

ORDINANCE NO. O-24-7

**AN ORDINANCE AMENDING ORDINANCE 15-4.9
REGARDING THE PENALTIES FOR OPENING STREETS
WITHOUT FIRST OBTAINING A PERMIT**

WHEREAS, the Borough of West Long Branch currently has ordinance provisions requiring utility companies and others who wish to open streets for a variety of purposes, setting forth the parameters for doing so and the requirements for street reconstruction when the work is completed; and

WHEREAS, the borough has recently noticed that this ordinance is being violated by persons or entities opening streets without first obtaining permits to do so, which violates the existing borough ordinances, for which the current penalty is insufficient; and

WHEREAS, the governing body is of the opinion that, considering the time and expense which goes into the paving of borough streets, there should be significant penalties imposed upon any persons or entities opening public streets without first obtaining permits;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of West Long Branch as follows:

SECTION 1.

Any person or entity violating the provisions of Ordinance 15-4.1 et. seq., which requires persons or entities seeking to open public streets to first obtain a permit to do so.

SECTION 2.

The penalty for a violation of ordinance 15-4 and its subsections shall be \$2,000.00, plus the cost to the borough for correction of the violations.

SECTION 3.

The fine to be paid by the violator is in addition to the requirements that the violator comply with existing borough ordinances regarding street repairs and reconstruction following the opening of the street.

SECTION 4.

Any street opening done without first having obtained a permit shall continue to be a violation of the borough ordinance. The determination of emergency shall only be made by the borough, and not by the person or entity undertaking the street opening.

SECTION 5. REPEALER.

This ordinance shall repeal and replace any existing ordinances to the extent they are inconsistent with this ordinance.

SECTION 6.

This ordinance shall take effect immediately upon passage and publication according to law.

Introduced: March 6, 2024
Passed: March 20, 2024
Adopted: March 20, 2024

James W. Mucci
MAYOR

Carolyn J. Santos
BOROUGH CLERK