

Borough of Manville
Ordinance # 2021-1270

**An Ordinance By The Borough Of Manville In The County Of Somerset, State Of New Jersey,
Amending The Borough Land Use Code To Provide For Application, Inspection And Approval
Of Permits For Temporary Emergency Connections Of Recreational Trailers, Campers,
Or Vehicles To Sewers Or Utilities In Areas Affected By Tropical Storm Ida**

Statement of Purpose

The purpose of this Ordinance is to allow for the temporary emergency connections of recreational trailers, campers, or vehicles to sewers or utilities in areas affected by Tropical Storm Ida.

WHEREAS, as a result of Tropical Storm Ida, the Borough of Manville experienced unprecedented damage to residential and governmental property from flooding, and the entire County of Somerset, including the Borough of Manville, has been declared a disaster area by the State of New Jersey and the Federal Emergency Management Administration (FEMA); and

WHEREAS, many residents of the Borough of Manville are seeking a means to safely live for a temporary period in recreational vehicles or trailers on their properties while they are engaged in Storm recovery and repairs efforts; and

WHEREAS, the Mayor and Council of the Borough of Manville finds that it is in the best interest of the safety and welfare of residents of the Borough to provide for an orderly procedure for such temporary housing arrangements to be safely connected to Utilities and Sewer connections on residential properties;

NOW THEREFORE, BE IT ORDAINED, by the Mayor & Council of the Borough of Manville in the County of Somerset, State of New Jersey, as follows:

SECTION 1: Amendment of Borough Land Use Code Section 31-421.2© Chapter 31, Article 4, of the Borough Land Use Code is now amended at Section 31-421.2, including the addition of a new section §31-421.2(d), as follows:

§31-421.2 Specifically Prohibited Uses.

Without in any way limiting or being limited by the language in subsection 31-421.1 hereof, the following uses and activities are specifically prohibited in all zone districts in the Borough of Manville.

* * *

§421.1.(c). Any business or use conducted outside the confines of a building or structure, including by way of illustration and not by way of limitation, junk yards, dismantling or storage of motor vehicles or machinery, the sale or rental of trucks, busses, truck trailers, trailers designed or intended for hauling or transporting, trailers designed or intended for dwelling purposes, campers, recreational vehicles (whether self-contained, motorized, or requiring another vehicle in order to move same from place to place), boats, motorized sleds or carts, motorcycles, motorbikes or the like, or construction, quarrying or tree service equipment, machinery or materials, outdoor amusements, miniature golf courses, golf driving ranges and similar outdoor commercial recreation facilities, or any other business or use conducted outside the confines of a building or structure. The foregoing prohibitions all apply regardless of the manner of registration of any of the vehicles mentioned under the motor vehicle laws, and regardless of whether any of same may also be used for regular passenger transportation, ***SUBJECT TO the Temporary Exceptions set forth in section 421.1(d) hereinbelow:***

§421.1(d) TEMPORARY EXCEPTIONS DURING RECOVERY PERIOD FROM TROPICAL STORM IDA:

§421.1(d)(1) from the effective date of this Ordinance through and including April 30, 2022, upon the review and approval by the Borough of an Application and Certification of Storm Damage by the Owner of a residential property in the Borough, a trailer designed or intended for dwelling purposes, camper, recreational vehicle (whether self-contained, motorized, or requiring another vehicle in order to move same from place to place), or the like, may be used as a temporary residence conducted outside the confines of a building or structure, and may be temporarily connected to existing sewer lines and to existing electrical, gas, telephone or other residential utility lines present on said residential property, only upon Final Inspection and Approval by the Borough Housing Official (or by such building inspector as the Borough Administrator may designate);

§421.1(d)(2) upon Final Inspection and Approval by the Borough Housing Official (or by such building inspector as the Borough Administrator may designate) of any such connection to sewer, electric, gas, telephone or other residential utility lines, a Permit shall be Issued by the Borough, which Permit must be prominently displayed in the window of the trailer, camper or recreational vehicle in question;

§421.1(d)(3) upon the conclusion of a temporary period of connecting to such utilities and the disconnection of same, the property owners shall apply for a Final Inspection by the Borough Housing Official (or by such building inspector as the Borough Administrator may designate) of such disconnection, in order to ensure that such disconnection is done in a safe manner;

§421.1(d)(4) the emergency period through April 30, 2022 as set forth in Subsection 421.1(d)(1) hereinabove may be extended for up two periods of three months each by further Resolution of the Mayor & Council; any extension of this period beyond those two three-month extensions can only be implemented by adoption of a further Ordinance.

SECTION 2: Repealer:

Repealer: Any prior Ordinance of the Borough of Manville, or any article, section, paragraph, subsection, clause, or other provision of any such prior Ordinance, which is inconsistent with the provisions of this Ordinance, is hereby repealed to the extent of such inconsistency.

SECTION 3: Severability

Severability: In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by any Court of competent jurisdiction, or is found to be inconsistent with or precluded by any overriding State Statute or Regulation, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective; such holding shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

SECTION 4: Inconsistency with other Ordinances

Inconsistency with other Ordinances: Should any provision of this ordinance be inconsistent with the provisions of any other prior ordinances, or shall be inconsistent with any article, section, paragraph, subsection, clause, or other provision of any prior ordinances, the inconsistent provisions of such other prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

SECTION 5: Effective Date

Effective Date: This ordinance shall take effect upon its passage and publication and filing with the Somerset County Planning Board as provided by law.

Borough of Manville,

Richard M. Onderko

Richard M. Onderko, Mayor

ORDINANCE # 2021-1270

FIRST READING:

ROLL CALL

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		Petrock		✓		
	✓	Lukac	✓			
		Maeder	✓			
		Magnani	✓			
		Szabo	✓			
		Zamorski	✓			
		Onderko				

Attest:

Wendy Barras

Wendy Barras,
Borough Clerk

INTRODUCED this 8th day of November, 2021

SECOND READING AND FINAL ADOPTION:

ROLL CALL

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		Petrock	✓			
	✓	Lukac	✓			
		Maeder	✓			
		Magnani	✓			
✓		Szabo	✓			
		Zamorski	✓			
		Onderko				

Attest:

Wendy Barras

Wendy Barras, Borough Clerk

[ADOPTED] [DEFEATED] this 22nd day of November, 2021