ORDINANCE 2024-1

ORDINANCE REPEALING § 164-3, § 164-4, § 164-5, § 164-9, § 164-10, § 164-11, § 164-12, § 164-13, § 164-14, § 164-15, § 164-17, § 164-20, AND § 164-23 OF CHAPTER 16 "PEACE AND GOOD ORDER" OF THE CODE OF COLTS NECK TOWNSHIP, COUNTY OF MONMOUTH, AND STATE OF NEW JERSEY

WHEREAS, over time, changes have arisen in state and federal law that impact the Code of Colts Neck Township ("Township Code"); and

WHEREAS, decisions by the New Jersey Judiciary and changes to the state's criminal code by the New Jersey legislature have invalidated loitering ordinances such as that found in § 164-9 of the Township Code; and

WHEREAS, public intoxication ordinances such as that found in § 164-14 of the Township Code have been invalidated by the enactment of state statutes relating to the treatment of alcoholism; and

WHEREAS, review by the federal judiciary of local laws outside of New Jersey bearing significantly similar language to § 164-10 of the Township Code has led to such laws being overturned for First Amendment purposes under the United States Constitution; and

WHEREAS, decisions by the New Jersey Judiciary and changes to the state's criminal code by the New Jersey legislature indicate local ordinances such as those found in § 164-3, § 164-4, § 164-5, § 164-11, § 164-12, § 164-13, § 164-15, § 164-17, § 164-20, and § 164-23 of the Township Code are no longer valid exercises of municipal authority; and

WHEREAS, N.J.S.A. 2C:33 of the New Jersey criminal code was enacted by the New Jersey legislature with the intention to address the disorderly conduct concerns which are at the root of § 164-3, § 164-4, § 164-5, § 164-11, § 164-12, § 164-13, § 164-15, § 164-17, § 164-20, and § 164-23 of the Township Code.

NOW THEREFORE BE IT ORDAINED, by the Council of Colts Neck Township, County of Monmouth, and State of New Jersey, as follows (additions to text indicated by underline; deletions to text indicated by ~~strikeout~~):

SECTION 1. Chapter 164 of the Code of Colts Neck Township is hereby amended as follows:

§ 164-1 Bathing or swimming in ponds, streams or lakes.

No person shall, within the limits of said township, bathe, swim or be found in a state of nudity in the waters of any pond, stream or lake located therein. In addition, no person shall bathe or swim in any pond, stream or lake located on township property.

§ 164-2 Disrobing in parked vehicles.

No person shall, within the limits of said township, disrobe in any automobile, truck or vehicle while the same is upon any parking place, street, road, avenue, park or other public place.

~~§ 164-3 Indecent, lewd pictures, books, exhibits, plays.~~

~~No person shall, within the limits of said township, sell or offer to sell any indecent or lewd picture, book or thing or exhibit, or perform any indecent, immoral or lewd play or other representation.~~

~~§ 164-4 Disorderly houses; houses of ill fame.~~

~~No person shall, within the limits of said township, keep or maintain a disorderly house or a house of ill fame or allow or permit any house, shop, store or other building or structure owned or occupied by him or her to be used as a disorderly house or house of ill fame.~~

~~§ 164-5 Structures frequented by disorderly persons.~~

~~No person shall, within the limits of said township, permit any house, shop, store or other building or structure owned or occupied by him or her to be frequented or resorted to by noisy, riotous or disorderly persons or by prostitutes, gamblers or vagrants.~~

§ 164-6 Sound-producing devices.

No person shall, within the limits of said township, operate or use any radio receiving set, phonograph, horn or other sound-producing instrument, device or apparatus in such manner that the sound thereof shall annoy any person or persons or disturb the comfort, rest or repose of any person or persons being in his, her or their place or places of abode.

§ 164-7 Unnecessary and disturbing noise.

No person shall, within the limits of said township, make or continue or cause to be made or continued, or permit, any unnecessary noise which shall disturb the comfort, rest or repose of any person or persons or annoy any person or persons being in his, her or their place or places of abode.

§ 164-8 Deposit of refuse.

No person shall, within the limits of said township, discard, deposit, throw or leave any wastepaper, tin cans, bottles, garbage, waste or refuse of any kind whatsoever upon any parking place, street, road, avenue, park or other public place or upon any lot or other premises, except in receptacles or containers provided for such purpose.

~~§ 164-9 Loitering; improper language; interfering with passersby.~~

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

> ~~LOITERING~~
> ~~Remaining idle or walking aimlessly about in essentially one location.~~
>
> ~~PARENT or GUARDIAN~~
> ~~Includes any adult person having care or custody of a minor, whether by reason of blood relationship, the order of any court or otherwise.~~
>
> ~~PUBLIC PLACE~~
> ~~A place to which the public has access and shall include any public building and grounds, street, highway, road, alley or sidewalk. It shall also include the front or the neighborhood of a store, shop, restaurant, tavern or other place of business, and public grounds, areas and parks, as well as parking lots or other vacant private property not owned by or under the control of the person charged with violating this chapter or, in the case of a minor, not owned or under the control of his parents or guardian.~~

~~B. Certain types of loitering prohibited. No person shall loiter in a public place in such a manner as to:~~

> ~~(1) Create or cause to be created a danger of a breach of the peace.~~
> ~~(2) Create or cause to be created any disturbance or annoyance to the comfort and repose of any person.~~
> ~~(3) Obstruct the free passage of pedestrians or vehicles.~~

(4) Obstruct, molest or interfere with any person lawfully in a public place. This subsection shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to whom, or in whose hearing, they are made.

C. Throwing objects. In addition to the conduct described § 164-9B the throwing of stones, snowballs or other objects at any person or vehicle shall be deemed to be a violation of this article.

D. Failure to obey order to move. Any person violating the provisions of § 164-9 shall be ordered to move on by a police officer. Any person who fails to move on after being ordered to do so shall be guilty of a violation of this article.

E. Loitering by minors. No parent or guardian of a minor under the age of 18 years shall knowingly permit that minor to loiter in violation of this article. Whenever any minor under the age of 18 years is charged with a violation of this article, his parent or guardian shall be notified of this fact by the ranking police official or any other person designated by the Chief of Police to give such notice If at any time within 30 days following the giving of notice the minor to whom such notice relates again violates this article, it shall be presumed in the absence of evidence to the contrary that the minor did so with the knowledge and permission of his parent or guardian.

§ 164-10 Gathering alms.

No person shall, within the limits of said township, go about from door to door or place himself or herself in any street or streets or other public place or places to beg or gather alms, except upon obtaining a written permit from the Police Department.

§ 164-11 Destruction or damage of property.

No person shall, within the limits of said township, maliciously destroy, damage or injure any property.

§ 164-12 Interfering with schools, children, teachers.

No person shall, within the limits of said township, enter the building or go upon the lands of any public school and break, injure or deface such building or any part thereof, or the fences, structures or outhouses belonging to or connected with such building or lands, and no person shall disturb the exercises of any public school or molest or give annoyance to the children attending such school, or annoy any teacher therein.

§ 164-13 Peace and quiet in public buildings.

No person shall, within the limits of said township, disturb the quiet and peace of any public library reading room or other public building.

