

**TOWNSHIP OF FREDON
ORDINANCE 2023-12**

**AN ORDINANCE BY THE TOWNSHIP OF FREDON, COUNTY OF
SUSSEX, AND STATE OF NEW JERSEY AMENDING CHAPTER 466 OF
THE TOWNSHIP CODE ENTITLED “STREETS AND SIDEWALKS”
TO ADD NEW ARTICLE VII ENTITLED “SERVICES ON
NONDEDICATED AND UNACCEPTED STREETS”**

WHEREAS, from time to time, the Township of Fredon (“Township”) reviews the Township Code in order to clarify, update, or amend its provisions.

WHEREAS, N.J.S.A. 40:67-23.1 provides that the governing body of every municipality may make, amend, repeal and enforce ordinances to cause the governing body of the municipality to repair and maintain and provide for the removal of snow, ice, and other obstructions from, and provide for the lighting of, any roads or streets upon which the travel is sufficient, in the opinion of the governing body, to warrant such expenditures, even though such roads or streets shall not have been taken over by said municipal governing body or dedicated and accepted as public highways.

WHEREAS, the Township seeks to authorize such action(s) as permitted by statute.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of Fredon, County of Sussex, and State of New Jersey as follows:

SECTION 1. Chapter 466 of the Township Code entitled, “Streets and Sidewalks” is hereby amended to add new Article VII entitled “Services on Nondedicated and Unaccepted Streets” as follows:

Chapter 466. Streets and Sidewalks

Article VII. Services on Nondedicated and Unaccepted Streets

§ 466-23. Statutory authority.

This Article is adopted pursuant to N.J.S.A. 40:67-23.1 and its amendments and supplements.

§ 466-24. Determination of eligibility; provision of services.

When, in the opinion of the governing body, travel is sufficient upon any roads or streets in the Township not taken over by the municipality or dedicated and accepted as public highways, expenditures may be made for the following:

- A. To repair and maintain and provide for the removal of snow, ice and other obstructions from said roads or streets;

- B. To provide for the lighting of said roads or streets; and
- C. To provide for the collection of solid waste placed at the curb of such roads or streets, or for the reimbursement of such solid waste collection costs as the Township may determine to have been reasonably incurred by persons residing adjacent to such roads or streets.

§ 466-25. Improvements to meet requirements.

Roads or streets so serviced, which are not shown on the Official Map of this municipality, may, at the option of the Township, be suitably improved in accordance with any requirements established pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-32 to -36) and Chapter 550, Article VI of this Code entitled "Design Standards."

§ 466-26. Effect of providing services.

The rendering of services under this Article shall not constitute acceptance of a road or street by the municipality, nor does it create any rights, duties, obligations, or liabilities for residents or the municipality, except as may already exist under general law and local ordinances, and nothing herein shall require the municipality to provide such services to or on any road or street in this municipality unless the governing body determines that such services are warranted.

§ 466-27. Nonexclusive control.

Nothing herein shall be deemed as effecting exclusive control in the Township over such eligible roads or streets. Others may undertake any action in maintaining and/or improving such private roads or streets. The Township assumes no liability for any injury or damage resulting from the use of such private roads.

SECTION 2. If any article, section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township, the provisions hereof shall be determined to govern. All other ordinances of the Township are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. This Ordinance shall take effect immediately upon final passage and publication according to law.

NOTICE

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Fredon Township Committee, County of Sussex, State of New Jersey held on October 11, 2023. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held in the Township Committee Meeting Room, in the Fredon Township Municipal Building, 443 Route 94, in the Township of Fredon on October 25, 2023 at which time and place all persons interested will be given an opportunity to be heard concerning said Ordinance and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Township Clerk's Office to the members of the general public who shall request the same.

Suzanne Boland, Clerk

John Flora, Mayor

Introduced:

Adopted: