

**TOWNSHIP OF MANALAPAN**

**ORDINANCE NO. 2021-08**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 176, "PROPERTY MAINTENANCE", ARTICLE III, "TOWNSHIP PROPERTY", SECTION 176-31, "LICENSING OF USE OF TOWNSHIP PROPERTY", OF THE CODE OF THE TOWNSHIP OF MANALAPAN, PERTAINING TO APPLICATIONS FOR REVOCABLE LICENSING AGREEMENTS PERTAINING TO ENCROACHMENTS ON TOWNSHIP PROPERTY.**

**BE IT ORDAINED** by the Township Committee of the Township of Manalapan, County of Monmouth in the State of New Jersey as follows:

Section One. Chapter 176, "Property Maintenance", Article III, "Township Property", of the Code of the Township of Manalapan, Section 176-31, "Licensing of use of Township property", be and the same is hereby amended and supplemented to read, in full, as follows:

"§176-31. Licensing of use of Township property.

Where the Township has discovered that a structure, facility, building, roadway, driveway or improvement is located on Township owned property or on property over which the Township holds an easement and wherein the Township's general welfare and interests are not harmed by the presence of such structure, facility, building, roadway, driveway or improvement, the Township Committee may grant by a revocable license the right to the property owner to maintain such structure, facility, building, roadway, driveway or improvement on the Township property in accordance with a licensing agreement authorized by the Township Committee. In the case of a fence, such fence shall conform to the regulations established in § 95-7.24 of this Code.

- A. Application for license.
  - (1) A property owner maintaining a structure, facility, building, roadway, driveway or improvement on Township property may apply to the Township Committee for such a license by the payment of a fee of \$500 for each structure, facility, building, roadway, driveway or other improvement in order to defray the consideration of the application and the costs for an engineering inspection, preparation of a Resolution of approval or denial and a license

agreement when authorized and the costs of any publication or filings required by law.

- (2) Each structure, facility, building, roadway, driveway or other improvement shall require a separate application and fee and, if granted, a separate revocable license.
- (3) The license agreement shall provide that the property owner may maintain such structure, facility, building, roadway, driveway or improvement for a specified period of time or an unlimited period of time, subject to removal on notice by the Township. The license may or may not run with the land as specified in the license. The license agreement shall not create an ownership interest in the Township property on the part of the property owner unless granted in accordance with the appropriate laws of the State of New Jersey. If and in the event the structure, facility, building, roadway, driveway or improvement shall at any time be destroyed or removed from the Township's property, the license shall automatically be revoked and no new structure, facility, building, roadway, driveway or improvement shall be constructed on the Township property without a new license agreement.
- (4) The license agreement issued by the Township may be revoked at the sole discretion of the Township on notice to the property owner.
- (5) If and in the event the Township in its sole discretion has determined that a property owner has violated the terms and conditions of a license agreement, the same may be revoked by the Township upon five days' notice to the property owner. Such notice may be given by the zoning officer, the township engineer or the township attorney at the direction of the township administrator.
- (6) The property owner may appeal to the Township Committee any revocation which the property owner believes to be in error. The Township Committee's determination shall be final."

Section Two. All Ordinances, or parts thereof, inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of such inconsistency.

Section Three. Should any section, paragraph, clause or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

Section Four. This ordinance shall take effect upon its final adoption and publication according to law.

#### NOTICE OF PUBLIC HEARING

The Ordinance published herewith was introduced and approved at a meeting of the Township Committee of the Township of Manalapan held on April 14, 2021 and will be further considered for final passage after a Public Hearing thereon before the Township Committee of the Township of Manalapan during a meeting to be held on April 28, 2021 at the Municipal Complex, 120 Route 522 and Taylors Mill Road, Manalapan, New Jersey at 7:30 p.m. or as soon thereafter as the matter may be reached, or at any meeting to which that meeting may be adjourned, at which time any and all persons who may be interested therein will be given an opportunity to be heard.

The proposed Ordinance in its entirety is on file in the Municipal Clerk's Office and copies may be obtained without charge between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday. A complete copy may also be obtained from the Manalapan Township web-site [www.mtnj.org](http://www.mtnj.org) by clicking on the Ordinance title listed on the Agenda posted for the Township Committee meeting of April 28, 2021.

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SHARI ROSE, RMC  
MUNICIPAL CLERK