§ 164-14 Intoxicated persons.

No person shall, within the limits of said township, be intoxicated or drunk and disorderly in any street, highway, thoroughfare or public place, or in any private house or in any hotel, boardinghouse, store, restaurant or other quasi-public place, to the annoyance of any person or persons.

§ 164-15 Interfering with township officials.

No person shall, within the limits of said township, hinder or obstruct any township officer in the performance of his or her duties; nor shall any person knowingly resist or oppose any officer or person authorized by law in serving or attempting to serve any writ, bill, order or process, or when making any arrest, either with or without a warrant.

§ 164-16 Interfering with abatement of fires or emergency medical service calls.

No person shall, within the limits of said township, during an alarm of fire, or while first aid or emergency medical personnel are in response to a medical emergency, hinder, prevent or deter by any device whatsoever any fireman, police officer, first aid or emergency medical personnel or other person from rendering lawful assistance in abating or quelling such fire, or delivering medical emergency services, or hinder or interfere with any fireman, police officer or first aid or emergency medical personnel from going to or returning from the place where any building or other property is on fire, or from which an alarm proceeds, or from providing first aid or emergency medical services; nor shall any person hinder or obstruct the passage of any fire engine, hook-and-ladder truck, hose cart or any fire apparatus or ambulance or emergency medical vehicle in going to or from the place from which an alarm of fire proceeds, or where any building or other property may be burning or any medical emergency exists.

~~§ 164-17 Interfering with streetlights, poles or fixtures.~~

~~No person shall in any way injure, destroy, break, mutilate, deface or tamper with any streetlight, pole or fixture or any part thereof in any street, highway, park or other public place within the limits of said township.~~

§ 164-18 Posting of notices, advertisements on private property.

No person shall paste, write, clip, paint, print, nail, clamp or otherwise fasten, inscribe or affix any notice, placard or advertisement against or upon any way, gate, house, store, shop, shed, fence, rock, stump, tree, shrub, bush, building or structure without the written consent of the owner or occupant of the same, except when done by a public officer in the performance of his or her duties.

§ 164-19 Posting of notices on public property.

No person shall paste, clip, paint, nail, clamp or otherwise fasten, inscribe or affix any notice, placard or advertisement upon any public building, sidewalk, fence, curbstone, wall, bulletin board, park or other public property or place within the limits of said township, except with the permission of the Police Department.

~~§ 164-20 Interfering with fire hydrants.~~

~~No person shall open, injure, destroy, deface, mutilate, break or tamper with any fire hydrant in any public street or public place within the limits of said township, except members of the Township Fire Department actually engaged in the performance of their duties.~~

§ 164-21 Discharging paintball or other guns.

No person shall, within the limits of the township, on any public property, including but not limited to public parks, playgrounds, open space, recreation facilities or any other public facility, discharge or set off any air guns, pellet guns or paintball guns or any other instrument which propels projectiles.

§ 164-22 All-terrain vehicles, snowmobiles and dirt bikes.

The use or operation by any person of all-terrain vehicles, snowmobiles and dirt bikes on township-owned property is strictly prohibited at all times.

~~§ 164-23 Other disorderly acts.~~

~~Riotous conduct, indecent conduct, breaches of the peace, vagrancy, and prostitution not hereinbefore mentioned are hereby prohibited within the limits of said township.~~

§ 164-24 Word usage, definitions.

A. The term "person" and the term "persons," as used in this article, shall, wherever appropriate, in connection with the context, include "corporation" and "corporations," respectively.

B. As used in this chapter, the following terms shall have the meanings indicated:

ALL-TERRAIN VEHICLE A motor vehicle, designed to travel over any terrain, of a type possessing between three and six rubber tires and powered by a gasoline engine.

DIRT BIKE A motor-powered vehicle possessing two or more tires, designed to travel over any terrain and capable of travelling off of paved roads, whether or not such vehicle is subject to registration with the Department of Motor Vesicles.

SNOWMOBILE A motor vehicle, designed primarily to travel over ice or snow, of a type which uses sled-type runners, skis, an endless belt tread, cleats or any combination of these or other similar means of contact with the surface upon which it is operated, but does not include any farm tractor, highway or other construction equipment or any military vehicle.

§ 164-25 Disposition of fines.

All fines imposed and collected under and by virtue of this article shall be paid into the treasury of said township.

§ 164-26 Violations and penalties.

A violation of any provision of this article shall be punishable as provided in § 1-9 of this Code.

Article II Nuisances

§ 164-27 Acts declared nuisances.
The following acts, among others, are declared to be a nuisance in violation of this article:

A. Construction. The operation of any equipment used in commercial construction, repair, alteration or demolition work on buildings, structures, streets or appurtenances thereto in residential or commercial land use zones on weekdays between the hours of 7:00 p.m. and 7:00 a.m. the following day, or between 7:00 p.m. Saturday night and 7:00 a.m. Monday morning and on legal holidays, except in the case of urgent necessity in the interest of public health and safety and then only with permission from the Township Council.

B. Landscaping equipment. The operation of power mowers and power tools used in landscaping outdoors between the hours of 8:00 p.m. and 8:00 a.m. the following day.

C. Loading operations. Loading, unloading, opening or otherwise handling boxes, crates, containers, garbage cans, recycling containers or similar objects between the hours of 7:00 p.m. and 7:00 a.m. the following day.

D. Refuse-compacting vehicles. Operating or permitting the operation of any motor vehicle which can compact refuse and which creates, during the compacting cycle, a disturbing noise between 7:00 p.m. and 7:00 a.m. the following day.

E. Solid waste/recycling collection. The collection of solid waste or recyclable materials between the hours of 7:00 p.m. and 7:00 a.m. the following day.

SECTION 2. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed. All portions of the ordinance not modified herein remain in full force and effect.

SECTION 3. Should any section, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 4. This ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

I, Trina Lindsey, hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of Colts Neck Township on the 10th day of January. A public hearing will be held on January 31, 2024, 7:00 p.m. Town Hall, 1 Veterans Way.

Frank Rizzuto, Mayor

Trina Lindsey, Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	January 10, 2024					January 31, 2024				
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Rizzuto			X									
Deputy Mayor Buss			X									
Viola			X									
Bartolomeo		S	X									
Fitzpatrick	M		X									
M - Moved S - Seconded	X - indicates vote			NV - Not Voting			Ab - Absent					

ORDINANCE 2024-2

AN ORDINANCE MAKING THE PROVISIONS OF SUBTITLE I OF TITLE 39 PURSUANT TO N.J.S.A. 39:5A-1 OF THE REVISED STATUTES OF NEW JERSEY APPLICABLE TO THE EXPRESS AUTO SPA (BLOCK 48, LOT 6)

WHEREAS, 297 S.R. 34, L.L.C. is the record owner of certain real property to be known as "Express Auto Spa" and designated as Block 48, Lot 6 on the Colts Neck Township Tax Map, in Colts Neck Township, County of Monmouth and the State of New Jersey (herein refereed to as the "Property"); and

WHEREAS, "Express Auto Spa" property (Block 48, Lot 6) was the subject of certain development application(s) to the Colts Neck Township Planning Board (ZB1093); and

