

ORDINANCE NO. 2023 - 41

**ORDINANCE OF THE TOWNSHIP OF STAFFORD,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AUTHORIZING THE ENFORCEMENT OF TITLE 39 OF  
THE REVISED STATUTES OF THE STATE OF NEW  
JERSEY TO BE APPLIED TO THE PROPERTY OWNED BY  
PARAMOUNT ESCAPES OCEAN HOMEOWNERS  
ASSOCIATION, INC. IN THE TOWNSHIP STAFFORD**

**WHEREAS**, Paramount Escapes Ocean Breeze Homeowners Association, INC. has requested that the Township of Stafford enforce Subtitle 1, Title 39 of the Revised Statutes of the State of New Jersey at the property located at Paramount Escapes Ocean Breeze in the Township of Stafford, County of Ocean, State of New Jersey; and

**WHEREAS**, N.J.S.A. 39:5A-1 authorizes the enforcement of Subtitle 1, Title 39 of the Revised Statutes of the State of New Jersey, the Motor Vehicle and Traffic Statutes, on private property upon receipt of written request; and

**WHEREAS**, the Paramount Escapes Ocean Breeze Homeowners Association, Inc. requested, by letter dated August 25, 2023, that the Township of Stafford enforce Title 39 of the Revised Statutes of the State of New Jersey within its property.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of Stafford, County of Ocean, State of New Jersey, as follows:

**SECTION 1.** The request made by the Paramount Escapes Ocean Breeze Homeowners Association, Inc., in the Township of Stafford, County of Ocean, State of New Jersey to have Subtitle 1, Title 39 of the of the Revised Statutes of the State of New Jersey be applied to its property located at Paramount Escapes Ocean Breeze Homeowners Association, Inc., in the Township of Stafford, County of Ocean, State of New Jersey is hereby approved.

**SECTION 2.** The Mayor is authorized to sign the Agreement Regarding Enforcement of Title 39 Between Paramount Escapes at Ocean Breeze Homeowners Association, Inc. and Stafford Township, attached hereto as Exhibit "A".

**SECTION 3.** The appropriate officers and employees of the Township are authorized to direct and require the property owner to place, replace, change and maintain all signs, curb and road markings, etc. and to take any and all steps necessary to effectuate the purpose of this Ordinance.

**SECTION 4.** All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of the inconsistency.

**SECTION 5.** 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

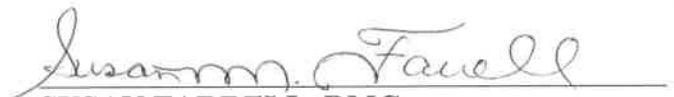
shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 6.** Be it further ordained that a copy of this ordinance be provided to the Chief of Police, the Township Engineer and Township Administrator.

**SECTION 7.** This ordinance shall take effect following its final passage by the Mayor and Council and after publication as required by law.

**NOTICE**

Notice is hereby given that the foregoing ordinance was introduced and passed by the Township of Stafford Council on the first reading at the regular meeting of the governing body of the Township of Stafford, County of Ocean, and State of New Jersey, held on **November 21, 2023** and that the ordinance will be considered for final passage at the meeting of said governing body to be held at the Municipal Building, 260 East Bay Avenue, Manahawkin, New Jersey 08050 on the **December 11, 2023** Township Council meeting at 7 P.M. or as soon thereafter as said matter may be reached, at which time and place any person desiring to be heard shall be given an opportunity to be so heard.



**SUSAN FARRELL, RMC  
TOWNSHIP CLERK  
TOWNSHIP OF STAFFORD**

**AGREEMENT REGARDING ENFORCEMENT OF TITLE 39  
BETWEEN PARAMOUNT ESCAPES AT OCEAN BREEZE HOMEOWNERS'  
ASSOCIATION, INC. AND STAFFORD TOWNSHIP**

This **AGREEMENT** (hereinafter the "Agreement") is made and entered into this 11<sup>th</sup> day of December 2023 (the "Effective Date"), by and between **PARAMOUNT ESCAPES AT OCEAN BREEZE HOMEOWNERS' ASSOCIATION, INC.** (the "Association"), a New Jersey nonprofit corporation, with an address at 101 Paramount Escapes Drive, Manahawkin, NJ 08050, and **STAFFORD TOWNSHIP** (the "Municipality"), a governmental body organized and existing under the laws of New Jersey, with an address at 260 East Bay Avenue, Manahawkin, NJ 08050.

