

## **Title 12**

### **STREETS, SIDEWALKS AND PUBLIC PLACES**

Chapters:

**12.04 Sidewalk Construction and Repair**

**12.08 Parking Lot and Driveway Construction**

**12.12 Street and Sidewalk Obstructions**

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#### **Chapter 12.04**

#### **SIDEWALK CONSTRUCTION AND REPAIR**

Sections:

**12.04.010 Permit required.**

**12.04.020 Duty of property owner.**

**12.04.030 Supervision of work.**

**12.04.040 Repairs done by the borough.**

**12.04.050 Standards and specifications for borough sidewalks.**

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#### **12.04.010 Permit required.**

No sidewalk, curb or gutter, or any part of a sidewalk, curb or gutter in the borough shall be laid, relaid, repaired, taken up or removed for any purpose whatsoever without a written permit having been issued by the borough.

(Prior code § 16-9.1)

#### **12.04.020 Duty of property owner.**

The owner of the land in front of which sidewalks shall be required to be constructed, laid, relaid or repaired, shall, after service of notice upon the owner to do the work, be allowed thirty (30) days from the date of service of the notice, in which to construct, lay, relay or repair the sidewalks, provided, however, that in the event there is shown by the property owner that a contract has been entered into for the replacement of the sidewalk or that a diligent effort has been made by the owner in good faith to meet the requirements of the thirty

(30) day notice, then in that event the thirty (30) day requirement can be extended for a period up to ninety (90) days. However, in the extending of the thirty (30) day requirement to ninety (90) days consideration must also be given as to the significant public hazard that might exist by the failure of having the sidewalk repaired.  
(Prior code § 16-9.2)

#### **12.04.030 Supervision of work.**

All sidewalks, curbs and gutters shall be constructed, laid, relaid, repaired, altered or improved in accordance with the specifications and standards prescribed by this chapter. All work performed pursuant to a permit for sidewalk improvement issued by the borough shall be subject to inspection and supervision by agents or employees of the borough. Any work performed on any sidewalk which does not conform to the specifications and standards established by this chapter shall be subject to removal at the expense of the installing permittee.  
(Prior code § 16-9.3)

#### **12.04.040 Repairs done by the borough.**

In case the owner of the land upon which sidewalks shall be required to be constructed, laid, relaid, repaired, altered or improved shall fail to do the required work within thirty (30) days after receiving notice, the borough council shall cause the work to be done and the cost shall be assessed upon the subject property and shall constitute a lien as provided by law.  
(Prior code § 16-9.4)

#### **12.04.050 Standards and specifications for borough sidewalks.**

A. No sidewalks shall be installed adjacent to or abutting any tree or shrub under the jurisdiction of the shade tree commission in such a manner so that it shall interfere with tree growth or stability. Installation of sidewalks in proximity to or abutting any tree or shrub under the jurisdiction of the shade tree commission shall require the submission of plans to the shade tree commission and the receipt of permission, in writing, from the shade tree commission for the proposed installation prior to installation.

B. All sidewalks constructed in residential zones shall be not less than four feet wide and shall conform to borough specifications.

C. All sidewalks constructed in commercial or business zones shall be constructed in accordance with the pattern and specifications established by this chapter and shall extend from the curb line to the building line and shall be subject to review, inspection and approval by the borough engineer.

D. All gutters on both sides of all streets, avenues, highways and public lanes in the borough shall be at least three feet in width.

E. All curbs on both sides of all streets, avenues, highways and public lanes in the borough shall be of a height designated by the borough engineer and shall be built in conformity with the standards and specifications adopted by the borough.  
(Prior code § 16-9.5)

#### **12.04.060 Construction standards--Central business district.**

A. Sidewalks located on the following streets shall be reconstructed to the standards established herein: Main Street, Throckmorton to Spring/Center; Court Street, Main to Broad, South Street, Main to Throckmorton, Center Street (Main to Parking Lot Entrance).

B. Construction Standards. A concrete sidewalk shall be provided from the building line to the building side of the area reserved for shade tree plantings. This concrete sidewalk shall be not less than five feet in width. From the concrete sidewalk to the street curb there shall be brick pavement. The area reserved for shade tree planting is normally three feet in depth. If sufficient width is not available for a shade tree planting, this brick pavement must be at least sixteen (16) inches wide. In addition, from the center of each shade tree planter area to the building, there shall be a sixteen (16) inch wide band of brick pavers.