WHEREAS, 297 S.R. 34, L.L.C. has filed a written request dated November 7, 2023 pursuant to N.J.S.A. 39:5A-1 with the Township Administrator of Colts Neck Township seeking application of the provisions of Subtitle I of Title 39 of the Revised Statues of New Jersey to the semi-public roads, streets, driveways and parking areas which are opened to or used by the public, tenants and/or employees at Express Auto Spa; and

WHEREAS, the Mayor and Township Committee, having considered same, now wish to make the provisions of Subtitle I of Title 39 of the Revised Statutes of New Jersey applicable to the Property.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Township Committee of Colts Neck Township, in the County of Monmouth and the State of New Jersey, that 297 S.R. 34, L.L.C. has filed a written consent dated November 7, 2023 with Colts Neck Township that the provisions of Subtitle I of Title 39 of the Revised Statutes of New Jersey be made applicable to the semi-public roads, streets, driveways and parking areas which are opened to and used by the public, tenants and/or employees at "Express Auto Spa" (Block 48, Lot 6), located in Colts Neck Township, County of Monmouth and the following regulations shall be enforceable:

A. Pursuant to the authority vested in Colts Neck Township pursuant to N.J.S.A. 39:5A-1 and pursuant to a request by 297 S.R. 34, L.L.C. dated November 7, 2023 the Township Committee hereby ordains that the subject premises Block 48, Lot 6 in the Colts Neck Township shall have all their semi-public or private roads, streets driveways, access isles and parking areas subject to subtitle I of Title 39 of the Revised Statues of New Jersey.

B. General Parking

1. All vehicles must park in designated areas and between the lines provided.

2. No person shall stop or stand a vehicle upon any of the streets or parts of streets described below:

Name of Street	Sides	Hours	Location
All Roads	Both	All	Entire Length

3. Handicapped Parking. All stalls shall be 12 feet wide as shown on the site plan on file in the Office of the Township Clerk and signed with the R7-8 and R7-8P (Reserved Parking Sign and Penalty Plate), in the designated parking areas for persons who have been issued the Handicapped Parking Permits by the Division of Motor Vehicles.

C. Speed Limits

1. The speed limit for both directions of traffic in the parking lot(s) shall be 15 miles per hour.

2. The speed limit for both directions of travel on the following roadways are:

Name of Street	Speed Limit (mph)	Limits
1. All Roads	25	Entire

3. Regulatory and warning signs shall be erected and maintained to affect the above designated speed limits authorized by the Department of Transportation.

D. Tow Away Zones

Any vehicle parked or standing as to obstruct or impede a normal flow of traffic, block entrances or exit ways, loading zones, oil fills, any grassy area, pedestrian walkway, or present in any way a safety or traffic hazard may be removed by towing the vehicle at the owner's or operator's expense.

E. Signs

All signs, posts or other necessary materials to be installed shall be paid for by the property owner. All signage shall conform to the current Manual on Uniform Traffic Control Devices, pursuant to N.J.S.A. 39:4-68 and N.J.S.A. 39:4-183.27.

F. Violations and Penalties

Unless another penalty is expressly provided by New Jersey Statute, every person convicted of a violation of this Article or any supplement thereto shall be liable to a penalty of not more than ($1,000) one thousand dollars or imprisonment for a term not exceeding (15) days or both.

G. Effect of Regulations

If any part of this regulation is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the regulation.

BE IT FURTHER ORDAINED, that Chapter 222, "Vehicles and Traffic", of the "Code of Colts Neck Township" is hereby amended and supplemented in order to incorporate the provisions referenced herein under a new Article XI entitled "Express Auto Spa".

BE IT FURTHER ORDAINED that the traffic regulations established herein shall be enforceable under the new Article XI of Chapter 222 of the "Code of Colts Neck Township".

BE IT FURTHER ORDAINED, that all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED, that in the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of the Ordinance shall be deemed severable therefrom and shall not be affected.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final passage and publication in accordance with the law, but not before approval has been received from the New Jersey Department of Transportation.

I hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of the Township of Colts Neck on the 10th day of January, 2024. A public hearing will be held on January 31, 2024, 7:00 p.m. Town Hall, 1 Veteran's Way.

Frank Rizzuto, Mayor

Trina Lindsey, Township Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	January 10, 2024					January 31, 2024				
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Rizzuto			X									
Deputy Mayor Buss	M		X									
Viola			X									
Bartolomeo			X									
Fitzpatrick	S		X									

M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent

ORDINANCE 2024-3

ORDINANCE AUTHORIZING AN EASEMENT VACATION AND SWAP INVOLVING BLOCK 22, LOT 18 (f/k/a LOTS 11, 12, 13, 14)

WHEREAS, the Township of Colts Neck ("Township") Planning Board ("Planning Board") granted Preliminary and Final Major Site Plan Approval to Colts Neck Building Associates, LLC ("CNBA") by adoption of a resolution on November 9, 2004, permitting construction of residential townhomes (the "Prior Approval") at property identified as Block 22, Lot 18 (f/k/a Lots 11, 12, 13, 14) on the Township Tax Map ("Property"); and

WHEREAS, the Planning Board subsequently granted CNBA Preliminary and Final Major Site Plan Approval With Variances and Design Standard Waivers by adoption of a resolution dated December 14, 2021 permitting construction of an inclusionary residential development at the Property, and by resolution dated December 12, 2023 ("Current Approval"), which supersedes the Prior Approval; and

WHEREAS, pursuant to the Prior Approval, CNBA conveyed certain easement rights to the Township; and

WHEREAS, the Current Approval's building and improvement layout differs from the Prior Approval, requiring modifications to the easement rights previously conveyed to the Township; and

WHEREAS, pursuant to the conditions of the Current Approval, CNBA must amend and record the easement rights granted to the Township; and

WHEREAS, CNBA now requests that the Township vacate certain easement rights that it was granted pursuant to the Prior Approval, as set forth in the description attached hereto as Exhibits A, A-1 and A-2, in exchange for CNBA granting deeds of easement over the Property as set forth in the description attached hereto as Exhibits B, B-1 and B-2; and

WHEREAS, the Township Engineer has approved the descriptions contained in Exhibits A-1 and A-2 and Exhibits B-1 and B-2 from an engineering standpoint; and

WHEREAS, the Township's Tax Assessor has certified that the "full and fair value" of the easements to be exchanged under the foregoing easement swap are equal; and

WHEREAS, N.J.S.A. 40A:12-16 authorizes the Township to approve an easement swap by duly adopted ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Colts Neck, County of Monmouth, State of New Jersey, as follows:

1. The findings set forth in the foregoing preamble are hereby incorporated as if fully restated.

2. The Mayor and Township Clerk are hereby authorized to execute Deeds vacating, extinguishing and terminating the easements over the property described in Exhibits A, A-1, and A-2 in exchange for Deeds granting to the Township Easements over the property described in Exhibits B, B-1, and B-2. The form and substance of the Deeds have been reviewed and approved by the Planning Board Attorney and Engineer.

3. The Mayor, Township Clerk, Township Attorney, and Township Administrator are hereby authorized and directed to execute and file any and all such documents and undertake any and all such actions as may be reasonably necessary to effectuate the terms hereof.

