

ORDINANCE 2020-38

ORDINANCE OF THE TOWNSHIP OF STAFFORD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 213 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF STAFFORD ENTITLED "PERMIT REQUIREMENTS"

WHEREAS, the governing body of the Township of Stafford, County of Ocean, State of New Jersey finds it necessary to amend the Township Code with respect to zoning permit applications to allow applicants to utilize an existing survey in support of applications for zoning permits related to decks; and

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Township of Stafford, County of Ocean, State of New Jersey, as follows:

SECTION 1. Chapter 213 of the Code of the Township of Stafford entitled "Permit requirements" is hereby amended as follows (additions are shown in *bold italics with underlines*, deletions are shown in ~~*bold italics with strikethroughs*~~):

§ 213-1 Permit requirements.

[A through J – NO CHANGE]

K. Fences, internal walkways and patios, *decks* and accessory structures.

(1) For fences, internal walkways and patios, *decks* and accessory structures, the applicant is permitted to depict, by hand, on the original survey the location of the new fence, internal walkway and patio, *deck* or accessory structure, so long as the original survey:

- (a) Clearly shows all four setbacks to the existing principal structure;
- (b) Accurately shows the location and dimension of the existing principal structure; and
- (c) Accurately reflects the conditions on the property at the time the application is filed.

(2) If the Zoning Officer has reasonable cause to question the accuracy of the handwritten depiction of the new fence, internal walkway, patio, *deck* or accessory structure, the applicant shall be required to obtain an as-built survey certified by a licensed engineer or a licensed land surveyor. The property owner will sign an affidavit stating that the Township assumes no responsibility for the location of the fence, *internal walkway, patio, deck or accessory structure* and any dispute arising out of the placement of the fence, *internal walkway, patio, deck or accessory structure* is the responsibility of the property owner.

(3) If a property owner proposes to replace an existing fence with a new fence in the same location and does not have a survey a survey is not required if the property owner submits a notarized affidavit that the new fence will be installed in the exact location as the fence being replaced.

(4) Minor repairs to an existing fence do not require a permit. Minor repairs include no change in fence location and repair/replacement of no more than 50% of the existing fence.

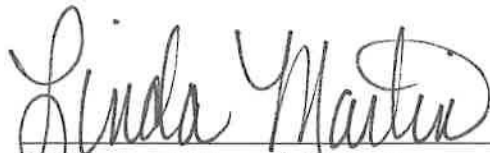
SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall become effective after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Stafford held on the 27th day of October 2020, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 24th day of November, 2020 at 7:00PM, at the Municipal Building located at 260 East Bay Avenue, Manahawkin, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.



Linda Martin Township Clerk

CERTIFICATION

I, Linda Martin, Municipal Clerk of the Township of Stafford, do hereby certify that the foregoing ordinance was duly adopted on second reading by the Stafford Township Council at a meeting held on the 24th day of November 2020.



Linda Martin, Township Clerk