

BOROUGH OF EATONTOWN NOTICE OF PENDING ORDINANCE 01-2012

The ordinance published herewith was introduced and passed on first reading at a meeting of the governing body of the Borough of Eatontown in the County of Monmouth, State of New Jersey, held on Wednesday, January 11, 2012. It will be further considered for final passage after public hearing thereon, at a meeting of said governing body to be held in the Eatontown Borough Hall, 47 Broad Street, Eatontown, New Jersey, on Wednesday, February 8, 2012, at 7:30 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning the same. A copy of this ordinance has been posted on the bulletin board upon which public notices are customarily posted in the Borough Hall of Eatontown during the week prior to and up to and including the date of such meeting; copies of the ordinance are available to members of the general public who shall request such copies, at the office of the Borough Clerk in said Borough of Eatontown. Any exhibits and/or attachments referred to are on file in the Borough Clerk's office, according to the New Jersey State Records Retention Schedule established by N.J.S.A. 47:3-15 et seq. and approved by the State Records Committee.

BY ORDER OF MAYOR AND COUNCIL OF THE BOROUGH OF EATONTOWN
KAREN R. SIANO, MMC, BOROUGH CLERK

ORDINANCE 01-2012 OF THE BOROUGH OF EATONTOWN AMENDING CHAPTER 312 "VEHICLES AND TRAFFIC" IN ORDER TO AUTHORIZE TEMPORARY STREET CLOSINGS FOR NEIGHBORHOOD BLOCK PARTIES

WHEREAS, the Borough of Eatontown wishes to establish and otherwise regulate the ability of its citizens to apply for a temporary street closing so as to allow block parties; and WHEREAS, the Borough Council has determined that it is appropriate to amend the municipal code of the Borough of Eatontown in order to permit temporary street closings for such purpose. NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Eatontown, County of Monmouth and State of New Jersey that Chapter 312 of the municipal code entitled, "Vehicles and Traffic" is hereby amended as follows:

1. Chapter 312 is amended to add the following:

PART 4 Miscellaneous

ARTICLE XIX Block parties

Section 312-66. Definitions.

A. The words, terms or phrases listed below, for the purposes of this article, shall be defined and interpreted as follows:

BLOCK

A designated area within which the public streets shall be closed for a neighborhood party.

PARTY

A neighborhood block party, celebration or event, but shall not include a garage sale, yard sale, bazaar, rummage sale or other similar activity having the principal purpose of fundraising for an individual or organization; nor shall it include a political meeting or rally, carnival or theatrical or musical performance such as rock concerts or similar events.

STREET

A Borough street, highway or road.

Section 312-67. Authorization to issue permit; application.

A. No person, association or group shall cause or permit a Borough street to be closed for the purpose of conducting a block party, without first having obtained a permit issued by the Chief of Police on a temporary street closing.

B. Applications for block party permits shall be made with the Chief of Police of the Borough of Eatontown no sooner than a year prior to the date selected for holding the event, and at least thirty (30) days before the date of such event. Applications shall be made on a form to be provided by the Chief of Police for that purpose and will then be forwarded to the Traffic Safety Officer for review. Applications shall contain the following information:

- (1) Names, addresses and telephone numbers of applicant(s) and each owner of property whose access to the temporarily closed street(s) will be impacted by the permit.
- (2) The date and period of time for such temporary street closings, including a rain date if applicable.
- (3) Explanation of the extent and nature of the proposed temporary street closing.
- (4) Description of the proposed method of effecting the temporary street closing and the location of any and all barriers to be used in restricting the flow of vehicular traffic on the closed street(s).
- (5) The proposed location and description of any temporary structures, rides or other items to be placed in the roadway.
- (6) A signed statement by the applicant(s) that he/she or they agree to abide by all the conditions of the permit, the ordinances of the Borough and the applicable rules and regulations of the Police Department.
- (7) A designated contact person.
- (8) An acknowledgement by property owners that no motor vehicle traffic will be permitted during the block party except for vehicles used in connection with the block party, municipal vehicles and emergency vehicles.

C. The applicant shall give notification to Public Works at least 72 hours prior to the event to drop off barricades based upon availability. A \$50.00 security deposit will be required. The applicant shall give notification to Public Works on the next business day following the block party to request pick-up of the barricades. If any equipment is broken upon return, the applicant's security deposit may be used by the Borough towards reimbursement costs.

Section 312-68. Fee and standards for denial of application.

