> |
| <u>26 to 50</u> | <u>\$2,000</u> |
| <u>51 to 100</u> | <u>\$3,000</u> |
| <u>101 to 500</u> | <u>\$5,000</u> |
| <u>501 and up</u> | <u>\$10,000</u> |

(b) Commercial application fee: \$500.

(c) Industrial application fee: \$2,500.

(4) Escrow deposit.

(a) Single-family as identified above, or \$2,000 (Replenish at \$1,000), whichever is greater

(b) Multifamily, commercial, industrial and others as identified above, or \$3,000 (Replenish at \$1,500), whichever is greater

E. Conditional use application fees.

(1) Residential zones, \$300, except for townhouses and commercial recreation.

(2) Multifamily: \$2,500.

(3) Business/residential mix: \$2,500.

(4) Business: \$1,000.

(5) Commercial recreation: \$2,500.

(6) Industrial: \$3,500.

(7) Soil removal: \$3,500.

(8) BPO/R: \$1,000.

(9) BPO/1: \$1,000.

(10) Townhouses: \$2,500.

(11) All others: \$1,000

(12) Escrow deposit as identified above, or \$3,000 (Replenish at \$1,500), whichever is greater

F. Transcription fees, one-hundred percent estimated costs: \$4.50 per page.

G. Revision fees for application previously approved: minimum of \$100 or 25% of original fee, whichever is greater.

H. Concept plan.

(1) Application fee: \$300.

(2) Escrow deposit for minor site plan and minor subdivision: \$2,000

(3) Escrow deposit for major site plan and major subdivision: \$3,000

I. Fees for items not covered: \$300.

J. Special meeting fees: \$650 or the actual cost to the Township of Andover, whichever is greater. The applicant shall deposit the sum of \$650 with the Township at least five days in advance of the special meeting. Any balance owed shall be paid within seven

days after the conclusion of the meeting.

K. Zoning permit: \$100 plus all fees for normal subdivisions and site plans.

L. Application for certification of nonconforming use under N.J.S.A. 40:55D-68:

(1) Single-family: \$200.

(2) Anything other than single-family: \$500.

M. Escrow for all other applications:

(1) Single-family: \$550, or as determined by the Township Engineer

(2) Multifamily, commercial, industrial and others: \$1,000, or as determined by the Township Engineer

N. All deposits for engineering, legal and other technical review fees shall be made prior to the performance of the professional services which the deposit is intended to cover. When an escrow account is reduced to the replenishment amount identified in §§74-57A through M, the applicant shall be required to replenish the account to not less than one hundred percent (100%) of the original amount required, or as determined by the appropriate Township of Andover official. Failure to deposit the additional sum in accordance with §74-56E shall render the application incomplete or missing additional information reasonably required to decide the application. In the Board's discretion, the application shall not be heard until such sum is deposited.

O. All site improvements and utility installations for both site plans and subdivisions shall be inspected during the time of their installation under the supervision of the Township Engineer, Land Use Board Engineer, or Township designee to ensure satisfactory completion. The cost of said inspection shall be the responsibility of the owner who shall pay to the chief financial officer a sum equal to four percent (4%) of the amount of the estimated costs for the required improvements for payment of the inspection costs.

P. Where one (1) application for development includes several approval requests, the sum of the individual required fees shall be paid.

SECTION 3. Chapter 136, Soil Erosion, Section 136-11, Fees, is amended to read as follows:

§ 136-11. Fees.

A. Application and inspection fees.

(1) Upon applying for a permit pursuant to the provisions of this chapter, the applicant shall pay a fee to cover the cost of the initial review of the soil erosion and sediment control application, as well as for any renewal or resubmission thereof, in the amount set forth in the fee schedule as follows:

| <u>Type of Permit</u> | <u>Fees</u> | | |
|---------------------------|--------------------|----------------------------------|---------------------------------|
| | <u>Application</u> | <u>Escrow Review/ Inspection</u> | <u>Renewal and Resubmission</u> |
| <u>Single-family home</u> | <u>\$100</u> | <u>\$1,000</u> | <u>\$100</u> |
| <u>Minor subdivision</u> | <u>\$200</u> | <u>\$1,500</u> | <u>\$100</u> |
| <u>Minor site plan</u> | <u>\$250</u> | <u>\$2,000</u> | <u>\$150</u> |

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| <u>Major subdivision</u> | <u>\$250</u> | <u>\$300 per lot,</u> <u>Minimum \$3,000</u> | <u>\$150</u> |
| <u>Major site plan</u> | <u>\$250</u> | <u>\$3,000, plus</u> <u>\$100 per acre</u> | <u>\$150</u> |
| <u>Soil removal</u> | <u>\$500</u> | <u>\$2,000, plus</u> <u>\$100 per acre</u> | <u>\$250</u> |
| <u>Land disturbance without construction of improvements</u> | <u>\$500</u> | <u>\$2,000, plus</u> <u>\$100 per acre</u> | <u>\$250</u> |

(2) This is the initial minimum deposit required. Any charges over the initial deposit required for additional reviews for revisions or incomplete applications or inspections shall be paid by additional deposits, to be paid monthly, due the first of each month.