4. All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

5. This Ordinance shall take effect upon passage and publication in accordance with law.

I, Trina Lindsey, hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of Colts Neck Township on the 10th day of January. A public hearing will be held on January 31, 2024, 7:00 p.m. Town Hall, 1 Veterans Way.

Frank Rizzuto, Mayor

Trina Lindsey, Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	January 10, 2024					January 31, 2024				
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Rizzuto			X									
Deputy Mayor Buss			X									
Viola	M		X									
Bartolomeo			X									
Fitzpatrick		S	X									

M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent

ORDINANCE 2024-4

AN ORDINANCE OF COLTS NECK TOWNSHIP IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING ORDINANCE 2023-11 AN ORDINANCE SETTING THE SALARY AND WAGE RANGES FOR TOWNSHIP EMPLOYEES

BE IT ORDAINED by the Township Committee of Colts Neck Township, in the County of Monmouth, State of New Jersey that the purpose of this Ordinance is to set the salary and wage ranges paid within the Township as follows:

SECTION ONE: The minimum and maximum salary range for employees employed on an annual salary basis in the following positions within Colts Neck Township, in the County of Monmouth, are hereby fixed as follows:

Title	Department	Minimum	Maximum
Temporary Laborer	Public Works	$25,000	$120,000
Temporary Laborer	Public Works	$25/hour	$250/hour

SECTION TWO: The Township reserves the right to pay a salary to any new employee at any figure between the minimum and maximum salary provided for such position and not necessarily the minimum salary.

SECTION THREE: The adoption of this Ordinance shall not operate to either increase or decrease the present pay of any employee of Colts Neck Township, and the salaries and compensations provided by existing ordinances shall remain in full force and effect until such time as the Township Committee may grant and approve such additional increments of salary as may be deemed advisable pursuant to the terms of this Ordinance.

SECTION FOUR: A resolution of the Township Committee establishing specific salaries or wages may be made retroactive to January 1st of the year in which the resolution is adopted or may establish a date on which the salary shall take effect.

SECTION FIVE: All ordinances or parts of ordinances, which may be inconsistent with the terms of this ordinance, are to the extent of such inconsistency hereby repealed.

BE IT FURTHER ORDAINED, this Ordinance shall take effect immediately upon passage, publication and filing according to law.

I hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of Colts Neck Township on the 10th day of January 2024. A public hearing will be held on January 31, 2024, 7:00 p.m. Town Hall, 1 Veterans Way.

Frank Rizzuto, Mayor

Trina Lindsey, Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	January 10, 2024					January 31, 2024				
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Rizzuto			X									
Deputy Mayor Buss	M		X									
Viola			X									
Bartolomeo			X									
Fitzpatrick		S	X									
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent												

ORDINANCE NO. 2024-6

AN ORDINANCE OF COLTS NECK TOWNSHIP IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 87 OF THE CODE OF COLTS NECK TOWNSHIP ENTITLED "BRUSH, WEEDS AND PLANT LIFE"

WHEREAS, on April 23, 1997 the Colts Neck Township Committee amended in its entirety Chapter 102, Development Regulations of the Code of Colts Neck Township; and

WHEREAS, Colts Neck Township is continuously and closely involved in the planning and development process in the Township; and

WHEREAS, one of the purposes of planning is to review the Township's policies and Development Regulations based on best available information and past experiences and to adopt regulations to guide the use of lands in a manner that promotes the public good and general public welfare; and

WHEREAS, proper sight lines (aka sight triangles) at road intersections are critical to prevent accidents as well as ensuring the efficient flow of traffic, and maintaining a clear line of sight at intersections plays a pivotal role in achieving this goal; and

WHEREAS, the obstruction of sight lines at road intersections due to landscaping, fences, or other structures poses a significant risk to public safety by increasing the likelihood of traffic accidents and limiting visibility for drivers and pedestrians; and

WHEREAS, establishing regulations promoting clear sight lines and sight triangles at road intersections promotes public safety and aligns with the Township's commitment to improving the quality of life for its residents; and

WHEREAS, adoption of an ordinance to address sight lines and sight triangles at road intersections and to provide guidelines for their maintenance will serve to protect the public welfare by reducing accidents and creating safer road conditions; and

WHEREAS, the Colts Neck Township Committee recognizes the need to balance property rights and public safety concerns, and therefore seeks to develop a fair and practical approach to address sight lines at road intersections that accommodates both individual landowners and the greater community; and

WHEREAS, the Colts Neck Township Committee finds it is in the best interest of the Township and its citizens to implement an ordinance that establishes requirements for clear sight lines at road intersections and outlines the responsibilities of property owners to ensure a safer and more harmonious environment for all.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of Colts Neck Township, County of Monmouth, State of New Jersey as follows: (additions to text indicated by underline deletions to text indicated by ~~strikeout~~).

SECTION I: That Chapter 87, "Brush, Weeds and Plant Life" is hereby amended and supplemented as follows.

Chapter 87. Brush, Weeds, ~~and~~ Plant Life, Trees, Fences and Walls at Intersections

§ 87-1. Findings.

The Township Committee hereby finds and declares that the existence of brush, weeds, trees, plant life, fences and walls within 25 feet of the intersection of two or more roadways at a height in excess of 2½ feet is adverse to the preservation of public safety and general welfare and is likely to constitute a traffic hazard.

§ 87-2. Definitions.

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

PLANT LIFE
Includes any brush, hedge, tree, weed and/or other plant life on lands within the Township.

FENCE
A construction, usually made of posts, wire, wood, plastic or iron, used as a barrier to enclose or border an area, or to prevent entrance, or to confine, or to mark a boundary or for decorative or landscaping purposes.

WALL
A structure forming a physical barrier between two areas or border an area to prevent entrance, or to confine, or to mark a boundary or for decorative or landscaping purposes.

§ 87-~~1~~3. Restriction on height; duty of owner or tenant.

A. The owner or tenant of lands lying withing the limits of the Township of Colts Neck shall keep all brush, hedges, trees, weeds and other plant life growing within a triangle formed at ~~25 feet of~~ the intersection of two or more roadways measured 25 feet along the edge of pavement or curb line cut to a height of not more than 2½ feet.

B. No fence, wall or structure greater than 2½ feet in height shall be installed or erected within a triangle formed at the intersection of two or more roadways measured 25 feet along the edge of pavement or curb line.

§87-~~2~~4. Notice; failure to comply; cost of work to become lien.

Upon the failure or refusal of the owner or tenant to cut or lower any brush, hedge, tree or other plant life, fence, wall or structure within the limitations of § **87-13** hereof within 10 days after written notice to cut the same has been served upon him, either by registered mail or by personal service, by the Zoning Officer, Code Enforcement Officer ~~of the Township~~ or ~~his or her~~ their designee, the Zoning Officer, Code Enforcement Officer or ~~his or her~~ their designee may himself, or under his or her direction, provide for the cutting of the same. The Zoning Officer, Code Enforcement Officer or ~~his or her~~ their designee shall certify the costs thereof to the governing body, which shall examine the certificate and, if found correct, shall cause the cost as shown thereon to be charged against said lands; or, in the event that such costs are excessive, to cause the reasonable costs thereof to be charged against said lands. The amount so charged shall forthwith become a lien upon such lands and shall be added and form a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as other taxes and shall be collected and enforced by the same officers and in the same manner as taxes.

