

**TOWNSHIP OF WATERFORD**

**ORDINANCE NO. 2018-10**

**ORDINANCE OF THE TOWNSHIP OF WATERFORD, COUNTY OF CAMDEN,  
STATE OF NEW JERSEY AMENDING CHAPTER 176 OF THE CODE OF THE  
TOWNSHIP OF WATERFORD CAPTIONED  
“LAND USE, DEVELOPMENT AND ZONING LEGISLATION”**

**WHEREAS**, due to recent Amendments adopted by the New Jersey Legislature to N.J.S.A. 40:55D-1 et seq. (“The Municipal Land Use Law”), it is necessary for the Township of Waterford to amend Chapter 176 of the Code of the Township of Waterford captioned “Land Use, Development and Zoning Legislation”.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Township Committee of the Township of Waterford, County of Camden, State of New Jersey, as follows:

**Section 1.** Chapter 176 of the Code of the Township of Waterford captioned “Land Use Development and Zoning” is amended as follows:

Section 22 captioned “Guarantees and Inspections” is hereby revised to read as follows:

The Introductory Paragraph is to read as follow:

“For the purposes of this Section, the term ‘public improvements’ shall mean only those improvements required by Board approval or Developer’s Agreement, Ordinance or Regulation of the Township which are to be dedicated to the Township or any other public entity and that have not yet been installed which are improvements as shown on approved Plans or Plot Plans for streets, pavements, gutters, curbs, sidewalks, street lighting, street trees, Surveyors Monuments as shown on the final Map and required by the ‘Map Filing Law,’ watermains, sanitary sewers, community septic systems, drainage structures, public improvements for open space, and any grading necessitated by the preceding improvements. If required within an approved Phase of a Project, the Performance Guarantees shall also include Perimeter Buffer landscaping as required by Local Ordinance or as a condition of Board Approval.”

Section 22A(1)(d) shall be revised to read as follows:

“All remaining required improvements shall not be subject to a Performance Guarantee but are still subject to inspection by the Township Engineer as set forth hereinafter to ensure installation of said improvements as required on or before an agreed date and as hereinafter provided.”

Section 22A(2) shall be revised to read as follows:

“Except as hereafter provided, the remaining required private improvements shall be at least fifty percent (50%) complete within one (1) year from the date of final approval or by such time as fifty percent (50%) of the Lots in the section in question have been conveyed in any manner by the Applicant, whichever shall occur first. At least seventy-five percent (75%) of the remaining required private improvements shall be complete within eighteen (18) months from the date of final approval, or at such time as seventy-five percent (75%) of the Lots in the section in question have been conveyed in any manner by the Applicant, whichever occurs first. Said private improvements shall be one hundred percent (100%) complete and accepted by the Township within two (2) years from the date of final approval or at such time as all of the Lots in the section in question have been conveyed in any manner by the Applicant, whichever occurs first. It is the intention of the Township Committee that this requirement will provide to those living in each new section of the subdivision, a Lot that is as complete as possible with respect to tract and individual Lot improvements.”

Section 22C shall be revised to read as follows:

A period shall be placed after the words ‘Certificate of Occupancy.’ The following words shall be deleted ‘. . . or within one hundred twenty (120) days of a temporary Certificate of Occupancy if the Performance Guarantee covering the balance of the uncompleted improvements has been posted.’

Section 22D(1) shall be revised to read as follows:

“A Performance Guarantee for only those improvements to be dedicated to the Township, or if applicable for Perimeter Buffer landscaping, shall be prepared by the Township Engineer for review and approval, setting forth all required improvements as determined by the Board and their estimated cost. No Performance Guarantee shall be required for the installation of utilities and they will be installed by the applicable utility company. Any adjustment in the amount of the Guarantee shall be approved by Resolution of the Township Committee. At the

Developer's option a separate Performance Guarantee may be posted for the privately owned Perimeter Buffer landscaping."

Section 176-25 captioned "Inspections and Tests," the first Paragraph, shall be revised to read as follows:

"All site improvements and utility installations for Site Plans, Subdivisions, Plot Plans and other realty improvements shall be inspected during the time of their installation under the supervision of the Township Engineer to ensure satisfactory completion. The costs of said inspections shall be the responsibility of the Developer who shall deposit with the Township Chief Financial Officer inspection fees in an amount not to exceed, except for extraordinary circumstances, the greater of Five Hundred (\$500.00) Dollars or five percent (5%) of the cost of the public improvements as determined by the Township Engineer in accordance with §176-22D(2) and not to exceed five percent (5%) of the cost of the remaining improvements that are not subject to the Performance Guarantee, provided . . ."

