

TOWNSHIP OF HOWELL

ORDINANCE COVER PAGE

Ordinance No. O-20-12

INTRODUCTION

June 9, 2020

PUBLIC HEARING & ADOPTION

July 14, 2020

AGENDA ITEM NUMBER

11.1

ORDINANCE NO. O-20-12

AN ORDINANCE OF THE TOWNSHIP OF HOWELL AMENDING CHAPTER 188 LAND USE, ARTICLE XXV NONRESIDENTIAL COMMUNITY DESIGN STANDARDS, SECTION 225 STREETScape DESIGN PRINCIPLES, SUBSECTION G SIDEWALKS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOWELL

BE IT HEREBY ORDAINED by the Township Council of the Township of Howell that Chapter 188 Land Use, Article XXV Nonresidential Community Design Standards, Section 225 Streetscape design principles, Subsection G Sidewalks of the Revised General Ordinances of the Township of Howell is hereby amended as follows:

NOTE: All *additions* are shown in *bold italics with underlines*. All *~~deletions~~* are shown in *~~bold italics with strikeouts~~*.

SECTION 1. Chapter 188 Land Use, Article XXV Nonresidential Community Design Standards, Section 225 Streetscape design principles, Subsection G Sidewalks is hereby amended as follows:

§ 188-225 Streetscape design principles

G. Sidewalks.

- (1) All lots shall have private walkway access to a public sidewalk in the right-of-way. Such access shall be designed for the safety, control, efficient movement, convenience and encouragement of pedestrian traffic into and out of the site and to promote pedestrian circulation generally within the Township. All site plan applications shall provide public sidewalks along the entire frontage of the subject property. Pedestrian walkways shall be a minimum of four feet wide, except pedestrian sidewalks located in front of commercial storefronts, which shall be eight feet wide. Where sidewalks abut curbing and cars overhang the sidewalk, widths shall be six feet.
- (2) Sidewalks shall be at least four inches thick, except at points of vehicular crossing, where they shall be at least six inches thick with welded wire fabric reinforcement. The sidewalk subgrade shall be a minimum of six inches thick of compacted porous material approved by the Township Engineer prior to placement of any concrete. Provide one-half-inch-wide preformed bituminous expansion joints at intervals not exceeding 20 feet. Contraction joints shall be cut into the concrete sidewalk between the expansion joints every four feet. All concrete shall be air-entrained, having a twenty-eight-day compressive strength of 4,500 psi.
- (3) The Township Planning Board and Zoning Board of Adjustment may grant a waiver from the required installation of sidewalks in appropriate cases if the waiver is reasonable and

proper as related to a particular development and the absence of sidewalks does not violate the safety, health and welfare of present or future residents. Said waiver may be granted at the request of the developer or on the reviewing agency's own initiative. ***In addition to the foregoing, both the Planning Board and Zoning Board shall be guided in their decision by any applicable laws and regulations. This provision shall be administered strictly and if the applicant fails to dispel all negative aspects of applicant's alternate proposal raised by the Planning Board, Zoning Board or any of its consultants or other agencies of the Township, the waiver shall be denied.***

~~(4) — Upon the granting of such a waiver, the developer shall be required to pay to the Township of Howell an amount equal to the reasonable cost of installing sidewalks, said amount to be determined by the Township Engineer. All funds collected by the Township of Howell from developers as set forth above shall be maintained in the Sidewalk Trust Fund account in accordance with § 188-132C.~~

~~(5)~~ (4) Nothing contained herein shall affect the right of the Township of Howell to enact ordinances requiring assessments for sidewalks from property owners as authorized under N.J.S.A. 40:65-2 or other statutory rights granted to municipalities.

SECTION 2. REPEALER

The remainder of all other sections and subsections of the aforementioned ordinances not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 3. INCONSISTENT ORDINANCES

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION 4. SEVERABILITY

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication according to law.

NOTICE

The Ordinance published herewith was introduced and passed on first reading by the Township Council of the Township of Howell on June 9, 2020 and will be further considered for final passage and adoption at the Township Municipal Building at 4567 Route 9 North, Howell, New Jersey on July 14, 2020 at 7:30 p.m. or as soon thereafter as the matter can be reached on the Agenda, at which time and place all persons interested therein shall be given an opportunity to be heard and during the week prior thereto, and up to, and including, the date of such meeting, copies of said Ordinance will be available at the Clerk's Office in the Township of Howell Municipal Building to the members of the general public who shall request same.