§87-~~3~~5. Violations and penalties.

A. A violation of any provision of this Chapter shall be punishable as provided in § **1-9** of this Code.

B. The imposition and collection of any penalty imposed by the provisions of Subsection **A** of this section shall not constitute any bar to the right of the Township to collect the cost of removal as provided in § **87-4**.

§87-~~4~~6. County designated as additional enforcement agency.

For the purposes of this chapter, in addition to the Zoning Officer, Code Enforcement Officer ~~of the Township of Colts Neck~~ or ~~his or her~~ their designee, the County of Monmouth is hereby designated as an officer of the Township of Colts Neck empowered to carry out the provisions of this chapter on all county roads and at all intersections of county roads.

SECTION II Severability.

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

SECTION III Repealer.

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

SECTION IV Inconsistent ordinance.

All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION V This ordinance shall take effect immediately upon passage, publication and filing according to law.

I hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of Colts Neck Township on the 10th day of January 2024. A public hearing will be held on January 31, 2024, 7:00 p.m. Town Hall, 1 Veterans Way.

Frank Rizzuto, Mayor

Trina Lindsey, Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	January 10, 2024					January 31, 2024				
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Rizzuto			X									
Deputy Mayor Buss			X									
Viola	M		X									
Bartolomeo			X									
Fitzpatrick		S	X									
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent												

ORDINANCE No. 2024-7

ORDINANCE AUTHORIZING A PARTIAL DRAINAGE EASEMENT VACATION AND SWAP INVOLVING BLOCK 7.02, LOT 35.05 COMMONLY KNOWN AS 3 PREAKNESS WAY

WHEREAS, the Colts Neck Planning Board ("Planning Board") granted Preliminary and Final Major Subdivision Approval to John Kling by adoption of a Resolution on April 13, 2021, permitting a seven lot single family subdivision at property identified as Block 7.02, Lots 34.01 and 34.12 on the Township Tax Map ("Property"); and

WHEREAS, the Final Major Subdivision Approval was perfected and certain drainage easements were dedicated to Colts Neck Township by filing the "Final Plat Major Subdivision, Block 7.02, Lots 34.01 and 34.13 – Tax Map Sheet No. 1.01, Township of Colts Neck, Monmouth County, New Jersey," prepared by Kurtz Engineers, Planners, Land Surveyors dated November 11, 2021 revised February 8, 2022 with the Office of the Monmouth County Clerk on April 26, 2022 in Case Number 323-21; and

WHEREAS, said Drainage Easements were also dedicated to Colts Neck Township by recording a Deed of Drainage Easement dated February 28, 2022 recorded in the Office of the Monmouth County Clerk on March 29. 2022 in Book OR-9587, Page 1211; and

WHEREAS, the current property owner of Block 7.02, Lot 35.05 commonly known as 3 Preakness Way now requests that the stormwater bubble basin be relocated and the Township vacate portions drainage easement rights that it was granted pursuant to the Final Plat and Deed of Drainage Easement, as set forth in the Partial Release of Drainage Easement attached hereto as Exhibit A, in exchange for granting a new drainage easement over the Property as set forth in the Deed of Drainage Easement attached hereto as Exhibit B; and

WHEREAS, The Colts Neck Township Committee reviewed the requested easement swap on March 8, 2023 and expressed no objection to the relocation of the stormwater bubble basin, and

WHEREAS, the Township Engineer has approved the descriptions contained in Exhibits A and B from an engineering standpoint; and

WHEREAS, the Township's Tax Assessor has certified that the "full and fair value" of the easements to be exchanged under the foregoing easement swap are equal; and

WHEREAS, N.J.S.A. 40A:12-16 authorizes the Township to approve an easement swap by duly adopted ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Colts Neck, County of Monmouth, State of New Jersey, as follows:

1. The findings set forth in the foregoing preamble are hereby incorporated as if fully restated.

2. The Mayor and Township Clerk are hereby authorized to execute Deeds vacating, extinguishing and terminating the easements over the property described in Exhibit A, in exchange for a Deed granting to the Township a new Drainage Easement over the property described in Exhibit B. The form and substance of the Deeds have been reviewed and approved by the Planning Board Attorney, Engineer, and Planner.

3. The Mayor, Township Clerk, Township Attorney, and Township Administrator are hereby authorized and directed to execute and file any and all such documents and undertake any and all such actions as may be reasonably necessary to effectuate the terms hereof.

4. All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

5. This Ordinance shall take effect upon passage and publication in accordance with law.

I hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of Colts Neck Township on the 10th day of January 2024. A public hearing will be held on January 31, 2024, 7:00 p.m. Town Hall, 1 Veterans Way.

Frank Rizzuto, Mayor

Trina Lindsey, Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	January 10, 2024					January 31, 2024				
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Rizzuto			X									
Deputy Mayor Buss		S	X									
Viola			X									
Bartolomeo	M		X									
Fitzpatrick			X									
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent												

ORDINANCE 2024-8

AN ORDINANCE OF COLTS NECK TOWNSHIP IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY ESTABLISHING NEW ARTICLE V ENTITLED "PRIVATELY-OWNED SALT STORAGE" OF THE CODE OF COLTS NECK TOWNSHIP

WHEREAS; Colts Neck Township is a "Tier A MS4" Municipal Stormwater Community and holds a New Jersey Pollution Discharge Elimination System Permit # NJG0151564 / PID# 172078; and

WHEREAS, on July 17, 2023 the New Jersey Department of Environmental Protection amended its Stormwater Management Rules at N.J.A.C. 7:8, and

WHEREAS, the new rules require Tier A MS4 communities to adopt an ordinance regulating the storage of privately-owned salt and de-icing materials, and

WHEREAS, the adoption of a privately-owned salt storage ordinance is a requirement pursuant to the Township's Pollution Discharge Elimination System Permit #NJG0151564 / PID#172078, and

WHEREAS, The Township Committee of Colts Neck Township finds that it is in the best interest of the Township to adopt the State's Model Privately-Owned Salt Storage ordinance.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of Colts Neck Township, County of Monmouth, State of New Jersey as follows:

SECTION I: That new Article V "Privately-Owned Salt Storage" in Chapter 195 "Solid Waste" is hereby established as follows:

Chapter 195
Solid Waste
Article V
Privately-Owned Salt Storage

§195-21 Purpose.

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in Colts Neck Township to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§195-22 Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. "De-icing materials" means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.

B. "Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

C. "Storm drain inlet" means the point of entry into the storm sewer system.

D. "Permanent structure" means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

   A fabric frame structure is a permanent structure if it meets the following specifications:

   1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;

   2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;

   3. The structure shall be erected on an impermeable slab;

   4. The structure cannot be open sided; and

   5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.

E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

F. "Resident" means a person who resides on a residential property where de-icing material is stored.

§195-23 Deicing Material Storage Requirements.