A. The application shall be accompanied by a fee in the amount of \$75.00, which shall be refundable in the event that the permit is denied. The Chief of Police shall authorize the issuance of a block party permit conditioned upon the applicant's written agreement to comply with the terms of such permit, unless the Chief of Police is advised by the Traffic Safety Officer that:

- (1) The time, size and location of the event will unreasonably disrupt the movement of traffic.
- (2) The event is of a size or nature that requires diversion of Borough police officers to the extent that reasonable police protection would be denied to the Borough.
- (3) Such event will interfere with another event for which a block party permit has already been issued.
- (4) The information contained in the application is found to be false or nonexistent in any material detail.
- (5) The applicant refuses to agree to abide by or comply with all conditions of the permit.
- (6) The proposed block party prevents or interferes with the movement of firefighting, first aid or other safety and/or emergency vehicles to the point of interfering with normal fire protection, ambulance service or other safety services in the Borough.

The Chief of Police or his designee shall advise the applicant, in writing, of the reason for any denial of the application.

Section 312-69. Validity of permit.

A permit issued pursuant to this article shall be valid only for the date and the hours specified thereon, which shall not be before 8:00 a.m. or after 10:00 p.m.

Section 312-70. Clean-up after block parties.

The applicant shall be responsible for removal of litter, debris and other materials from the street or portion thereof used for the party, which is attributable to or caused by the party. In the event severely littered streets require Public Works to perform a clean-up at its own expense, the applicant shall be charged such reasonable clean-up costs.

Section 312-71. Obstacles blocking streets to be movable.

A street or portion thereof blocked off for a party shall not be obstructed by obstacles which cannot be readily moved to allow emergency and hazard vehicles to enter it in response to an emergency.

Section 312-72. Limit on number of permits.

No more than two permits shall be granted by the Police Department in any calendar year for the same block or blocks.

Section 312-73. Liability.

The persons, organization or association to whom the permit is issued shall be liable for all losses, damages or injuries sustained by any person, whether a participant or spectator at the block party or recreational event, whether or not said losses, damage or injuries arise by reason of the negligence of the person, persons or organization to whom such permit shall have been issued. The applicant shall be required to enter into a Hold Harmless Agreement, which agreement shall provide that the applicant shall agree to save and hold the Borough harmless of and from any and all obligations and liabilities which may arise from the temporary street closing which represents the subject matter of the application. The applicant shall further agree as part of these provisions to hold harmless the Borough and to defend at his own cost and expenses any claims or lawsuits instituted by third parties, which obligations or liabilities might otherwise exist or be asserted against the Borough.

Section 312-74. Liability Insurance.

The applicant, prior to any permit becoming effective, shall procure and maintain for the block party an insurance policy with not less than \$1,000,000.00 combined single limit for bodily injury and property damage as well as automobile public liability (if applicable) and property damage insurance with limits in amounts not less than \$1,000,000.00 for bodily injury and \$500,000.00 for property damage. The comprehensive general liability policy shall include the Borough of Eatontown as an additional insured. The applicant shall provide the Chief of Police with certificates evidencing the required insurance coverage at least ten (10) days prior to the date of the block party and said insurance may not be cancelled or altered without written consent of the Borough.

Section 312-75. Revocation of permit.

Any block party permit issued pursuant to this article may be summarily revoked by the Eatontown Police Department, when upon reason of disaster, public calamity, riot or other emergency, the Eatontown Police Department deems that the safety of the public or property requires such revocation.

Section 312-76. Violations and penalties.

Any person, firm or corporation violating any provision of this chapter shall upon conviction be subject to a fine not exceeding \$2,000.00 or the maximum allowable under N.J.S.A. 40:49-5, a term of imprisonment not exceeding ninety (90) days or a period of community service not exceeding ninety (90) days or any combination thereof. Each day of violation shall constitute a separate offense.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

BOROUGH OF EATONTOWN NOTICE OF PENDING ORDINANCE 02-2012

The ordinance published herewith was introduced and passed on first reading at a meeting of the governing body of the Borough of Eatontown in the County of Monmouth, State of New Jersey, held on Wednesday, January 11, 2012. It will be further considered for final passage after public hearing thereon, at a meeting of said governing body to be held in the Eatontown Borough Hall, 47 Broad Street, Eatontown, New Jersey, on Wednesday, February 8, 2012, at 7:30 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning the same. A copy of this ordinance has been posted on the bulletin board upon which public notices are customarily posted in the Borough Hall of Eatontown during the week prior to and up to and including the date of such meeting; copies of the ordinance are available to members of the general public who shall request such copies, at the office of the Borough Clerk in said Borough of Eatontown. Any exhibits and/or attachments referred to are on file in the Borough Clerk's office, according to the New Jersey State Records Retention Schedule established by N.J.S.A. 47:3-15 et seq. and approved by the State Records Committee.

