

ORDINANCE NO. 2021 – 07

AN ORDINANCE OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 277 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF LITTLE EGG HARBOR, ENTITLED “QUALIFIED PRIVATE COMMUNITIES”

BE IT ORDAINED, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Township Code of the Township of Little Harbor is hereby amended and supplemented so as to amend Chapter 277, entitled “Qualified Private Communities” so as to amend § 277-3, “Threshold requirements,” Subsection C, in its entirety as follows:

- C. The owner shall indicate its desire or intent to dedicate the public street areas to the Township or to retain same as private areas of the community. The Township shall have the sole discretion to determine whether any road or street within the community conforms to municipal specifications for public roads and streets, and whether to accept or reject street areas offered by the qualified private community for acceptance by the Township. The condition precedent to consideration of street dedication shall be whether the streets and roads meet existing Township street standards as set forth in Chapter 15, Land Development Regulations, with the exception of width. The Township shall bear no responsibility for repair and maintenance of streets that it does not own through dedication and acceptance. The manner and conditions under which service shall be provided by the Township is based upon conveyance of a deed of dedication by the owner to the Township and acceptance thereof by the Planning Board and the Township Committee.

SECTION 2. The Township Code of the Township of Little Harbor is hereby amended and supplemented so as to amend Chapter 277, entitled “Qualified Private Communities” so as to amend § 277-3, “Threshold requirements,” Subsection D, in its entirety as follows:

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D. Should the Township determine it is appropriate to provide services to any private street in a qualified private community pursuant to N.J.S.A. 40:57-23.3, the qualified private community or association shall be required to produce an insurance policy naming the Township as the insured party. The insurance policy shall provide combined liability coverage in an amount not less than \$1,000,000. This provision shall be specific to private streets owned by a qualified private community, and separate and independent of any determination made by the Township as to services specifically delineated under N.J.S.A. 40:67-23.1 to be performed upon roads and streets not dedicated and accepted as public highways and indicated as warranted pursuant to statute, by separate resolution.

SECTION 3. The Township Code of the Township of Little Harbor is hereby amended and supplemented so as to amend Chapter 277, entitled “Qualified Private Communities” so as to amend § 277-3, “Threshold requirements,” Subsection F so as to omit the phrase “which definition is recited under § 245-2 of these regulations.”

SECTION 4. The Township Code of the Township of Little Harbor is hereby amended and supplemented so as to amend Chapter 277, entitled “Qualified Private Communities” so as to amend § 277-4, “Reimbursement Agreement,” Subsection A, so as to omit the phrase “in these regulations” and replace it with “in N.J.S.A. 40:67-23.3”.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the remaining portions hereof.

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SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Little Egg Harbor held on the 11th day of March, **2021**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the 8th day of April, **2021**, at 7:00 p.m. at the Municipal Building located at 665 Radio Road, Little Egg Harbor, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

DIANA K. MCCRACKEN, RMC, Clerk
Township of Little Egg Harbor

Introduction

Stevens _____ Gormley _____ Crea _____ Scibetta _____ Kehm _____

Second Reading & Adoption

Stevens _____ Gormley _____ Crea _____ Scibetta _____ Kehm _____

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