Section 25A(1) shall be revised to read as follows:

"For those Developments for which the inspection fees total less than Ten Thousand (\$10,000.00) Dollars, fees may at the option of the Developer be paid in two (2) installments. The initial amount deposited in escrow by a Developer shall be fifty percent (50%) of the inspection fee. When the balance on deposit drops to ten percent (10%) of the inspection fees because the amount deposited by the Developer has been reduced by the amount paid to the Township Engineer for inspections, the Developer shall deposit the remaining fifty percent (50%) of the inspection fees."

Section 25A(2) shall be revised to read as follows:

"For those Developments for which the inspection fees total Ten Thousand (\$10,000.00) Dollars or greater, fees may at the option of the Developer be paid in four (4) installments. The initial amount deposited in escrow by a Developer shall be twenty-five percent (25%) of the inspection fee. When the balance on deposit drops to ten percent (10%) of the inspection fees because the amount deposited by the Developer has been reduced by the amount paid to the Township Engineer for inspections, the Developer shall make an additional deposit of twenty-five percent (25%) of the inspection fees, which shall continue to apply to the third and fourth deposits of twenty-five percent (25%) of the inspection fees."

A new Section 25A(3) is added to read as follows:

“If the Township determines that the amount in escrow for the payment of inspection fees as calculated pursuant to Paragraphs A(1) and (2) above is insufficient to cover the cost of additional required inspections, the Township shall require the Developer to deposit additional funds in escrow provided that the Township delivers to the Developer a written Inspection Escrow Deposit Request, signed by the Township Engineer which informs the Developer of the need for additional inspections, details the items of undertaking that require inspection, estimates the time required for those inspections, and estimates the costs of performing those inspections.”

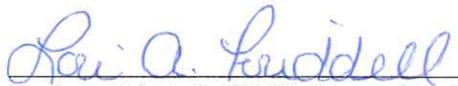
Section 176-27, Paragraph B shall be revised to read as follows:

“The Owner/Developer shall have posted with the Township Committee, prior to the release of the Performance Guarantee, a Maintenance Guarantee in an amount equal to not more than fifteen percent (15%) of the cost of installation of the public improvements which are being released. The Owner/Developer shall also post with the Township Committee, upon the inspection and issuance of the final approval of the following private site improvements by the Township Engineer, a Maintenance Guarantee in an amount not to exceed fifteen percent (15%) of the cost of the installation of the following private site improvements: stormwater management basins, in-flow and water quality structures within the basins and the out-flow pipes and structures of the stormwater management system, if any, the cost of the Maintenance Guarantee to be determined by the Township Engineer in accordance with Section 176-22D(2). The Maintenance Guarantee shall run for a period of two (2) years. The procedures and requirements governing such Maintenance Guarantee shall be identical with the procedures and requirements for a Performance Guarantee set forth in this Chapter. The requirements for a Maintenance Guarantee may be waived by the Township Committee only if the Township Engineer has certified that the improvements have been in continuous use for not less than two (2) years from the date the Township Committee certified completion of such improvements and that during this time period the Owner/Developer has maintained the improvements in a satisfactory manner.”

**Section 2.** If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a Court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

**Section 3.** All Ordinances or parts of Ordinances inconsistent with this Ordinance, are hereby repealed to the extent of such inconsistency only.

**Section 4.** This Ordinance shall take effect immediately after final adoption and publication as required by law and approval by the New Jersey Pinelands Commission.

  
Lori A. Friddell, RMC, Township Clerk

  
William A. Richardson, Jr., Mayor

Introduced: April 11, 2018  
Public Hearing: April 25, 2018  
Adopted: April 25, 2018

**ORDINANCE NO. 2018-10**

UPON INTRODUCTION ON 4-11-2018					
	GIANGIULIO	HANNA	SURA	YEATMAN	RICHARDSON
YES	X	X		X	X
ABSTAIN					
NO					
ABSENT			X		
UPON ADOPTION ON 4-25-2018					
	GIANGIULIO	HANNA	SURA	YEATMAN	RICHARDSON
YES	X	X	X	X	X
ABSTAIN					
NO					
ABSENT					

Certified to be a true copy of an Ordinance adopted by the Mayor and Township Committee of the Township of Waterford at a Meeting held on April 25, 2018.

Dated: April 25, 2018

  
Lori A. Friddell, RMC, Township Clerk