C. Concrete sidewalks shall be four inches thick except where crossing a driveway it shall be six inches thick. Concrete shall be 3500 psi, NJDOT Class "B". One-half inch bituminous expansion joints shall be provided at building frontage, adjacent to brick paver areas and every twelve (12) feet. Smooth troweled control joints shall be provided every four feet. Reinforcing six inches by six inches welded wire shall be used in all concrete areas. All concrete to be set on four inches thick compacted gravel base.

D. Brick pavers shall be one and one and five-eighth inches by four inches by eight inches (normal size) except where the brick crosses a driveway two and one-fourth inches by four inches by eight inches normal size brick is required. Pavers to be set on one inch of compacted sand on top of a four-inch concrete base (six-inch concrete base in driveways). Pavers to be laid with minimal joints and these joints are to be filled with a fine sand-portland cement grout mix. Concrete base to conform to standards for sidewalk areas in subsection C of this section.

E. Brick pavers are to be laid in the following pattern: one row perpendicular to the curb, the remaining pavers in the shade tree area to be set parallel to the curb; two brick pavers laid parallel to the street in a row sixteen (16) inches wide from the center of the planter area to the store front. A schematic design of this pattern is on file with the superintendent of public works.

F. Brick shall be supplied by Diener Brick Corp., Collingswood, style top shade flashed pavers, Glen Gery, Reading PA; Modular Paver Flashed Range; Brick and Tile Corp., Lawrenceville, VA, Paver 1-175; or equal.

G. All sidewalk installations shall be subject to the issuance of the required permit from the superintendent of public works.  
(Prior code § 16-9.6)

### **Chapter 12.08**

#### **PARKING LOT AND DRIVEWAY CONSTRUCTION**

##### Sections:

**12.08.010 Established.**

**12.08.020 Class One standards.**

**12.08.030 Class Two standards.**

**12.08.040 Class Three standards.**

**12.08.010 Established.**

There is established three classes of parking lot and driveway construction standards:

- A. Class One, residential.
- B. Class Two, commercial.
- C. Class Three, industrial.

(Prior code § 16-10.1)

**12.08.020 Class One standards.**

A. A two and one-half inch minimum base of bituminous concrete stabilized base to be thoroughly compacted over a firm bearing surface. If wet or spongy areas are encountered during construction, those areas should be further excavated until the undesirable material is completely removed. Upon the removal of the above-mentioned, the excavated area must be filled in with stabilized base that is thoroughly compacted to completely fill the void.

B. Upon completion of the stabilized base course, one inch of FABC (Mix No. 5) shall be applied as a surface course. This course must be thoroughly compacted by the use of a roller with a minimum weight of seven tons.

C. Crushed stone, "Type 5, Class A" (1"-1 ½" dia.) may be used in lieu of bituminous concrete stabilized base with the permission of the borough engineering department.

D. A tack coat applied directly to the stabilized base course before application of the surface course is desirable.

(Prior code § 6-10.2)

**12.08.030 Class Two standards.**

This type of construction must, of necessity, be a more durable type. The same criteria that are required by Class 1 apply here, with the exception that the base and surface courses are thicker; hence, are more rugged construction.

The bituminous concrete stabilized base course shall be a minimum of four inches thick. As in the case of Class 1, crushed stone, "Type 5, Class A" (1"-1 ½" dia.) may be substituted upon receipt of permission of the borough engineering department.

The surface course shall be FABC (Mix No. 5), a minimum of one and one-half inches thick.

(Prior code § 16-10.3)

**12.08.040 Class Three standards.**

A. The bituminous concrete stabilized base course shall be a minimum of six inches thick. As in Class 1 and 2, crushed stone, "Type 5, Class A" (1"-1 ½" dia.) may be substituted upon receipt of permission of the borough engineering department.