**WHEREAS**, the Association's Board of Trustees (the "Board") is responsible for the management and governance of a residential community known as Paramount Escapes at Ocean Breeze Homeowners' Association (the "Community"), situated within the jurisdiction of the Municipality;

**WHEREAS**, the Municipality has an interest in ensuring the proper maintenance and upkeep of the Community within its jurisdiction, as well as the adherence to relevant laws and regulations;

**WHEREAS**, Title 39 (N.J.S.A. 39:5A-1) allows and authorizes New Jersey community associations to request the municipality they are located in to apply local and State motor vehicle laws to the private roads located within the association;

**WHEREAS**, the Board believes that it is in the best interest of the Community to obtain municipal enforcement of the motor vehicle statutes on the common property of the Association, including the portions of the roadways located in the Township of Stafford, for the purposes of maintaining the health, safety, and welfare of the Community and the Association's residents; and

**WHEREAS**, both parties recognize the benefits of cooperating and establishing a formal agreement to govern their relationship and responsibilities concerning the Community;

**NOW, THEREFORE**, in consideration of the mutual promises and covenants contained herein, the Association and the Municipality (collectively referred to as the "Parties") agree as follows:

**1. PURPOSE:**

The purpose of this Agreement is to establish municipal enforcement of Title 39 and the motor vehicle statutes on the Association's roadways located in Stafford Township between the Association and the Municipality, outlining their respective roles and responsibilities for the management, maintenance, and regulation of the Community.

**2. SCOPE:**

The Municipality's Responsibilities: (a) enforce local ordinances and applicable laws with respect to the Community's roadways located in Stafford Township; and (b) provide emergency services and public safety measures to the Community.

The Association's Responsibilities: (a) enforce the Community's rules and regulations in accordance with applicable laws and regulations; (b) maintain and manage common areas, facilities, and amenities within the Community, including the Association's roadways, subject to the approval of the Municipality if it interferes with the Association's roadways; and (c) communicate with the Municipality regarding any proposed modifications or improvements within the Community that may require permits or approvals.

The Association shall retain the right to enforce violations of its Governing Documents and Parking Rules: Pursuant to Verna v. Links at Valleybrook Neighborhood Ass'n, Inc., 371 N.J. Super. 77 (App. Div. 2004), the Association understands and agrees that it is ceding the authority to enforce local ordinances and applicable laws with respect to the Community's roadways located in Stafford Township; however, nothing in this agreement shall be construed to prevent the Association from enforcing violations of its Governing Documents and Parking Rules within the Community and/or on the Association's Common Property.

**3. COOPERATION AND COMMUNICATION:**

The Municipality shall notify the Association of any proposed changes to local ordinances or regulations that may affect the Community.

**4. TERM AND TERMINATION:**

This Agreement shall commence on the date of the Ordinance enacted by the Township takes effect and shall remain in effect until terminated. Either party may terminate this Agreement upon sixty (60) days written notice to the other party without cause.

**5. GOVERNING LAW AND JURISDICTION:**

This Agreement shall be governed by and construed in accordance with the laws of the State of New Jersey. Any legal action or proceeding arising out of or relating to this Agreement shall be subject to the exclusive jurisdiction of the state and federal courts located in New Jersey subject to the dispute resolution provision above.

**6. ENTIRE AGREEMENT:**

This Agreement constitutes the entire understanding and agreement between the parties regarding the subject matter hereof and supersedes all prior negotiations, discussions, or agreements, whether written or oral.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first above written.

**STAFFORD TOWNSHIP**

**PARAMOUNT ESCAPES AT OCEAN  
BREEZE HOMEOWNERS' ASSOCIATION,  
INC.**

By:  \_\_\_\_\_

Name: Gary Myhne  
Title: Mayor

By:  \_\_\_\_\_

Name: Ron Pordy  
Title: Trustee

Introduction: November 21, 2023


Gov. Body	Motion	Second	Yes	No	Abstain	Absent
Esposito		✓	✓			
Henken			✓			
Krier			✓			
Mower			✓			
Otte	✓		✓			
Steadman			✓			
Myhre			✓			

Adoption: December 11, 2023

Gov. Body	Motion	Second	Yes	No	Abstain	Absent
Esposito		✓	✓			
Henken			✓			
Krier	✓		✓			
Mower			✓			
Otte			✓			
Steadman			✓			
Myhre			✓			

**CERTIFICATION**

I, **SUSAN FARRELL**, 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 11<sup>th</sup> day of **December, 2023**.

  
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**SUSAN FARRELL, RMC**  
**STAFFORD TOWNSHIP**  
**MUNICIPAL CLERK**