

**ORDINANCE 2024-20C**

**ORDINANCE OF THE BOROUGH OF SHIP BOTTOM, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 12.04, WHICH PERTAINS TO CURBS, SIDEWALKS, DRIVEWAYS, AND IMPERVIOUS MATERIALS, AND AMENDING CHAPTER 16.52, WHICH PERTAINS TO GENERAL PROVISIONS AND DESIGN STANDARDS**

**STATEMENT OF PURPOSE**

The purpose of this ordinance is to amend Chapter 12.04 to revise and reformat the regulations relating to sidewalks, curbs, driveways, and aprons and to amend Chapter 16.42 to amend the regulations relating to fences.

**SECTION I**

Chapter 12.04 is repealed and replaced with the following.

Chapter 12.04 Curbs, Sidewalks, Driveways, and Impervious Materials

§12.04.010 Curbs and sidewalks installation, maintenance, and repair.

- A. In all cases where any new building is erected or where any existing building is added to by increasing the usable floor area thereof by 25%, the property owner shall erect and construct concrete curbing on the curb line.
- B. In all cases where any new building is erected or where any existing building is added to by increasing the usable floor area thereof by 25% bordering Long Beach Boulevard, Central Avenue, and along both sides of those streets between Long Beach Boulevard and the oceanfront building line, the property owner shall erect and construct sidewalks and aprons.
- C. All property owners on Long Beach Boulevard shall install concrete curbing and sidewalks along the property abutting Long Beach Boulevard. Any corner property owner shall erect curb returns around the corner to the point of projection of the right-of-way of Long Beach Boulevard. The Borough Engineer shall establish grade and determine the sidewalk and curb line.
- D. When any street, roadway, or highway is scheduled to be resurfaced by the Borough, the construction, repair, and/or alteration of the sidewalks and curbs abutting such roadway or highway shall be at the sole cost and expense of the abutting property owner.
- E. The maintenance, repair, and replacement of curbs, sidewalks, and aprons shall be the responsibility and at the expense of the property owners.
- F. Whether or not a curb or sidewalk is required by the Borough Code, once a curb and sidewalk is installed it may not be removed.

§12.04.020 Specifications for curbs, sidewalks, driveways, and aprons.

- A. All curbs shall be constructed of concrete, class "B" concrete, air entrained, and all sidewalks shall be a minimum of 4 feet in width.
- B. The Borough Engineer shall prepare a written set of engineering specifications setting forth the required materials, dimensions, location, and grade of all curbs, sidewalks, and aprons to be constructed, repaired, altered, relayed, or replaced, which specifications in all respects, shall conform to the standards set forth in this Chapter.
- C. In establishing grade and location and in approving plans for curbs and sidewalks, the Borough Engineer shall establish grades so that the elevation of all curbs and sidewalks are of reasonable uniformity. The Borough Engineer shall ascertain and be certain that all sidewalks provide block scoring around all utility poles, fire hydrants, street name sign poles, and other municipal and utility poles, pipes, and standards which protrude through the curb and sidewalk. The block scoring shall be of such sufficient size that an entire block may be removed and repoured when it becomes necessary to repair or replace any such utility pole, pipe, fire hydrant, or protrusion. The plans shall be further approved by the

Borough Engineer as to design and elevation to ensure the compliance by the property owner with the requirements of this Chapter. All construction in accordance with such plans shall be inspected by the building inspector, who shall first approve such plans and issue a construction permit in accordance with the provisions of this Chapter.

- D. Before any sidewalk, curb, or driveway is erected or installed and before any permit is issued by the Zoning Officer as, the applicant shall provide to the Borough Engineer a sketch showing the location of the proposed curb, sidewalk, and/or driveway in general terms. The Borough Engineer shall then, at the sole cost and expense of the applicant, provide grade stakes establishing the grade and location of the proposed work, or in the event of a state or county highway, shall cause the same to be done by the appropriate State or County Engineer, and shall approve or cause to be approved by such State or County Engineer the proposed driveways. Any expenses incurred shall be borne by the applicant, such expenses to be reasonable expenses in conformity with customary engineering charges in the Ocean County area.

#### §12.04.030 Catch basins and driveways.

- A. Existing Drainage Catch Basins. In the event there are existing drainage catch basins, the alignment shall be the same and the grade shall be sloped to meet the existing catch basin curb piece.
- B. Driveways. For the first 50 lineal feet of curbing or portion thereof, and for each 50 lineal feet thereafter, there shall be allowed 1 12-foot driveway; provided, however, that where the property has located thereon a 2-car garage, a driveway of 20 lineal feet in width shall be permitted.

