

ORDINANCE NO. 2014 – 02

AN ORDINANCE OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 299 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF LITTLE EGG HARBOR, ENTITLED “STREETS AND SIDEWALKS”

BE IT ORDAINED, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Township Code of the Township of Little Egg Harbor is hereby amended and supplemented so as to amend Chapter 299, entitled “Streets and Sidewalks,” so as to create Article IV which shall be entitled “Damage to personal property during storm operations” which shall read as follows:

Article IV. Damage to Personal Property During Township Operations

§299-27. Purpose.

The intent of this ordinance is to provide for reimbursement of specified real property damaged during snow or ice removal from the Township right-of-way and to clarify that property owners may be liable for damage to Township equipment when they are placed within the Township right of way.

§299-28. Reimbursement.

- A. For any mailbox located in a Township right-of-way, the Township of Little Egg Harbor will reimburse property owners for the replacement or repair of a mailbox and/or post damaged due to snow and/or ice removal up to a total amount of \$150.00 only under the following circumstances:
- a. Physical damage must be caused by actual contact with Township-owned and operated equipment; such damage must be proven and documented by the owner.
 - b. The existing mailbox and post were in good condition and repair prior to the alleged event causing damage.

- c. The mailbox is securely fastened to a sturdy post which is sufficiently anchored in the ground.
- B. For actual physical damage caused by direct contact with Township-owned equipment to any privately owned curbing, including but not limited to railroad ties and asphalt curbing, the Township will reimburse up to \$150 for actual cost of repair or replacement, not including labor costs.
- C. To be eligible for reimbursement, the resident must notify the Township within seven days of the date the alleged damage occurred, unless the resident was out of town, in which case the resident must notify the Township of the damage within seven days of their return.

§299-29 Exceptions.

The Township shall not be liable and shall not reimburse property owners where the Township determines that

- A. The mailbox and/or post were not in good condition and repair; or
- B. The mailbox and/or post were damaged due to plowed snow and/or ice and not physical contact with Township owned and operated equipment.

§299-30 Limitation on Reimbursement Amount.

In the event that actual physical contact with Township-owned equipment damages a mailbox and/or post, the Township will reimburse the property owner up to \$150.00 towards replacement costs. If any damage exceeds \$150.00, the property owner shall be responsible for any costs above the \$150.00 approved reimbursement by the Township for materials only; no reimbursement for labor shall be given.

§299-31 Other personal property/equipment.

All basketball equipment, including, but not limited to, posts, backboards and rims, shall be located at least 10 feet from the edge of a Township-owned roadway. In no event should any basketball equipment be located in a Township right-of-way. A

property owner shall be responsible for any damage to Township equipment due to the placement of equipment within the right of way.

§299-32. Reservation of Rights.

Nothing in this ordinance shall be construed in any way to waive any or all defenses available to the Township under Title 59 of the New Jersey Statutes.

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 take effect 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 Committee on first reading at a meeting of the Township Committee of the Township of Little Egg Harbor held on the 13th day of February, **2014**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the 27th day of February, **2014**, at 7:30 p.m. at the Municipal Building located at 665 Radio Road, Little Egg Harbor, 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.


DIANA K. MCCRACKEN, RMC, Clerk
Township of Little Egg Harbor

Introduction

yes Kobryn
Absent Kehm

yes Gormley
yes Nuttall

yes Midgley

Second Reading & Adoption

yes Kobryn
Absent Kehm

Absent Gormley
yes Nuttall

yes Midgley