(3) The provisions of §§ 74-56H, I and J and 74-58 of Chapter 74, Land Use Procedures, shall apply.

B. Upon the issuance of a permit the applicant shall pay an escrow review fee as set forth in the schedule to cover the cost of inspections and review of the project by the Township Engineer during the year. In the event that this amount is utilized and additional inspections are required, the applicant shall post an additional escrow review fee as set forth in the above schedule with the Planning Board secretary to cover additional inspections. The provisions of §§ 74-56D through J and 74-58 shall apply with respect to the method of administration of inspection fees and the posting of additional inspection fees.

C. Inspection shall be provided for during construction, and the applicant shall be required to have the certified plans on site during construction.

D. The Township of Andover, in conjunction with the Township Engineer, may review said application for soil erosion and sediment control permit to determine whether the escrow amount set for the above is adequate. In conducting such review said Township Engineer shall consider the following criteria:

- (a) Environmental considerations, including but not limited to geological, hydrological and ecological factors.
- (b) Impact of the proposed development on existing aquifer and/or water quality.
- (c) Applicability of current stormwater management regulations.
- (d) Applicability of the Flood Hazard Control Act.
- (e) Applicability of Water Quality Management Planning.

E. When a conditional Report of Compliance (ROC) is issued, during the non-growing season, a Performance Deposit of \$3,000 per acre of disturbed soil (\$3,000 minimum for a single family site) will be required and will be placed in an escrow account. An administration fee of \$100 will be charged and retained by the Township of Andover.

SECTION 4. Chapter 140, Soil Removal, Section 140-11, Application and inspection fees, is amended to read as follows:

§ 140-11. Application and inspection fees.

A. Upon application for a permit pursuant to the provisions of this chapter, the applicant shall pay a filing fee in the amount of \$500.

- B. In addition, at time of filing the application, to cover review by the Township Engineer, planning consultant and other Township personnel and site inspections, a deposit for review fees in the amount of \$3,000 shall be deposited with the Township Clerk, by the applicant. Any unused portion shall be returned to the applicant.
- C. The board shall have the right to required additional deposits to be paid by the applicant, from time to time, in order to insure that review and inspection fees are adequately provided for.
- D. Upon issuance of a permit, the applicant shall pay another deposit in the sum of \$2,000 to cover reasonable inspection fees to municipal personnel, including but not limited to the Township Engineer, for any inspections and field checks of the operation, and for inspections of improvements. Thereafter, the permittee shall reimburse the Township promptly for the cost of all periodic inspection fees as well as any extraordinary costs or expenses necessitated as a result of unforeseen difficulties or exigencies, or necessitated by or resulting from any violation of any provision of this chapter. Should the applicant fail to reimburse the Township for the aforesaid fees, within 14 days of a request by the Township to do so, the permit may be suspended or revoked for such a period of time as the Township Committee may determine.

SECTION 5. Chapter 155, Streets and Sidewalks, Article I, Excavations, Section 155-2, Application: deposit and fee, is amended to read as follows:

§ 155-2. Application; deposit and fee.

- A. Any person desiring to open the surface of a street, highway, alley or public place shall make written application to the Construction Official for a permit. The application shall set forth the place and extent of the intended opening and purpose, together with specific location of the section of street or highway involved, estimated time required for the intended work, and the number of both lineal and square feet of road surface reasonably estimated to be required to be opened for the purpose.
- B. Except for minor openings, each application shall be accompanied by the required deposit in an amount fixed by the Township Engineer, together with a permit fee of \$100 and a bond adequate in sureties, coverage and amount to guarantee the Township against civil liability during the course of the work and restoration, the bond to be approved as to form and sufficiency by the Township Attorney, before a permit is issued.

SECTION 6. Chapter 155, Streets and Sidewalks, Article I, Excavations, Section 155-3, Amount of deposit, is amended to read as follows:

§ 155-3. Amount of deposit.