ALLISON CIRANNI, Municipal Clerk

EXPLANATORY STATEMENT: An Ordinance by the Township Council of the Township of Howell Amending Chapter 188-225 to remove the requirement of payment into the sidewalk trust fund.

TOWNSHIP OF HOWELL

ORDINANCE COVER PAGE

Ordinance No. O-20-13

INTRODUCTION

June 9, 2020

PUBLIC HEARING & ADOPTION

July 14, 2020

AGENDA ITEM NUMBER

11.2

ORDINANCE NO. O-20-13

AN ORDINANCE OF THE TOWNSHIP OF HOWELL AMENDING CHAPTER 188 LAND USE, ARTICLE XIV RESIDENTIAL DESIGN STANDARDS, SECTION 132 SIDEWALKS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOWELL

BE IT HEREBY ORDAINED by the Township Council of the Township of Howell that Chapter 188 Land Use, Article XIV Residential Design Standards, Section 132 Sidewalks of the Revised General Ordinances of the Township of Howell is hereby amended as follows:

NOTE: All *additions* are shown in ***bold italics with underlines***. All *deletions* are shown in ***~~bold italics with strikeouts~~***.

SECTION 1. Chapter 188 Land Use, Article XIV Residential Design Standards, Section 132 Sidewalks and is hereby amended as follows:

§ 188- 132 Sidewalks.

- A. Sidewalks shall be constructed on both sides of all proposed streets, along the entire frontage of the subject property, and in other selected locations determined by the Board to be in the interest of public safety and proper pedestrian circulation. Sidewalks shall be at least four feet wide and four inches thick, except at points of vehicular crossing, where they shall be at least six inches thick with welded wire fabric reinforcement. The sidewalk subgrade shall be a minimum of six inches thick of compacted porous material approved by the Township Engineer prior to placement of any concrete. Where sidewalks abut the curb and cars overhang the sidewalk, widths shall be six feet. Provide one-half-inch-wide preformed bituminous expansion joints at intervals not exceeding 20 feet. Contraction joints shall be cut into the concrete sidewalk between the expansion joints at every four feet. All concrete shall be air-entrained, having a twenty-eight-day compressive strength of 4,500 psi.
- B. The Township Planning Board and Zoning Board of Adjustment may grant a waiver from the required installation of sidewalks in appropriate cases if the waiver is reasonable and proper as related to a particular development and the absence of sidewalks does not violate the safety, health and welfare of present or future residents. Said waiver may be granted at the request of the developer or on the reviewing agency's own initiative. ***In addition to the foregoing, both the Planning Board and Zoning Board shall be guided in their decision by any applicable laws and regulations. This provision shall be administered strictly and if the applicant fails to dispel all negative aspects of applicant's alternate proposal raised by the Planning Board, Zoning Board or any of its consultants or other agencies of the Township, the waiver shall be denied.***
- ~~C. Upon the granting of such a waiver, the developer shall be required to pay to the Township of Howell an amount equal to the reasonable cost of installing sidewalks, said amount to be determined by the Township Engineer. All funds collected by the~~

~~*Township of Howell from developers as set forth above shall be maintained in a Sidewalk Trust Fund account which is hereby authorized and created, the proceeds of which shall be made available to install sidewalks throughout the Township of Howell where properly authorized by the Mayor and Council.*~~

D-C. Nothing contained herein shall affect the right of the Township of Howell to enact ordinances requiring assessments for sidewalks from property owners as authorized under N.J.S.A. 40:65-2 or other statutory rights granted to municipalities.

SECTION 2. REPEALER

The remainder of all other sections and subsections of the aforementioned ordinances not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 3. INCONSISTENT ORDINANCES

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION 4. SEVERABILITY

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication according to law.

NOTICE

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ALLISON CIRANNI, Municipal Clerk

EXPLANATORY STATEMENT: An Ordinance by the Township Council of the Township of Howell Amending Chapter 188-132 to remove the requirement of payment into the sidewalk trust fund.

TOWNSHIP OF HOWELL

ORDINANCE COVER PAGE

Ordinance No. O-20-14

INTRODUCTION

June 9, 2020

PUBLIC HEARING & ADOPTION

July 14, 2020

AGENDA ITEM NUMBER

11.3

ORDINANCE NO. O-20-14

**AN ORDINANCE OF THE TOWNSHIP OF HOWELL AMENDING CHAPTER 180
INVASIVE PLANTS OF THE REVISED GENERAL ORDINANCES OF THE
TOWNSHIP OF HOWELL**

BE IT HEREBY ORDAINED by the Township Council of the Township of Howell that Chapter 180 Invasive Plants of the Revised General Ordinances of the Township of Howell is hereby amended as follows:

NOTE: All additions are shown in **bold italics with underlines**. All ~~deletions~~ are shown in **~~bold italics with strikeouts~~**.

Section 1. Chapter 180 Invasive Plants is hereby amended as follows:

Article I Bamboo

[Adopted 7-15-2014 by Ord. No. 0-14-17]

~~§ 180-1 Purpose.~~

~~The purpose of this article is to protect and promote the public health through the control of the growth of bamboo, a specific invasive plant species.~~

~~§ 180-2 Definitions.~~

~~As used in this article, the following terms shall have the meanings indicated:~~

ENFORCING OFFICER

~~The Township Code Enforcement Officer or his or her designee.~~

INVASIVE PLANTS

~~All native and non-native bamboo that grows out of place and is competitive, persistent, and pernicious. This species may damage trees, vegetation, or structures.~~

~~§ 180-3 Control of growth.~~

~~All persons must control the growth of bamboo. Failure to control the spread of such vegetation beyond the boundaries of a resident's property is a violation of this article.~~

~~§ 180-4 Inspections.~~

~~All places and premises in the Township of Howell shall be subject to inspection by the enforcing officer. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Township of Howell. Such inspection shall be made if that official has reason to believe that any section of this article is being violated.~~

§ 180-5 Violations and penalties.

~~A. Whenever an invasive plant, as defined by this article, is found on any plot of land, lot or any other premises or place, in violation of this article, a notice of violation shall be given to the owner, in writing, to remove or abate the same within such time as shall be specified therein, but in no case shall removal take less than 30 days. In the event more time is needed for treatment and/or removal, approval from the Code Enforcement Officer, or his designee, is required. Any person violating any provision of this article shall be punished by a fine of not less than \$200 and not more than \$2,000.~~

~~B. The cost of abatement shall be borne by the property owner.~~

§ 180-1 Purpose.

It is determined that certain types of plants are invasive, difficult to control, and can cause significant damage to property. The purpose of this section is to preserve and protect public and private property in the Township from the damaging spread of invasive plants, to protect indigenous and other plant materials from the invasive spread of invasive plants, and to maintain the general welfare of the residents of the Township.

§ 180-2 Definitions.

As used in this article, the following terms shall have the meanings indicated:

ENFORCING OFFICER

The Township Code Enforcement Officer or his or her designee.

INVASIVE PLANT(S)

A. Each of the following: Canadian Thistle (*Cirsium arvense*), Eurasian Watermilfoil (*Lonicera japonica*), Garlic Mustard (*Alliaria petiolate*), Japanese knotweed (*Polygonum caspidatum*), Japanese Stiltgrass (*Microstegium vimineum*), Mile-a-minute (*Polygonum perfoliatum*), Purple Loosestrife (*Lythrum salicaria*), Russian Olive (*Elaeagnus angustifolia*) and Water Chestnut (*Trapa natans*) and shall include the plant, and any cutting, flower, seed, root, other plant part, or cultivar therefrom.

B. All native and non-native bamboo. Bamboo shall mean and include plant species commonly known as Running (monopodial) or Clumping (sympodial). This definition shall include but is not limited to the following plant genera:

a. Arundinaria;

b. Bambusa;

c. Chimonobambusa;

- d. Dendrocalamus;
- e. Fargesia;
- f. Phyllostachys;
- g. Pleioblastus;
- h. Pseudosasa;
- i. Sasa;
- j. Sasaella;
- k. Semiarundinaria.

§ 180-3 Duty to Control Growth and Confine Invasive Plants.