A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:

   1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;

   2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;

   3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;

   4. Loose materials shall be covered as follows:

      a. The cover shall be waterproof, impermeable, and flexible;

      b. The cover shall extend to the base of the pile(s);

      c. The cover shall be free from holes or tears;

      d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and

      e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.

(1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;

5. Containers must be sealed when not in use; and

6. The site shall be free of all de-icing materials between April 16th and October 14th.

B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.

C. The location of all temporary and/or permanent structures shall comply with the accessory structure Schedule of Limitations (§102-87 or §102-114) for the applicable zone district.

D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.

1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

§195-24 Exemptions.

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in §195-23 above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

§195-25 Enforcement.

This ordinance shall be enforced by the Police Department and/or Code Enforcement Officer of Colts Neck Township during the course of ordinary enforcement duties.

§195-26 Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in penalties set forth in Chapter 1, Section 1-9 of this Code.

SECTION II Severability.

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

SECTION III Repealer.

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

SECTION IV Inconsistent ordinance.

All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION V This ordinance shall take effect immediately upon passage, publication and filing according to law.

I hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of Colts Neck Township on the 31st day of January 2024. A public hearing will be held on February 14, 2024, 7:00 p.m. Town Hall, 1 Veterans Way.

Frank Rizzuto, Mayor

Trina Lindsey, Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	January 31, 2024					February 14, 2024				
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Rizzuto												
Deputy Mayor Buss												
Viola												
Bartolomeo												
Fitzpatrick												
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent												

ORDINANCE 2024-9

AN ORDINANCE OF COLTS NECK TOWNSHIP IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 102 OF THE CODE OF COLTS NECK TOWNSHIP ENTITLED "DEVELOPMENT REGULATIONS"

WHEREAS, on April 23, 1997 the Colts Neck Township Committee amended in its entirety Chapter 102, Development Regulations of the Code of Colts Neck Township; and

WHEREAS, Colts Neck Township is continuously and closely involved in the planning and development process in the Township; and

WHEREAS, one of the purposes of planning is to review the Township's policies and Development Regulations based on best available information and past experiences and to adopt regulations to guide the use of lands in a manner that promotes the public good and general public welfare; and

WHEREAS, a need exists to balance the interest of maintaining the residential character and quality of life in residential zones with the requirements of commerce and business activities; and

WHEREAS, to promote safety and well-being of residents and businesses it is in the public interest to regulate the parking of commercial vehicles in the Township; and.

WHEREAS, it is in the public interest to establish guidelines on the parking of commercial vehicles, and

WHEREAS, the Colts Neck Township Committee has considered the potential impact on businesses and has determined that reasonable regulations can be implemented regarding the parking of commercial vehicles without unduly burdening commerce or impeding the residential quality of life.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of Colts Neck Township, County of Monmouth, State of New Jersey as follows: (additions to text indicated by underline; deletions to text indicated by ~~strikeout~~).

SECTION I: That Section 102-84, "A-1 and A-2 Agricultural Residential Districts; A-3 Village Residential District" is hereby amended and supplemented in the following parts only.

§102-84F. Minimum off-street parking.

(7) ~~No commercial motor vehicle, truck tractor, omnibus or school bus as defined in N.J.S.A. 39:1-1 and the various amendments thereto nor registered constructor vehicles or solid waste vehicles as defined in N.J.S.A. 39:3-20 and the various amendments thereto, over ½ ton registered weight or a trailer bearing commercial license plates, shall be parked out of doors any time, except those vehicles actually engaged in deliveries, construction or similar activity that is in progress at the site in question, in which case the vehicle may be parked on a temporary basis. School buses may be parked on school grounds as allowed by these development regulations or in the duly established municipal parking lot. This section shall not apply to registered farm vehicles as defined in N.J.S.A. 39:3-24, 39:3-25 and 39:3-26 and the various amendments thereto~~. Parking and/or storage of commercial vehicle, truck, van, or sports utility vehicle.

(a) In the A-1 Zone a maximum of two and in the A-2 and A-3 Zones a maximum of one motor vehicle(s) with commercial motor vehicle registration and/or bearing commercial license plates and/or passenger

vehicle registration bearing passenger license plates insured at a commercial rate shall be parked or stored on any property, except those vehicles actually engaged in deliveries, construction or similar activity that is in progress at the site in question.

(b) Commercial vehicle(s), pickup truck(s), van(s) or sports utility vehicle(s) may be parked or stored. All other truck or vehicle configurations (rack body, dump body, omnibus, school bus, etc.) are prohibited.

(c) All commercial vehicle(s), pickup truck(s) or van(s), sports utility vehicle(s) parked or stored must have a valid registration.

(d) No commercial vehicle, truck, van, or sports utility vehicle shall be parked or stored in the front yard as defined in Section 102-4: "Yard, Front".

(e) No commercial vehicle, truck, van, or sports utility vehicle shall be parked or stored in a minimum accessory building side or rear yard setback.

(f) No commercial vehicle, truck, van, or sports utility vehicle with more than a single rear axle shall be parked or stored on any property.

(g) No commercial vehicle, truck, van, or sports utility vehicle having advertising in excess of four (4) square feet per each side of the vehicle shall be parked or stored on any property. Vehicle wrapping exceeding four-square feet shall be prohibited.

(h) All commercial vehicle(s), pickup truck(s), van(s) or sports utility vehicle(s) parked or stored must be the property of the property owner or resident tenant or the property of the employer of the property owner or resident tenant.

(i) No commercial vehicle, pickup truck, van, or sports utility vehicle which is in a state of substantial disrepair or derelict may be parked or stored.

(j) The provisions of this section shall not apply to federal, state, county, municipal, farmer or farm use vehicles.

(k) The provisions of this section shall not apply to passenger vehicles with commercial registration and/or bearing commercial license plates and containing no advertising. Limousines are not included in this exception.

SECTION II: That Section 102-85.3, "A-7 Residential District" is hereby amended and supplemented in the following parts only.

§102-85.3F. Minimum off-street parking.

(3) ~~No commercial motor vehicle, truck tractor, omnibus or school bus as defined in N.J.S.A. 39:1-1 and the various amendments thereto nor registered constructor vehicles or solid waste vehicles as defined in N.J.S.A. 39:3-20 and the various amendments thereto, over ½ ton registered weight or a trailer bearing commercial license plates, shall be parked out of doors any time, except those vehicles actually engaged in deliveries, construction or similar activity that is in progress at the site in question, in which case the vehicle may be parked on a temporary basis. School buses may be parked on school grounds as allowed by these development regulations or in the duly established municipal parking lot. This section shall not apply to registered farm vehicles as defined in N.J.S.A. 39:3-24, 39:3-25 and 39:3-26 and the various amendments thereto~~. Parking and/or storage of commercial vehicle, truck, van, sports utility vehicle.

(a) A maximum of one motor vehicle with commercial motor vehicle registration and/or bearing commercial license plates and/or passenger vehicle registration bearing passenger license plates insured at a commercial rate shall be parked or stored on any property, except those vehicles engaged in deliveries, construction or similar activity that is in progress at the site in question.

(b) Commercial vehicle, pickup truck, van, or sports utility vehicle may be parked or stored. All other truck or vehicle configurations (rack body, dump body, omnibus, school bus, etc.) are prohibited.

