

TOWNSHIP OF NEPTUNE  
NOTICE OF FINAL ADOPTION OF ORDINANCE  
ORDINANCE NO. 15-52

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XI OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING SECTION 11-8 TO AUTHORIZE PARTICIPATION IN THE STATE LOCAL COOPERATIVE HOUSING INSPECTION PROGRAM (SLCHIP) FOR THE LOCAL INSPECTION OF HOTELS, MOTELS AND MULTIPLE DWELLINGS

Approved on First Reading: November 23, 2015

Approved, passed and adopted on final reading: December 3, 2015

TOWNSHIP OF NEPTUNE  
NOTICE OF FINAL ADOPTION OF ORDINANCE  
ORDINANCE NO. 15-53

AN ORDINANCE TO AMEND AND SUPPLEMENT VOLUME I, CHAPTER IV, SECTION 4-29 OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED DEALERS OF PRECIOUS METALS AND JEWELRY

Approved on First Reading: November 23, 2015

Approved, passed and adopted on final reading: December 3, 2015

NOTICE  
ORDINANCE NO. 15-54  
Township of Neptune  
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 3rd day of December, 2015, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 21st day of December, 2015, at the Neptune Municipal Complex, Township Committee Meeting Room – 2<sup>nd</sup> Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at [www.neptunetownship.org](http://www.neptunetownship.org).

ORDINANCE NO. 15-54

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XX OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING SECTION 20-4 ENTITLED HYDRAULIC FRACKING AND HYDRAULIC FRACKING BYPRODUCTS

WHEREAS, the Neptune Township Environmental/Shade Tree Commission adopted a resolution of finding and declaration that hydraulic fracking and the treatment of wastewater, wastewater solids, drill or other byproducts from the hydraulic fracturing process pose significant public health, safety and welfare risks to the citizens of Neptune Township; and,

WHEREAS, the Neptune Township Committee agrees with these findings and desires to prohibit hydraulic fracking and the use of hydraulic fracking byproducts within the limits of the Township of Neptune,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey that Volume I, Chapter XX of the Code of the Township be and is hereby amended to add Section 20-4 as follows:

SECTION 1.

20-4 – HYDRAULIC FRACKING AND HYDRAULIC FRACKING BYPRODUCTS

20-4.1 Definitions.

“Hydraulic Fracking” shall mean the drilling technique of expanding existing fractures or creating new fractures in rock by injecting water, often under pressure, into or underneath the surface of the rock for purposes including, but not limited to, well drilling and natural gas exploration and production. The term “hydraulic fracking” shall include: “fracking”, “hydrofracking”, “hydrofacturing”, and other colloquial terms for this drilling technique.

20-4.2 Prohibitions.

- a. Hydraulic Fracking or similar well drilling and natural gas exploration and production as defined in Section 20-4.1 of this ordinance; shall be prohibited.
- b. Wastewater, wastewater solids, sludge, drill cuttings, or other byproducts resulting from hydraulic fracking for the purpose of natural gas exploration or production may not be treated, discharged, disposed of, applied to a roadway, or otherwise released into the environment, or stored within or on any area within the municipal limits of the Township of Neptune.

20-4.3 Violation and penalties.

Any person or persons, property owner or applicable lienholder who violates any provision of this Ordinance shall be subject to a fine not exceeding \$2,000.00 (Two Thousand Dollars) or a period of community service not exceeding 90 days or imprisonment of a term

not exceeding 90 days, or any combination of the aforesaid penalties for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this section shall be recoverable from the owner and in some cases the lienholder and shall be a lien on the subject property.

## SECTION 2.

Should any terms, provisions or parts of this ordinance be found invalid, said provision shall not effect any other terms.

## SECTION 3

This Ordinance shall take effect upon final adoption and publication of the notice of the adoption as required by law.

## SECTION 4

All Ordinances or parts of Ordinances that are inconsistent herewith are repealed, but only to the extent of such inconsistency.

Richard J. Cuttrel,  
Municipal Clerk

NOTICE  
ORDINANCE NO. 15-55  
Township of Neptune  
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 3rd day of December, 2015, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 21st day of December, 2015, at the Neptune Municipal Complex, Township Committee Meeting Room – 2<sup>nd</sup> Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at [www.neptunetownship.org](http://www.neptunetownship.org).

ORDINANCE NO. 15-55

AN ORDINANCE TO AMEND VOLUME I, CHAPTER IV, OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED, "BUSINESS AND LICENSING REGULATIONS CONCERNING GRANTING OF REVOCABLE LICENSES"

WHEREAS, occasionally the Mayor and Township Committee of the Township of Neptune encounters a situation where a property owner of the Township has constructed or desires to construct a structure, either intentionally or inadvertently, which encroaches upon Township property or right-of-way; and

WHEREAS, in such instances, the Township may, at its sole discretion, allow for a Revocable License to permit the encroachment or encroachments with the understanding that the encroachment or encroachments cannot prevent the Township from utilizing municipal property or right-of-ways, and that the Township must be held harmless from any injury or damage caused by the encroachment or encroachments, and that the License Agreement, if granted in the sole discretion of the Township, is revocable, with the encroachment or encroachments subject to removal at the sole cost and expense of the property owner.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey that the Neptune Township Code of Ordinances, Volume I, Chapter IV, shall hereby be amended to add a Section on License Agreements as follows:

#### 4-33 – REVOCABLE LICENSES

##### 4-33.1 – Process of Approval

- A) The Township, in its sole discretion, may grant a property owner of the Township of Neptune a Revocable License in writing, allowing for said property owner to create or continue an existing encroachment upon municipal property where such an encroachment is considered by the governing body not to be a significant impairment to the Township's use of the Township property, is not a safety hazard and satisfies the standards set forth in Section 4-33.2 of this Ordinance and will be removed at the sole cost and expense of the property owner should the Township determine, in its sole discretion, that such encroachment needs to be removed in order for the Township to make use of or enter upon said Township property, subject to approval by the State of New Jersey in those cases, and in those cases only, where State approval is required either because of Green Acres funding of public property or other State requirements.
- B) Any Revocable License granted by the Township must be granted by Resolution, be in written form of agreement, approved by the Township Attorney and possess in the very least a Indemnification and Hold Harmless Clause protecting the municipality against injury or damages; allow for the removal of the encroachment upon Notice of Termination in the sole discretion of the Township and at the sole cost and expense of the property owner and enforceability in case the property owner fails to comply with the aforesaid License Agreement, by allowing the Township to remove said encroachment at the sole cost and expense of the property owner.
- C) All License Agreements shall be recorded in the Clerk's Office of Monmouth County at the sole cost and expense of the property owner.

##### 4-33.2 – Standards of Approval

The governing body in considering the approval of said Revocable License shall only grant by resolution such a license if the property owner meets the following criteria:

1. The existing or proposed encroachment shall not create an obstruction to vehicle, bicycle or pedestrian traffic as determined by the Township Engineer.
2. The encroachment or proposed encroachment shall not infringe upon any easements held by the Township or other public agencies or utilities.
3. The encroachment or proposed encroachment shall not obstruct the sight triangle.
4. The encroachment or proposed encroachment shall not create or contribute to a safety hazard as determined by the Township Engineer.

#### 4-33.3 – Procedure for Application for Revocable License.

The governing body of Neptune Township shall review any written request or application by letter or other written form of an owner of real estate for a license to an existing encroachment or a proposed encroachment by submitting said written request through the Township Administrator with a general description of the existing or proposed encroachment (height, length, width, materials, distance between walking surface and bottom of encroachment, etc.) including plan or drawing showing the location and elevation and end section.

#### 4-33.4 – Encroachment Exemptions.

The following encroachments shall be allowed without a License Agreement; though they may be subject to other Local, State or Federal Regulations:

1. Mailboxes and mailbox pillars.
2. Temporary placement of trash or recycling containers for pickup.
3. Structures created by the Township or with Township authorization, such as sidewalks, etc.
4. Vegetation, grass and plant beds not in violation of standards under Section 4-33.2 or other laws of the Municipality, State or Federal Government, or other third party legal rights.

#### 4-33.5 – Fees – License Agreement.

- A) Minor Encroachment – Property owners with minor encroachments as defined by Section 4-33.6, shall pay, in addition to the cost of recording the Revocable License Agreement with the Clerk of Monmouth County, a one-time fee for preparation of the Agreement and for the allowance of a license by the Township of \$150.00.
- B) Major Encroachment – Property owners, in addition to paying for the cost of the recording of the Revocable License Agreement with the Clerk of Monmouth County shall pay the Township an annual fee of \$300.00, which shall be inclusive of the cost of preparation of the Revocable License Agreement and granting of the license, where the encroachment or encroachments cover less than 70 square feet of municipal property or right-of-way, and a \$500.00 annual fee for encroachments which cover 70 or more square feet of municipal property or right-of-way, to be paid annually on the anniversary date of the Revocable License Agreement.
- C) Determination – The governing body shall make the determination of the type of encroachment based on the application or request and/or description provided of the encroachment and pursuant to Section 4-33.6.

4-33.6 – Definitions.

- A) Minor Encroachment – Means those encroachments whose surface and aerial uses are easily removable from the right-of-way or Township property as determined by the Township Engineer, including but not limited to the following: fences, surface parking, awnings, overhangs, aerial cables or small temporary structures without foundations as determined by the Township Engineer.
- B) Major Encroachment – Means all other encroachments not identified as minor.
- C) Mixed Encroachment – Means should there be multiple encroachments in the same municipal right-of-way or municipal property area of which some are minor and some are major, the encroachment shall cumulatively be treated as a major encroachment for purposes of the fee with one fee for all encroachments in the same area.
- D) Same Area – Means in the same block and lot or immediate adjacent lot owned by the same property owner.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final adoption and publication of the notice of the adoption as required by law; and

BE IT FURTHER ORDAINED, that all Ordinances or parts of Ordinances that are inconsistent herewith are repealed, but only to the extent of such inconsistency.

Richard J. Cuttrel,  
Municipal Clerk