- A. Howell Township property owners are strongly discouraged from planting any Invasive Plants whatsoever, including those set forth in § 180-2 above. In the event an Invasive Plant defined in § 180-2 is planted upon or is currently located upon any property within the Township, the owner and occupant of said property shall jointly and severally be required to confine, at their cost, such species to prevent the encroachment, spread, invasion or intrusion of same onto any other private or public property or public right-of-way. Failure to control the spread of an Invasive Plant beyond the boundaries of the property is a violation of this article.
- B. In lieu of confining the species, the property owner or occupant may elect, at their cost, to totally remove the Invasive Plant from the property, and all surrounding affected properties.
- C. Failure to properly confine such Invasive Plants shall require removal as set forth below. The cost of said removal shall be at the Invasive Plant property owner's expense.
- D. This duty to confine shall not apply if the property owner and/or occupant can establish to the satisfaction of the Township Inspector or Municipal Judge that the Invasive Plant which is on his/her property originated on another property.

§ 180-4 Removal.

- A. All places and premises in the Township of Howell shall be subject to inspection by an Enforcing Officer. Such inspection shall be made if the Township, by virtue of a complaint being made, visual observation by the Enforcing Officer, or otherwise, has reason to believe that any section of this article is being violated. If the Enforcing Officer, after inspection, determines that there is an encroachment or invasion of an Invasive Plant on any adjoining/neighborhood private or public property or public right-of-way (hereinafter, "the affected property"), the Township shall serve notice to the

Invasive Plant property owner in writing that the Invasive Plant has invaded other private or public property(s) or public right-of-way(s) and demand the removal of the Invasive Plant from the affected property, and demand approved confinement of the Invasive Plant on owner's property to ensure against future encroachment.

- B. In lieu of approved confinement of the Invasive Plant on the owner's property, the Invasive Plant owner may also totally remove the Invasive Plant from both the affected property and the property owner's property.
- C. Notice under § 180-4 shall be provided to the Invasive Plant property owner, as well as to the owner of the affected property, (both as appear in the official records of the Township Tax Assessor) by certified, return receipt requested mail and regular mail.
- D. Within forty-five (45) days of receipt of such notice, the Invasive Plant property owner shall submit to the Enforcing Officer, with a copy to the owner of the affected property, a plan for the removal of the Invasive Plant from the affected property, which plan shall include restoration of the affected property after removal of the Invasive Plant. The plan shall also indicate whether the Invasive Plant will be confined on the owner's property or removed. Within one hundred twenty (120) days of receipt of approval of the plan of removal and restoration, the removal and restoration of the affected property and the owner's property shall be completed to the satisfaction of the Township.
- E. The cost of removal or containment shall be at the at the Invasive Plant property owner's expense.

§ 180-5 Violations, Penalties, Remedies, Lien.

- A. If the Invasive Plant property owner does not accomplish the removal of the Invasive Plant from such other private or public property or public right-of-way in accordance herewith, the Township Inspector shall cause a citation to be issued and penalties to be imposed in accordance with Article II, § 1-4, "Violations and Penalties", for each day the violation continues.
- B. The Township may also institute civil proceedings for injunctive or civil relief.
- C. In addition to the recourse set forth in paragraphs A. and B. above, if the Invasive Plant property owner does not accomplish the removal of the Invasive Plant from public property or a public right-of-way in accordance herewith, the Township, at its option and discretion, may remove the Invasive Plant, certify the costs of removal and impose a lien on the owner's property.
- D. Nothing herein shall be interpreted as limiting the rights of a private property owner to seek civil relief through a Court of proper jurisdiction, nor the institution of civil proceedings against the Invasive Plant property owner and/or other responsible private parties.

SECTION 2. REPEALER

The remainder of all other sections and subsections of the aforementioned ordinances not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 3. INCONSISTENT ORDINANCES

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION 4. SEVERABILITY

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 5. EFFECTIVE DATE

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ALLISON CIRANNI, Municipal Clerk

EXPLANATORY STATEMENT: An Ordinance by the Township Council of the Township of Howell Amending Chapter 180 Invasive Plants to expand the list of invasive species and to clarify the enforcement mechanisms available to the Township and to adjacent property owners.