- A. Permission shall not be granted until and unless there is deposited with the Construction Official a sum sufficient to cover the estimated cost of restoration and restoration and protection against settlement, including the expense of inspection, any balance remaining to be returned to the applicant.
- B. Whenever application for a permit is made by any department, bureau or board of the Township, county or state, or by any electric, telephone, telegraph, gas, railroad company or other public utility, the Construction Official may issue a permit without payment of the deposit but after restoration of the bed and surface he shall collect from the department, bureau, board or company the cost to the Township of restoration and inspection.
- C. For minor openings the deposit shall be \$1,000, plus the permit fee of \$100, and no

bond shall be required. To qualify as minor the opening shall not exceed 50 feet in length across the roadway, nor five feet in width or depth.

SECTION 7. Chapter 159, Subdivision of Land, Article II, Procedure, Section 159-8, Submission of plat and application; major subdivision preliminary approval, Paragraph A, Subparagraph (1), is amended to read as follows:

(1) At the time of filing, fees and escrow deposits in accordance with §74-57.

SECTION 8. Chapter 159, Subdivision of Land, Article II, Procedure, Section 159-10, Submission of final plat of major subdivision, Paragraph C, is amended to read as follows:

C. Fees and deposits with application. This application shall be accompanied by fees and escrow deposits in accordance with §74-57.

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SECTION 9. Chapter 190, Zoning, Article III, General Regulations, Section 190-28, Peat harvesting operations, Paragraphs E and G are amended to read as follows:

§ 190-28. Peat harvesting operations.

F. Performance guarantees. A bond or letter of credit shall be posted with the Township of Andover to cover the cost of repairing and maintaining dikes and seeding the dikes in the amount of \$10,000 initially. The amount of the guarantee shall be reviewed each year by the Township Committee upon the advice of Township Engineer and Planning Board Attorney to determine if the amount and form of the guarantee are sufficient. The required guarantee may be amended by the Township Committee, if necessary.

G. Application and inspection fees. Upon application to the Planning Board for classification of a peat harvesting operation and to the Zoning Officer for a zoning permit, the applicant shall pay an application fee to the Township of Andover to cover the cost of initial review of the proposed operation in the sum of \$500. In addition, the applicant shall deposit the sum of \$2,500 with the Township to cover engineering and extraordinary legal review fees for the initial application. Upon the issuance of a permit, the applicant shall pay a fee of \$550 to cover the periodic field checks by the Engineer during the first year of operation. Annually thereafter a permittee shall pay an annual fee of \$100 and shall reimburse the Township for the cost of all periodic inspection fees as well as for any extraordinary costs or expenses, including legal fees, necessitated as a result of unforeseen difficulties or exigencies or necessitated by or resulting from any violation of any provision of this chapter.

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SECTION 10. 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 11. This Ordinance may be renumbered for modification purposes.

SECTION 12. 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 13. 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 14. 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 09th 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 13th 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

Vita Thompson, R.M.C.
Municipal Clerk

EFFECTIVE DATE: April 17, 2009 by the Municipal Council of the Township of Andover, in the County of Sussex, and 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:
and surrounding lands onto public roadways and adjoining safety problems on public roadways, to conserve the general value of property within the Township and to minimize efforts to assure the public and service vehicles the right to safe and comfortable use of public roadways and private driveways.

§ 68-2. Definitions.

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

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~~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, irregardless independent of acreage for compliance.~~

~~ALTER DRIVEWAY — A driveway is altered within the meaning of this chapter when it is paved, widened, narrowed, relocated or when its grade is changed or when it is modified in any way that alters the prior existing drainage from said driveway onto a public right-of-way. Normal maintenance, such as replacing stone, patching asphalt or repaving, 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 which roadway that provides entry to more than one dwelling or place of business from a public road or street,~~

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~~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.~~

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~~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~~

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~~therewith are hereby deemed exempt from the provisions of this chapter, with the exception of the provisions of § 68-110B and C.~~

~~§ 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 Township public road without first having secured a permit from the Andover Township Engineer. 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 of 200 feet 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 8.12% 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 installation may also be shown drainage design. (See Figure 1)~~

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~~B. 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.~~

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~~C. 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.~~

~~D. 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 Engineer 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 remaining provisions of the chapter.~~

~~E. The Building Construction Officer Construction Official shall not issue a building permit until an approved driveway permit has been issued.~~

~~F. 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.~~

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~~§ 68-5. Fees.~~

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~~There shall be submitted with an application for a driveway permit, the following fees, payable to the Township of Andover:~~

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~~A. Non-refundable permit application fee: \$25.~~

~~B. Driveways up to 8% slope, engineering review and inspection escrow fee: \$400.~~

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~~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 which 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 superceded 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 a minimum of 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. — 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 50 mph, 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 four feet above the ground on the center line of the driveway and 10 feet behind the curblineline of the thoroughfare, and if no curblineline exists, a minimum of 10 feet from the edge of the road. 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.

| <u>Allowable Speed on Township Road</u> <u>(mph)</u> | <u>Required Sight Distance</u> <u>(feet)</u> |
|---|---|
|---|---|

| | |
|-----------|------------|
| 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

