

TOWNSHIP OF FLORENCE

ORDINANCE NO. 2014-21

AN ORDINANCE OF THE TOWNSHIP OF FLORENCE AMENDING CHAPTER 91 OF THE CODE OF THE TOWNSHIP OF FLORENCE, PART 2, ARTICLE II, SECTION 91-3 TO INCLUDE A DEFINITION FOR PUBLIC IMPROVEMENT AND AMENDING ARTICLE XIII, SECTION 91-66 ENTITLED “PERFORMANCE AND MAINTENANCE GUARANTEES; SURVEYOR’S CERTIFICATION” TO MINIMIZE THE REQUIREMENT FOR MAINTENANCE BONDS FOR CERTAIN PUBLIC IMPROVEMENT PROJECTS.

WHEREAS, Chapter 91 is the Land Development Code of the Township of Florence, and such code provides for various uses and standards of design and installation, and;

WHEREAS, the Township Council has determined that it is in the best interest to amend the Township Code in order to minimize the requirement for maintenance bonds for certain public improvement projects in order to promote continued success among local business owners within the Township; and

WHEREAS, the Township Council wishes to minimize the financial burden for Township residents and business owners who make improvements to property by adjusting the need to post a maintenance bond for certain projects;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Florence, County of Burlington, that Chapter 91 of the Code of the Township of Florence shall be amended as follows:

Section 1. Chapter 91 (Land Development) § **91-3** is hereby amended to include the following definition:

Public Improvement: Those improvements which are to be used in common by residents of a subdivision or by the public, whether or not such improvements are offered for dedication. "Public improvements" shall include, without limitation, improvements referenced in the Township Code, improvements depicted or referenced by final site plan approval or as a condition of a zoning permit, improvements required by law, code, rule or regulation and improvements agreed to by the owner.

Section 1. Chapter 91 (Land Development), § **91.317 (A)(2)** is hereby amended as follows:

The furnishing of a maintenance guaranty, to be posted with the governing body for a period not to exceed two years after final acceptance of the improvement in an amount not to exceed 15% of the cost of the improvement shall be required for all public improvement projects. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guaranty to another governmental agency, no performance or maintenance guaranty, as the case may be, shall be required for such utilities or improvements.

A two-year maintenance bond shall be required for projects with the following improvements:

- Any public improvements;
- Buffering and landscape;
- Public safety improvements relating to fire, traffic and pedestrian safety;
- Stormwater systems that link to or impact offsite facilities;
- Water supply systems that provide fire safety or are directly connected to the Township water system;

- Improvements that impact the public safety, health and welfare of the Township residents.

Upon completion of improvements in a good and workmanlike manner and in accordance with all rules, regulations, standards, specifications and ordinances of the Township of Florence, the Township will accept the improvements subject to the filing of as-builts drawings, and not require the need to post a maintenance bond for certain improvements projects. The Township Engineer and the Township Water and Sewer Engineer shall have the discretion to determine whether a maintenance bond is required to be posted for projects pertaining to improvements on private property where the total cost of improvements does not exceed \$500,000.00. When rendering his decision, the Township Engineer and/or the Township Water and Sewer Engineer shall consider the impact the improvements have on the public health, welfare and safety of the Township residents. Each improvement project will be reviewed on an individual basis for the need to post a maintenance bond as recommended by the Township Engineer and/or the Township Water and Sewer Engineer and approved by Township Council. The Township Engineer and/or the Township Water and Sewer Engineer shall continue to review each improvement project on an individual basis in order to determine the estimate of the cost of improvements for purposes of the performance guaranty.

Section 2. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

Section 3. All ordinances or parts of ordinances of the Township of Florence heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. This ordinance shall take effect immediately upon adoption and publication of notice of adoption as provided by law.

TED LOVENDUSKI
President - Township Council

JOY M. WEILER, RMC/MMC
Township Clerk

Revised 9-12-14

**TOWNSHIP OF FLORENCE
NOTICE OF PENDING ORDINANCE
Ordinance No. 2014-21**

An Ordinance of the Township of Florence Amending Chapter 91 of the Code of the Township of Florence, Part 2, Article XIII, Section 91-66 entitled “Performance and maintenance guarantees; surveyor’s certification” to eliminate the requirement for maintenance bonds for certain public improvement projects.

Take Notice that the Ordinance identified above which amends the Florence Township Code to amend an existing Article to eliminate the requirement for maintenance bonds for certain public improvement projects, has been adopted on first reading by the Township Council of the Township of Florence, County of Burlington, State of New Jersey, held on September 17, 2014. It will be considered for final passage after public hearing to be held on October 1, 2014, at 8:00 P.M. in the Municipal Complex, Council Chambers, 711 Broad Street, Florence, New Jersey.

The Ordinance will take effect immediately upon adoption and publication as required by law.

Copies of the full ordinance are on file with the Township Clerk of the Township of Florence in the Municipal Complex. Copies may be obtained free of charge on request and a copy is posted on the municipal bulletin board in the Municipal Complex at 711 Broad Street, Florence, New Jersey.

Joy M. Weiler, RMC/MMC
Township Clerk