

**TOWNSHIP OF MOORESTOWN**

**ORDINANCE NO. 3-2013**

**AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN SUPPLEMENTING CHAPTER 158, ARTICLE II, PURPOSE, GENERAL PROVISIONS, OF THE CODE OF THE TOWNSHIP OF MOORESTOWN TO PROVIDE REQUIREMENTS FOR THE START OF CONSTRUCTION PURSUANT TO AN APPROVED PLAN**

WHEREAS, the Township of Moorestown has previously adopted ordinances for subdivision and site plan requirements; and

WHEREAS, the adopted ordinances do not fully address requirements specific to construction of subdivisions and site plans pursuant to an approved plan; and

WHEREAS, the Township of Moorestown has determined that it is in the best interest of the Township to add language to establish requirements to be followed for the start of construction pursuant to an approved plan.

NOW, THEREFORE BE IT ORDAINED by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, that Article II of the Moorestown Subdivision of Land Code is hereby amended to add new Section 158-9.1 Start of Construction Pursuant to an Approved Plan, which shall state as follows:

Section 1: 158-9.1 Start of Construction Pursuant to an Approved Plan

- A. Definition. For the purposes of this section, the term "public improvements" shall include streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments, water mains, culverts, storm sewers, structural and nonstructural stormwater management facilities, sanitary sewers or other means of sewage disposal excluding individual subsurface sewage disposal systems intended to serve individual lots, drainage structures, erosion control features, and sedimentation control devices; open space land improvements and equipment; landscaping; and, for site plans only, other on-site improvements.
- B. Requirements specific to subdivisions. No final major subdivision plat shall be recorded unless the township engineer has certified to the township that all public improvements required by the preliminary subdivision approval have been satisfactorily completed or an appropriate performance guarantee has been posted with the township.
- C. Applicability to sections or phases of development. Where development is in sections or phases, the requirements of this section shall be applied by section or phase.

D. Construction permits for residential development. No construction permit shall be issued for any residential building within the subdivision or site plan area until the developer has completed the following public improvements in accordance with the approved subdivision plans and construction plans required by subsection F. (4) of this section:

- (1) Water mains, curb stops, hydrants. The system shall be installed and tested for initial operation to function as designed.
- (2) Sanitary sewers, house connections, cleanouts, pump stations per approved plans. The system shall be installed and tested for initial operation to function as designed.
- (3) Stormwater management facilities including both structural and non-structural components, which shall be operated and maintained by the developer until completion of the project and conveyance to the township or homeowners.
- (4) Street curbing and paving except for top course paving.
- (5) All utilities within the street right-of-way. If not located in the street right-of-way, the developer shall state the location of each utility located elsewhere.
- (6) Improvements to open space as designated by the board.
- (7) Other improvements as designated by the board, which may include landscaping, berming, fencing, and buffers, as required by the nature of the subdivision and/or its location in relation to adjacent developments.

All improvements must be maintained in satisfactory condition. Improvements requiring replacement or repair shall be completed prior to the issuance of a certificate of occupancy for the affected section.

E. Improvements required for issuance of a certificate of occupancy for residential developments. No certificate of occupancy shall be issued for any residential building within a development until the following additional improvements have been installed (where indicated, the term "seasonal" means that the improvement may be deferred for a maximum of six months, as determined by the township engineer):

- (1) Street and parking lot lighting from the entrance of the development to the dwelling for which the certificate of occupancy is being issued.
- (2) Permanent street name signs erected; building address number signs on buildings, except single-family homes as defined in the Uniform Construction Code.

- (3) Sidewalks sufficient for safe public travel, particularly to the nearest school bus stop (seasonal).
- (4) Final grading (seasonal).
- (5) Three copies of an as-built grading plan showing all improvements required in subsection D of this section, together with finished elevations, including basement, first floor, garage floor, building corners and property corners. As-built contours are to be shown at the contour interval as shown on the plot plan (seasonal).
- (6) As-built drawings for drainage structures and all stormwater management facilities, including both structural and non-structural components.
- (7) Driveways (seasonal).
- (8) Shade trees and other landscaping on site (seasonal).
- (9) Off-tract improvements as designated by the board.
- (10) Recreational facilities (seasonal).
- (11) Parking areas.
- (12) Any traffic control devices necessary for the enforcement of N.J.S.A. title 39. All such devices shall be designed and installed in accordance with the requirements of the uniform manual for such devices.
- (13) All utilities installed, including gas, electric, telephone and cable.
- (14) Fire lane markings and signage.
- (15) Parking stall striping.
- (16) Solid waste and recycling facilities.

F. Start of construction. Construction pursuant to a site plan or subdivision approval shall not commence until:

- (1) The developer has paid all fees required by this chapter;
- (2) The developer has received all other governmental permits and approvals required by the board's resolution granting subdivision or site plan approval;

- (3) The developer has satisfied all conditions of approval required by the board's resolution of approval granting subdivision and/or site plan approval;
- (4) The developer's construction plans have been filed with and approved by the director of community development;
- (5) The developer has attended a preconstruction meeting with the township engineer for the purpose of forecasting and resolving problems that may arise during the course of construction; and
- (6) The developer has furnished the township with all required performance guarantees and inspection escrow deposits.

Section 2: Effective Date. This ordinance shall take effect upon its final passage, adoption and publication on the earliest date permitted by law.

Section 3: Severability. If any section, paragraph, clause, phrase, term, provision or part of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, inhere or invalidate the remainder thereof, which shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

Section 3: Effective Date. This ordinance shall take effect upon its final passage, adoption, and publication on the earliest date permitted by law.

Section 4: Severability. If any section, paragraph, sentence, clause, phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 5: Short Title. This ordinance may be cited as Ordinance No. 3-2013.

#### NOTICE

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, held on February 11, 2013. This ordinance will be further considered for final passage by the Township Council at a meeting to be held in the IT Room at the Moorestown High School, 350 Bridgeboro Road, Moorestown, NJ on March 11, 2013. All persons interested will be given the opportunity to be heard concerning such ordinance. During the week prior to and including the date of such further consideration, copies will be made available at the Municipal Clerk's Office to any member of the general public who shall request such copies.

Patricia L. Hunt, RMC  
Township Clerk

(TMF / 1-3-13)