

**ORDINANCE OF THE TOWNSHIP OF SOUTH HARRISON AMENDING
CHAPTER 123 OF THE CODE OF THE TOWNSHIP OF SOUTH HARRISON**

WHEREAS, the Township Committee of the Township of South Harrison desires to create a mechanism to facilitate a swift snow and ice removal response from residential land developers that have constructed, but have yet to dedicate to the Township, streets and roadways where homes have been constructed and are occupied by residents of the Township of South Harrison; and

WHEREAS, the Township has recognized there is a significant health, safety and welfare concern for residents who occupy homes where the streets have been constructed, but not yet dedicated to the Township, that the removal of snow and ice occurs in a timely and efficient fashion to ensure access by emergency vehicles and ingress and egress by residence to their homes; and

WHEREAS, the Township of South Harrison must ensure a ready fund from which to draw upon as a measure of fiscal responsibility, while at the same time meeting the needs of these citizens that occupy homes on streets that have not as of yet been dedicated to the Township, since history has demonstrated that developers do not respond in accordance with the provision of Article II of Chapter 123, specifically § 123-11 through § 123-13. Therefore, Article II of Chapter 123 of the Code of the Township of South Harrison is hereby amended as follows:

SECTION 1

§ 123-14. Establishment of a Fund for Snow and Ice Removal.

(A). Where an owner, developer or sub-divider obligated by this Article, in addition to the actions that the Township is authorized to take under this Article, any such owner, developer or sub-divider is hereby required to establish a fund, with the Township of South Harrison, to be known as the “Snow and Ice Removal Fund for Undedicated Streets.” Upon the occurrence of the issuance of a Certificate of Occupancy for any unit

of housing constructed within said development, said fund must be established and maintained at the following monetary levels for each year wherein the development contains any undedicated streets:

- (1) For all residential subdivisions containing nineteen (19) units of housing or less: \$5,000.00
- (2) For all residential subdivisions containing twenty (20) or more units of housing: \$10,000.00

(B). Said fund shall not be utilized by the Township to off-set the cost of the Township's snow removal, unless the owner, developer or sub-divider fails to comply with the provisions of this Article within the time periods set forth herein. Due to the nature of snow and ice removal, written or oral notice that the Township will engage in snow and ice removal on undedicated streets, and utilize portions of the funds established, shall not be required. The triggering event shall be the expiration of the time period for the owner, developer or sub-divider to act as established within this Article.

(C). The owner, developer or sub-divider shall be required to re-establish the deposit amount of the Snow and Ice Removal Fund within ten (10) days after the Township has been required to utilize said fund based upon said owner, developer or sub-divider's failure to act as required by this Article.

(D). This Section shall apply not only to all owners, developers and sub-dividers of new developments wherein a Certificate of Occupancy triggers the establishment of the Fund, but also to current owners, developers and sub-dividers of land who have constructed but have not as yet dedicated streets or roadways where Certificates of Occupancy have been issued. Said owners, developers and sub-dividers shall have ten (10) days from the effective date of this Ordinance to establish said Fund in the monetary amount set forth in this Article.

(E). Upon dedication of all streets and roadways by an owner, developer or sub-divider, and formal acceptance of the same by the Township of South Harrison Committee, any and all funds remaining in the Snow and Ice Removal Fund shall be

returned to the owner, developer or sub-divider within thirty (30) days following the acceptance of the dedication by the Township.

§ 123-15. Violations and penalties.

Any person, firm or corporation violating any of the provisions of this Article shall, upon conviction thereof, be punishable as provided in §1-14 of this Code.

SECTION II

This Ordinance serves to hereby amend the current Ordinance. To the extent that this Ordinance amends prior Ordinance Number O-06-08, the portions of said sections that have been amended or modified are hereby void and have no force and effect.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately upon its final passage, adoption and publication as provided by law.

TOWNSHIP OF SOUTH HARRISON:

Mayor Robert S. Campbell

ATTEST:

Nancy E. Kearns, RMC
Municipal Clerk

CERTIFICATION

This Ordinance was introduced and passed on first reading at a special meeting at the South Harrison Township Committee held on the 11th day of February, 2009. The second reading and public hearing shall be held on the 11th day of March, 2009 at 7:30 p.m. at a regular meeting held at the South Harrison Township Municipal Building, 664 Harrisonville Road, Harrisonville, New Jersey.

Nancy E. Kearns, RMC
Municipal Clerk

NOTICE

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NOTICE is hereby given that the foregoing Ordinance O-09-04 was finally adopted at a meeting of the South Harrison Township Committee held on the 11th day of March 2009 at 7:30 p.m. in the South Harrison Township Municipal Building, 664 Harrisonville Road, Harrisonville, New Jersey.

Nancy E. Kearns, RMC
Municipal Clerk

Only

Information