(c) All commercial vehicle, pickup truck, van, or sports utility vehicle parked or stored must have a valid registration.

(d) No commercial vehicle, truck, van, or sports utility vehicle shall be parked or stored in the front yard as defined in Section 102-4: "Yard, Front".

(e) No commercial vehicle, truck, van, or sports utility vehicle shall be parked or stored in a minimum accessory building side or rear yard setback.

(f) No commercial vehicle, truck, van, or sports utility vehicle with more than a single rear axle shall be parked or stored on any property.

(g) No commercial vehicle, truck, van, or sports utility vehicle having advertising in excess of four (4) square feet per each side of the vehicle shall be parked or stored on any property. Vehicle wrapping exceeding four-square feet shall be prohibited.

(h) All commercial vehicle, pickup truck, van or sports utility vehicle parked or stored must be the property of the property owner or resident tenant or the property of the employer of the property owner or resident tenant.

(i) No commercial vehicle, pickup truck, van, or sports utility vehicle which is in a state of substantial disrepair or derelict may be parked or stored.

(j) The provisions of this section shall not apply to federal, state, county, municipal, farmer or farm use vehicles.

(k) The provisions of this section shall not apply to passenger vehicles with commercial registration and/or bearing commercial license plates and containing no advertising. Limousines are not included in this exception.

SECTION III: That Section 102-86, "AG Agricultural District" is hereby amended and supplemented in the following parts only.

§102-86G. Minimum off-street parking.

(5) Parking and/or storage of commercial vehicle(s), truck(s), van(s) or sports utility vehicle(s).

(a) A maximum of two motor vehicles with commercial motor vehicle registration and/or bearing commercial license plates and/or passenger vehicle registration bearing passenger license plates insured at a commercial rate shall be parked or stored on any property, except those

vehicles engaged in deliveries, construction or similar activity that is in progress at the site in question.

(b) Commercial vehicle(s), pickup truck(s), van(s) or sports utility vehicle(s) may be parked or stored. All other truck or vehicle configurations (rack body, dump body, omnibus, school bus, etc.) are prohibited.

(c) All commercial vehicle(s), pickup truck(s), van(s), sports utility vehicle(s) parked or stored must have a valid registration.

(d) No commercial vehicle, truck, van, or sports utility vehicle shall be parked or stored in the front yard as defined in Section 102-4: "Yard, Front".

(e) No commercial vehicle, truck, van, or sports utility vehicle shall be parked or stored in a minimum accessory building side or rear yard setback.

(f) No commercial vehicle, truck, van, or sports utility vehicle with more than a single rear axle shall be parked or stored on any property.

(g) No commercial vehicle, truck, van, or sports utility vehicle having advertising in excess of four (4) square feet per each side of the vehicle shall be parked or stored on any property. Vehicle wrapping exceeding four-square feet shall be prohibited.

(h) All commercial vehicle(s), pickup truck(s), van(s) or sports utility vehicle(s) parked or stored must be the property of the property owner or resident tenant or the property of the employer of the property owner or resident tenant.

(i) No commercial vehicle, pickup truck, van, or sports utility vehicle which is in a state of substantial disrepair or derelict may be parked or stored.

(j) The provisions of this section shall not apply to federal, state, county, municipal, farmer or farm use vehicles.

(k) The provisions of this section shall not apply to passenger vehicles with commercial registration and/or bearing commercial license plates and containing no advertising. Limousines are not included in this exception.

SECTION IV: That Section 102-109F(14), "Minimum off-street parking in the Business districts" is hereby amended and supplemented in the following parts only.

§102-109F. Minimum off-street parking.

(14) No commercial motor vehicle, truck tractor, construction vehicle, solid waste vehicle, rack body, dump body, omnibus, school bus or trailer bearing commercial registration and/or bearing commercial license plates and/or passenger vehicle registration bearing passenger license plates insured at a commercial rate~~, omnibus or school bus as defined in N.J.S.A. 39:1-1 and the various amendments thereto nor registered construction vehicles or solid waste vehicles as defined in N.J.S.A. 39:3-20 and the various amendments thereto over one ton registered weight nor trailers bearing commercial license plates nor farm registered vehicles as defined in N.J.S.A. 39:3-24, 39:3-25 and 39:3-26~~, other than those owned or leased by the operator of the business conducted at the premises, shall be parked out of doors anytime, except those vehicles actually engaged in deliveries, purchases, construction or similar activity that is

in progress at the site in question, in which case the vehicle may be parked on a temporary basis. A maximum of three commercial vehicles ~~Trucks~~ owned or leased by the operator of the business conducted at the premises may be parked out doors in a designated parking stall, provided that such location is the primary site of the business operation.

SECTION V Severability.

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

SECTION VI Repealer.

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

SECTION VII Inconsistent ordinance.

All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION VIII This ordinance shall take effect immediately upon passage, publication and filing according to law.

I hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of Colts Neck Township on the 31st day of January 2024. A public hearing will be held on February 14, 2024, 7:00 p.m. Town Hall, 1 Veterans Way.

Frank Rizzuto, Mayor

Trina Lindsey, Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	January 31, 2024					February 14, 2024				
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Rizzuto												
Deputy Mayor Buss												
Viola												
Bartolomeo												
Fitzpatrick												
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent												

ORDINANCE 2024-10

AN ORDINANCE OF COLTS NECK TOWNSHIP IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 102 OF THE CODE OF COLTS NECK TOWNSHIP ENTITLED "DEVELOPMENT REGULATIONS"

WHEREAS, on April 23, 1997 the Colts Neck Township Committee amended in its entirety Chapter 102, Development Regulations of the Code of Colts Neck Township; and

WHEREAS, Colts Neck Township is continuously and closely involved in the planning and development process in the Township; and

WHEREAS, one of the purposes of planning is to review the Township's policies and Development Regulations based on best available information and past experiences and to adopt regulations to guide the use of lands in a manner that promotes the public good and general public welfare; and

WHEREAS, a need exists to regulate the storage of travel trailers, camper trailers, recreational vehicles, watercraft, boats, boat trailers, utility trailers and/or other trailers in residential zones to maintain the aesthesis, safety and overall well-being the Township; and

WHEREAS, uncontrolled storage of travel trailers, camper trailers, recreational vehicles, watercraft, boats, boat trailers, utility trailers and/or other trailers in residential zones may lead to visual blight, obstruction to emergency services and a potential safety hazard; and

WHEREAS, the Colts Neck Township Committee finds that it is in the public interest to establish guidelines regulating the storage of travel trailers, camper trailers, recreational vehicles, watercraft, boats, boat trailers, utility trailers and/or other trailers in residential zones to strike a balance between the rights of property owners to use and enjoy their properties while respecting the rights of the general public.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of Colts Neck Township, County of Monmouth, State of New Jersey as follows: (additions to text indicated by underline; deletions to text indicated by ~~strikeout~~).

SECTION I: That Section 102-84, "A-1 and A-2 Agricultural Residential Districts; A-3 Village Residential District" is hereby amended and supplemented in the following parts only.

§102-84C. Accessory uses.