#### §12.04.040 Determination of need for maintenance of curbs and sidewalks.

- A. Where the Mayor and Council of the Borough determine that certain curbs and sidewalks are in a state of disrepair and/or are in need of maintenance, repair, or replacement along any street, roadway, or highway in general or relating to any road repair or resurfacing, they shall by resolution direct the preparation of a survey. The Borough Engineer shall render a written report to the Mayor and Council setting forth the required, if any, maintenance, repair, or replacement of the curbs and sidewalks and all specifications relating to same. Upon receipt of the report, the Mayor and Council shall adopt a resolution at a public meeting identifying by reference lot and block on the then current tax map every parcel of land which requires maintenance, repair, or replacement.
- B. The Municipal Clerk shall cause a notice in writing to be served pursuant to the requirements set forth in N.J.S.A. 40:65-14, as amended, upon the property owners requiring the necessary specified work to such curbs to be completed within not less than 30 days from the date of service of such notice. It shall thereafter become the duty of each property owner to construct, repair, alter, relay, or maintain any curb and sidewalk accordance with the terms and conditions of such notice.

#### §12.04.050 Notice, compliance, and lien.

In the event the property owner fails to comply with the requirements of this Chapter, the Borough shall cause the required work to be done and paid out of the municipal funds available for such purpose. The cost of such work shall be certified by the Public Works Department or designated official. Upon filing of the certificate with the Municipal Clerk and Tax Assessor, the amount of the cost of such work shall become a lien upon the property in front of which work was completed to the same extent that assessments for local improvements are liens. The lien shall be collected in the manner provided by law for the collection of such other assessments and shall bear interest at the same rate; in addition, the Borough shall not be precluded from recovering the stated amount against the owner of lands in any court of competent jurisdiction; a certified copy of the certificate shall, in such action, be prima facie evidence of the existence of the debt due from the owner to the Borough.

#### §12.04.060 Applications for permit; fee.

No sidewalk, curb, driveway or other impervious lot coverage may be installed without first obtaining a permit from the Zoning Officer. The application form for the permit shall be prepared by the Zoning Officer. The fee for the issuance of a permit for the construction, repair, replacement, or installation of any sidewalk, curb, or driveway or the placement of any impervious lot coverage, including concrete or brick pavers, shall be \$25. In addition, any engineering expenses incurred as

a result of the installation of such sidewalk, curb, driveway or impervious lot coverage shall be paid by the applicant.

## SECTION II

§16.52.030D is repealed and replaced with the following. The existing D1 through D6 shall remain.

- D. On any lot in any district, no fence shall be erected or altered so that such fence shall be over 4 feet in height in front yards and 6 feet in height in side and rear yards with the following provisions and exceptions:

## SECTION III

§16.52.030D7 is added as follows.

7. On any lot in any district where the lot land is filled and raised pursuant to Chapter 15.23 and a retaining wall is constructed, the height of the retaining wall shall be included in the overall permitted height of the fence, the fence shall not be constructed on or as any part of the retaining wall, and the fence shall be installed in the yard to the interior of the retaining wall.

## SECTION IV

All ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

## SECTION V

If any word, phrase, clause, section, or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

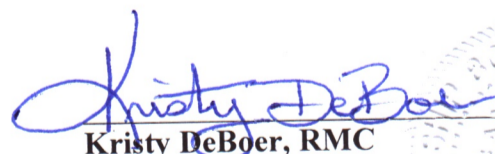
### **Effective date.**

This ordinance shall take effect after final adoption and publication as required by law.

## NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Mayor and Council of the Borough of Ship Bottom, County of Ocean, State of New Jersey, held on Tuesday, July 23, 2024, at 6:30 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Mayor and Council to be held on Tuesday, August 27, 2024, at 6:30 p.m. at the Municipal Building, 1621 Long Beach Boulevard, Ship Bottom, New Jersey 08008.

  
**Kristy DeBoer, RMC**  
Municipal Clerk



## CERTIFICATION

I, **KRISTY DEBOER, RMC**, Municipal Clerk for the Borough of Ship Bottom do hereby certify that the foregoing Ordinance 2024-20C was duly adopted by the Mayor and Council at the meeting held on August 27, 2024, at 6:30 p.m.

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**Kristy DeBoer, RMC**  
Municipal Clerk