BY ORDER OF MAYOR AND COUNCIL OF THE BOROUGH OF EATONTOWN
KAREN R. SIANO, MMC, BOROUGH CLERK

ORDINANCE 02-2012 AMENDING CHAPTER 89 OF THE CODE OF THE BOROUGH OF EATONTOWN ENTITLED "SWIMMING POOLS"

BE IT ORDAINED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that Chapter 89-42 of the Code of the Borough of Eatontown entitled "Swimming Pools" shall be amended to include the following provisions:

Private swimming pools may be constructed as an accessory use to a one-family dwelling unit or townhouse, patio home, quadplex, 0-lot-line home development, mobile home park projects or garden apartment projects in any residential zone in accordance with the provisions of Chapter 289, Swimming Pools, of the Code of the Borough of Eatontown, subject to the regulations of this Chapter.

ZONE	REQUIRED SIDE YARD	REQUIRED REAR YARD	SET ON CORNER LOT ABUTTING STREET
R-10, MLC	7'	5'	30' from property line
R-20	15'	10'	50' from property line
R-32	25'	10'	75' from property line
R-32 FRD	25'	10'	Corner requirements as set forth below

R-32 FRD Zone –

For lots measuring 12,000 square feet to 18,000 square feet in size, the corner lot setback shall be 40 feet from the property line.

For lots measuring 18,000 to 32,000 square feet in size in the R-32 FRD Zone, the corner lot setback shall be 50 feet to the property line.

For lots measuring greater than 32,000 square feet in size, then the R-32 FRD Zone, the corner lot setback shall be 75 feet to the property line.

Listed above are the setbacks for residential zones in Eatontown for swimming pools. These setbacks would apply to the pool and all appurtenances, such as filter, deck, patio, etc. Only the fencing would be able to be located in a closer proximity to the property line.

Pursuant to Chapter 289 of the Code of the Borough of Eatontown, all outdoor swimming pools shall be enclosed by a substantial fence of not less than four (4) feet in height with a self locking gate and at no time during the construction is the site to be left unattended while the fence is not in place. A substantial, temporary fence must be maintained during the entire course of the construction of the swimming pool.

All ordinances or parts of ordinances which are inconsistent herewith are repealed, only to the extent of such inconsistency. All other parts of Chapter 89 not inconsistent herewith are ratified and confirmed. This ordinance shall become effective immediately upon final passage and publication as required by law.

BOROUGH OF EATONTOWN NOTICE OF PENDING ORDINANCE 03-2012

The ordinance published herewith was introduced and passed on first reading at a meeting of the governing body of the Borough of Eatontown in the County of Monmouth, State of New Jersey, held on Wednesday, January 11, 2012. It will be further considered for final passage after public hearing thereon, at a meeting of said governing body to be held in the Eatontown Borough Hall, 47 Broad Street, Eatontown, New Jersey, on Wednesday, February 8, 2012, at 7:30 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning the same. A copy of this ordinance has been posted on the bulletin board upon which public notices are customarily posted in the Borough Hall of Eatontown during the week prior to and up to and including the date of such meeting; copies of the ordinance are available to members of the general public who shall request such copies, at the office of the Borough Clerk in said Borough of Eatontown. Any exhibits and/or attachments referred to are on file in the Borough Clerk's office, according to the New Jersey State Records Retention Schedule established by N.J.S.A. 47:3-15 et seq. and approved by the State Records Committee.

**BY ORDER OF MAYOR AND COUNCIL OF THE BOROUGH OF EATONTOWN
KAREN R. SIANO, MMC, BOROUGH CLERK**

ORDINANCE 03-2012 AMENDING CHAPTER 89 ENTITLED "LAND USE", ARTICLE VII ENTITLED "AREA, BULK AND USE REQUIREMENTS", SECTION 89-44 ENTITLED "INDIVIDUAL ZONE REGULATIONS", SUBSECTION B (9) RELATED TO MOBILE HOME PARKS IN THE CODE OF THE BOROUGH OF EATONTOWN, NEW JERSEY

BE IT ORDAINED, by the governing body of the Borough of Eatontown, County of Monmouth, State of New Jersey that Chapter 89 entitled, "Land Use", Article VII, Section 89-44 B (9) shall be amended to add the following provision:

B. Regulations applying to the R-32, R-32TH, R-32FRD, R-20, R-20 RSC, R-20/R-TH/SCH, R-10, R-10A, R-10B, R-10MH, and R-MLC Residential Zones.

(9) In the R-10MH Zone, mobile home parks are permitted in accordance with the following:

(k) Existing nonconforming homes and spaces shall be permitted to continue but if any such mobile home is replaced the new mobile home shall not have any greater degree of nonconformance.

BE IT FURTHER ORDAINED that:

A. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed.

B. Any term, provision or part of this Ordinance found to be invalid shall not affect any other terms, provisions or parts of this Ordinance but the same shall remain in full force and effect.

C. This Ordinance shall take effect immediately upon its passage and publication as provided by law.