(4) ~~Travel trailers, campers trailers, boats and boat trailers and~~ sSolar energy panels mounted at ground level, to be located ~~or parked~~ in rear and side yards only and which shall be screened from view from public streets ~~and neighboring properties~~ by screening planting, fencing or a combination thereof such as to provide the proper shielding after two growing seasons. Location and screening requirements do not apply to solar energy panels mounted flush or nearly flush with building sides or roofs.

(20) Storage of travel trailers, camper trailers, recreational vehicles, watercraft, boats, boat trailers, utility trailers and/or other trailers.

(a) No more than a total of two travel trailer, camper trailer, recreational vehicle, boat, boat trailer, boat on trailer, watercraft, watercraft(s) on trailer, utility trailer and/or other trailer may be parked or stored on any property.

(b) All travel trailer, camper trailer, watercraft, boat, boat trailer, recreational vehicle, utility trailer and/or other trailer parked or stored must have a valid registration.

(c) No travel trailer, camper trailer, recreational vehicle, watercraft, boat, boat trailer, utility trailer and/or other trailer shall be parked or stored in the front yard as defined in Section 102-4: "Yard, Front".

(d) No travel trailer, camper trailer, recreational vehicle, watercraft, boat, boat trailer, utility trailer and/or other trailer shall be parked or stored in a minimum side or rear yard setback.

(e) No travel trailer, camper trailer, recreational vehicle, watercraft, boat trailer, utility trailer and/or other trailer with more than 2 rear axles (duel axles) shall be parked or stored on any property.

(f) No travel trailer, camper trailer, recreational vehicle, watercraft, boat, boat trailer, utility trailer and/or other trailer shall be used for permanent or temporary occupancy. (See §102-80 Trailers)

(g) All travel trailer, camper trailer, recreational vehicle, watercraft, boat, boat trailer, utility trailer or other trailer parked or stored must be the property of the property owner or resident tenant.

(h) No travel trailer, camper trailer, recreational vehicle, watercraft, boat, boat trailer, utility trailer and/or other trailer which is in a state of substantial disrepair or derelict may be parked or stored.

(i) The provisions of this section shall not apply to commercial farms.

SECTION II: That Section 102-85.3, "A-7 Residential District" is hereby amended and supplemented in the following parts only.

§102-85.3C. Accessory uses.

(4) ~~Travel trailers, campers trailers, boats and boat trailers and~~ sSolar energy panels mounted at ground level, to be located ~~or parked~~ in rear and side yards only and which shall be screened from view from public streets ~~and neighboring properties~~ by screening planting, fencing or a combination thereof such as to provide the proper shielding after two growing seasons. Location and screening requirements do not apply to solar energy panels mounted flush or nearly flush with building sides or roofs.

(13) Storage of travel trailers, camper trailers, recreational vehicles, watercraft, boats, boat trailers, utility trailers and/or other trailer.

(a) No more than a total of two travel trailer, camper trailer, recreational vehicle, boat, boat trailer, boat on trailer, watercraft, watercraft(s) on trailer, utility trailer and/or other trailer may be parked or stored on any property.

(b) All travel trailer, camper trailer, boat, boat trailer, recreational vehicle, watercraft, utility trailer and/or other trailer parked or stored must have a valid registration.

(c) No travel trailer, camper trailer, recreational vehicle, boat, boat trailer, watercraft, utility trailer and/or other trailer shall be parked or stored in the front yard as defined in Section 102-4: "Yard, Front".

(d) No travel trailer, camper trailer, recreational vehicle, boat, boat trailer, watercraft, utility trailer and/or other trailer shall be parked or stored in a minimum side or rear yard setback.

(e) No travel trailer, camper trailer, recreational vehicle, boat trailer, watercraft, utility trailer and/or other trailer with more than 2 rear axles (duel axles) shall be parked or stored on any property.

(f) No travel trailer, camper trailer, recreational vehicle, boat, boat trailer, utility trailer and/or other trailer shall be used for permanent or temporary occupancy. (See §102-80 Trailers)

(g) All travel trailer, camper trailer, recreational vehicle, boat, boat trailer, watercraft, utility trailer or other trailer parked or stored must be the property of the property owner or resident tenant.

(h) No travel trailer, camper trailer, recreational vehicle, boat, boat trailer, watercraft, utility trailer and/or other trailer which is in a state of substantial disrepair or derelict may be parked or stored.

(i) The provisions of this section shall not apply to commercial farms.

SECTION III: That Section 102-86 "AG Agricultural District" is hereby amended and supplemented in the following parts only.

§102-86D. Accessory uses.

(9) ~~Travel trailers, campers trailers, boats and boat trailers and~~ sSolar energy panels mounted at ground level, to be located ~~or parked~~ in rear and sides yards only and which shall be screened from view from public streets ~~and neighboring properties~~ by screening planting, fencing or a combination thereof such as to provide the proper shielding after two growing seasons. Location and screening requirements do not apply to solar energy panels mounted flush or nearly flush with building sides or roofs.

(19) Storage of travel trailers, camper trailers, recreational vehicles, watercraft, boats, boat trailers, utility trailers and/or other trailer.

(a) No more than a total of two travel trailer, camper trailer, recreational vehicle, boat, boat trailer, boat on trailer, watercraft, watercraft(s) on trailer, utility trailer and/or other trailer may be parked or stored on any property.

(b) All travel trailer, camper trailer, boat, boat trailer, recreational vehicle, watercraft, utility trailer and/or other trailer parked or stored must have a valid registration.

(c) No travel trailer, camper trailer, recreational vehicle, boat, boat trailer, watercraft, utility trailer and/or other trailer shall be parked or stored in the front yard as defined in Section 102-4: "Yard, Front".

(d) No travel trailer, camper trailer, recreational vehicle, boat, boat trailer, watercraft, utility trailer and/or other trailer shall be parked or stored in a minimum side or rear yard setback.

(e) No travel trailer, camper trailer, recreational vehicle, boat trailer, watercraft, utility trailer and/or other trailer with more than 2 rear axles (duel axles) shall be parked or stored on any property.

(f) No travel trailer, camper trailer, recreational vehicle, boat, boat trailer, watercraft, utility trailer and/or other trailer shall be used for permanent or temporary occupancy. (See §102-80 Trailers)

(g) All travel trailer, camper trailer, recreational vehicle, boat, boat trailer, watercraft, utility trailer or other trailer parked or stored must be the property of the property owner or resident tenant.

(h) No travel trailer, camper trailer, recreational vehicle, boat, boat trailer, watercraft, utility trailer and/or other trailer which is in a state of substantial disrepair or derelict may be parked or stored.

(i) The provisions of this section shall not apply to commercial farms.

SECTION IV Severability.

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

SECTION V Repealer.

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

SECTION VI Inconsistent ordinance.

All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION VII This ordinance shall take effect immediately upon passage, publication and filing according to law.

I hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of Colts Neck Township on the 31st day of January 2024. A public hearing will be held on February 28, 2024, 7:00 p.m. Town Hall, 1 Veterans Way.

Frank Rizzuto, Mayor

Trina Lindsey, Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	January 31, 2024					February 14, 2024				
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Rizzuto												
Deputy Mayor Buss												
Viola												
Bartolomeo												
Fitzpatrick												

M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent