

ORDINANCE 2023-20

AN ORDINANCE BY THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE SO AS TO AMEND CHAPTER 299, STREETS AND SIDEWALKS, ARTICLE V, RIGHTS-OF-WAY AND CREATE A NEW ARTICLE VI. “ENCROACHMENT UPON RIGHTS-OF-WAY”

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

SECTION 1. That the governing body hereby amends Chapter 299, Streets and Sidewalks, Article V, entitled “Rights-of-Way” so as to create a new title for Article V, “Rights-of-Way, Utilities”.

SECTION 2. That the governing body hereby amends Chapter 299, Streets and Sidewalks, so as to create a new Article VI, entitled “Encroachment upon Rights-of-Way” as follows:

ARTICLE VI Encroachment upon Rights-of-Way

§299-42 Unlawful to encroach upon Rights-of-Way

It shall be unlawful to erect, maintain, or place any structure, whether temporary or permanent, which encroaches upon any public street, public property or improved or unimproved portion of a public right-of-way.

§299-44 Prohibition not exclusive

The prohibition within this Article shall not apply to the installation and maintenance of public utilities that are permitted uses in the Township or any use of the public right-of-way as delineated in Article V, Rights-of-Way, Utilities, herein.

§299-45 Definitions

Structure shall include, but not be limited to, any building, flagpole, fencing, storage pod or dumpster.

§299-46 Violations and Penalties

Any person, firm or corporation convicted of a violation of the provisions of this Article shall be subject to a fine or penalty not exceeding \$2,000 or imprisonment for a term not exceeding 90 days, or both. Each day in which there is a violation shall constitute a separate



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and continuing violation without the necessity of any additional summons being issued.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. 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 **8th** day of **June, 2023**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **13th** day of **July, 2023**, at **7:30 p.m.** at the Municipal Building located at 665 Radio Road, Little Egg Harbor, at such time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

KELLY LETTERA, RMC
Township Clerk
Township of Little Egg Harbor

BLAISE SCIBETTA , MAYOR

r|m|s|h|c

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