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~~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 appears different than that 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.~~

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~~§ 68-7. Common driveways.~~

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~~If the Planning Board approves a Driveway utilized by more than two (2) residential units, it shall be in accordance with the following minimum requirements:~~

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~~A. All common driveways within the Township shall have deeded provisions for maintenance, parking, and snow removal, however, the Township will not be responsible for enforcement of this provision. For new subdivisions, the Land Use Board Engineer and Attorney must approve the deeded provisions.~~

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~~B. The driveway shall have a minimum width of fourteen (14') feet and a graded width of not less than eighteen (18') feet.~~

~~C. Shared 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.~~

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~~§ 68-8. Slope.~~

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

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~~A. Within the right-of-way limits, the finished grade of the driveway shall be no greater than 6%.~~

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~~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)~~

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~~D. At no point shall the finished grade of the driveway be greater than 15%.~~

~~E. Changes in vertical 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.~~

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§ 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. between the driveway center line and the near edge of the roadway shall be 90°. Any curved or angular approach of the driveway for aesthetic or topographical reasons 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.

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B. One-way operation.

(1) Right turn only. Driveways shall not form an angle smaller than 45° with a street unless acceleration and deceleration lanes are provided.

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(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, at an angle as near 90° as site conditions allow and in no case less than 75°.

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 ways without impeding through traffic. Driveway exits for one-way operation shall be at an angle not less than 30°.

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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.

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E. Driveways of 400 feet or more in length shall have facilities suitable for fire engine turnaround consisting of the following:

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(1) K-turn with fifty-foot depth, fourteen-foot width and with sufficient radii to satisfy § 67-8D within 200 feet, but not less than 75 feet of the dwelling; or

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(2) Looped driveway of fourteen-foot width and fifty-foot or more center-line radius.

§ 68-10. Dimensions.

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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 (traffic over 25% of which 25% of traffic is truck traffic) shall be required to use the maximum dimensions in as shown on such the following table.

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DRIVEWAY DIMENSIONS

| Type of Driveway | Width (feet) | Driveway Curb Radius (feet) | Depressed Curb Return (feet) |
|------------------|--------------|-----------------------------|------------------------------|
|------------------|--------------|-----------------------------|------------------------------|

Residential

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. Silt 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 which that causes problems of 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 which that causes the depositing of soot 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.

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§ 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 adjacent property.

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 4)

C. The installation of a suitable-sized reinforced concrete pipe culvert or approved equivalent shall be required in the event that the existing flow line or ditch cannot be crossed with a shallow dish-type gutter. The size of 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 4)

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.

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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 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. 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.

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(2) All driveway slopes in excess of 8% 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.

C. Commercial driveways.

(1) 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.

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(2) Base course: four inches (compacted thickness) of plant-mixed bituminous concrete, Mix I-2, thoroughly rolled and compacted.

(3) Surface course: two inches (compact thickness) of bituminous concrete Type FABC-1, Mix I-5.

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.

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(2) The total depth of concrete shall be maintained across the depression.

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(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.

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§ 68-14. Inspection.

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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).

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B. No certificate of occupancy shall be issued by the Building Construction Officer/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 Building Construction Officer/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 § 68-143C.~~

~~§ 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.~~

~~§ 68-165. 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.~~

~~§ 68-176. 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~~

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~~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.~~

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~~**§ 68-187. Violations and penalties.**~~

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~~**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.**~~

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~~**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.**~~

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

ORDINANCE NO. 2009-11, ~~07~~

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AN ORDINANCE TO AMEND CHAPTER 74, LAND USE PROCEDURES, SECTION 74-56, PROFESSIONAL REVIEW AND EXPERT WITNESS FEES AND SECTION 74-57, FEE SCHEDULE; CHAPTER 136, SOIL EROSION, SECTION 136-11, FEES; CHAPTER 140, SOIL REMOVAL, SECTION 140-11, APPLICATION AND INSPECTION FEES; CHAPTER 155, STREETS AND SIDEWALKS, SECTION 155-2, APPLICATION DEPOSIT AND FEE, AND SECTION 155-3, AMOUNT OF DEPOSIT; CHAPTER 159, SUBDIVISION OF LAND, SECTION 159-8, SUBMISSION OF PLAT AND APPLICATION, MAJOR SUBDIVISION APPROVAL, AND SECTION 159-10, SUBMISSION OF FINAL PLAT OF MAJOR SUBDIVISION; AND CHAPTER 190, ZONING, SECTION 190-28, PEAT HARVESTING OPERATIONS, OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES WITH THE CREATION OF CHAPTER 68, "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 09th 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 13th 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