

ORDINANCE 24-10C

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, “CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)” IN CHAPTER 197, WHICH PERTAINS TO WATER AND SEWERS

WHEREAS, there a substantial number of private access easements located in the Township of Long Beach; and

WHEREAS, it is estimated that the majority of the private access easements include water mains that are the responsibility of the property owners pursuant to the Township Code; and

WHEREAS, in or about 1976, the Township Code set forth that the “it shall be the responsibility of all property owners serviced by water mains and piping located in or upon private roads or easements to repair and maintain the water mains and piping located thereon”; and

WHEREAS, in 1998, the Township Code was amended to set forth that where the water mains are “installed on private easements with the development approval of the . . . Planning Board and installed in accordance with the standards and procedures of the Township of Long Beach Water Department,” such shall be maintained by the Township; and

WHEREAS, in 2018, the Township Code was amended to add express provisions relating to the Township’s emergency access to the private easements for emergency repairs that may be required; and

WHEREAS, the intent of the Township Code was and remains that water mains located in private access easements shall be owned by the property owners located on the easement and the maintenance, repair, and replacement of the water mains shall remain the responsibility of said owners; and

WHEREAS, the intent of the Township Code as amended in 1998 was and is that only where a new development is created, i.e., the creation of a new private access easement and residential development, and the water main is initially installed in accordance with the required standard, does the Land Use Board have the authority to approve the Township’s maintenance and control over the water mains as part of a new development application; and

WHEREAS, although the intent is express and unambiguous, the Township desires to further clarify the intent of the Township Code relating to water mains located in private access easements by way of this ordinance.

STATEMENT OF PURPOSE

The purpose of the Ordinance is to amend Chapter 197 to clarify the private easement and water main regulations.

SECTION I

§197-16 is repealed and replaced with the following.

- A. Township ownership, control, and responsibilities. Except as set forth in this Chapter, the Township owns the water mains and the curb stop, and the foregoing shall be controlled, maintained, operated, repaired, and replaced, as needed, by the Township.
- B. Property owner control and responsibilities. Except as otherwise set forth in §197-15D and in this Chapter, the owner owns and shall maintain the water mains and all related pipes and fixtures from the curb stop onto the property, and same shall be operated, repaired, and replaced, as needed, by the property owner in accordance with the requirements of this Chapter.
- C. Property owner on private easements control and responsibilities. Except as provided below, it shall be the responsibility of all property owners serviced by water mains and piping located in or upon private roads or easements to repair and maintain the water mains and piping located thereon.

(1) Where water mains installed on private easements have been previously

approved by the Planning Board or Land Use Board as part of an application for the creation of a major subdivision and/or site plan that encompasses every lot located on the private easement and the water mains were installed in accordance with the standards and procedures of the Township and access easement rights granted to the Township, such water mains shall be maintained by the Township. All costs attendant to the initial design, construction, supervision, and installation of said water mains and appurtenances on private easements shall be borne entirely by the owners. Thereafter, any maintenance of the main, but not the individual lateral service, shall be borne by the Township. However, any water main installed on a private easement without the development approval of the Land Use Board or not installed to the specifications and standards of the Township at the time of installation, shall not be maintained by the Township.

- (2) Where the water mains and piping are located in or upon private roads, easements, or rights-of-way that do not comply with Subsection C(1) above and the property owners have elected not to repair and maintain the water mains and piping by statement or failure to act within the time period required to protect the system and the public health, welfare, and safety, the Township shall cause the maintenance repairs to be made and the costs of the repairs shall be apportioned equally to all property owners on the private road, easement, or right-of-way serviced by the water main and such cost shall be included in the property owners charges for use of the system.

SECTION II

All Ordinances or parts of Ordinance inconsistent herewith are repealed to the extent of such inconsistency.

SECTION III

If any word, phrase, clause, section, or provision of this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional such word, phrase, clause, section or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

SECTION IV

This Ordinance shall take effect upon publication thereof after final passage according to law.

Effective date.

This ordinance shall take effect after final adoption and publication as required by law.

NOTICE

Public Notice is hereby given that the foregoing Ordinance 24-10C was introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, held on Monday, April 1, 2024, at 4:00 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Board of Commissioners to be held on Monday, May 6, 2024, at 4:00 p.m. at the Public Safety Building, 6805 Long Beach Blvd., Brant Beach, NJ 08008.

Danielle La Valle, RMC
Municipal Clerk

First Reading: April 1, 2024
Publication: April 5, 2024
Second Reading: May 6, 2024
Final Publication: May 10, 2024
Effective: May 10, 2024

CERTIFICATION

I, **DANIELLE LA VALLE, RMC**, Municipal Clerk for the Township of Long Beach do hereby certify that the foregoing Ordinance 24-10C was duly adopted by the Board of Commissioners at their meeting held on Monday, May 6, 2024, at 4:00 p.m.

Danielle La Valle, RMC
Municipal Clerk

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