B. The surface course shall be FABC (Mix No. 5), a minimum of two inches thick.

For variations of all three classes, due mainly to subbase conditions, see Figures 10 and 11, pages 85, 86 in "Asphalt Handbook for County and Municipal Engineers", dated November 1966.  
(Prior code § 16-10.4)

## **Chapter 12.12**

### **STREET AND SIDEWALK OBSTRUCTIONS**

Sections:

**12.12.010 Permit for building material.**

**12.12.020 Display of merchandise.**

**12.12.030 Awnings.**

**12.12.040 Signs--Showcases.**

**12.12.050 Proximity to fire hydrants.**

**12.12.060 Shrubbery--Fences.**

#### **12.12.010 Permit for building material.**

No person shall encumber or obstruct any street, highway, public lane or alley, or other public place in the borough by placing thereon any building material or any other article or thing whatsoever without having first obtained the written permission of the superintendent of public works.

(Prior code § 5-6.1)

#### **12.12.020 Display of merchandise.**

No person shall place upon any sidewalk of any public street or public thoroughfare of the borough any showcase or other construction or device for the display of merchandise or produce, or any box, barrel, can, package or thing, whatsoever, or any sign or advertising device of any kind within a height of eight feet above the sidewalk or further than three feet from the foundation line, or to display upon the sidewalk of any public street any merchandise or produce for sale or as an advertisement. This chapter shall not be construed to prevent the reasonable use of the sidewalk by the occupant of any building or part thereof for loading or unloading merchandise or produce nor to prevent any receptacles for ashes or other refuse being placed upon the sidewalk when so used or placed in accordance with the provisions of the borough ordinances.

(Prior code § 5-6.2)

#### **12.12.030 Awnings.**

No owner or occupant of any dwelling house, store or other building or premises, shall hereafter fix, put up or erect any wooden shed or any covering of wood or other material, except cloth or canvas, for the purpose of an awning which shall project into or be erected over and upon the street or sidewalk in front of any building or premises except that a marquee may be placed in front of a theatre or hotel by permission of the mayor and council and according to their orders and approval.

No owner or occupant of any dwelling house, store or other building in the borough shall erect any iron brackets or frames, for the support of any awnings unless brackets or frames shall be firmly secured to the building. No part of the awning shall be less than seven feet in height above the sidewalk, nor project beyond the curb line, nor more than ten feet in any case whatever.  
(Prior code § 5-6.3)

#### **12.12.040 Signs--Showcases.**

No owner or occupant of any dwelling house, store or other building or premises, shall hang or erect any sign, show bill, showcase, or other thing which shall project into or over the street or sidewalk, more than three feet in front of the outside foundation line of any building or premises; nor within eight feet above the sidewalk.  
(Prior code § 5-6.4)

#### **12.12.050 Proximity to fire hydrants.**

No obstruction of any kind shall be placed upon the streets, sidewalks or public places within the borough within six feet of any fire hydrant, and the space around all such hydrants shall at all times be kept open and unobstructed.  
(Prior code § 5-6.5)

#### **12.12.060 Shrubbery--Fences.**

No person being the owner or occupier of any lands in the borough which abut any of the intersecting public streets and highways in the borough shall construct, maintain or permit to be maintained on the premises, at a height in excess of three feet from the ground level, any obstructions in the nature of fences or other structures, trees or shrubbery, within a distance of twenty-five (25) feet from the street line of all intersecting streets, so as to give a clear and unobstructed view above the three foot height aforementioned approaching the intersections on either street for the twenty five (25) foot distance.  
(Prior code § 5-6.6)

### **Chapter 12.16**

#### **EXCAVATIONS AND PUBLIC ROAD OPENING PERMITS**

Sections:

- 12.16.010 Definitions.
- 12.16.020 Street openings and pavement cuts.
- 12.16.030 Duties and responsibilities of applicants.
- 12.16.040 Street opening regulations.
- 12.16.050 Fees.
- 12.16.060 Deposits.
- 12.16.070 Liability insurance.
- 12.16.080 Openings in new streets.

#### **12.16.010 Definitions.**

The following words shall have the meanings ascribed to them when used in this chapter, except in those

instances where the context clearly indicates otherwise:

"Applicant" means any person who makes an application for a permit.

"Borough" means the borough of Freehold, county of Monmouth, state of New Jersey.

"Emergency" means any unforeseen circumstances or occurrence, the existence of which constitutes a clear and immediate danger to persons or properties.

"Engineer" or "borough engineer" means the borough engineer of Freehold, or his or her duly credited representative acting within the powers assigned him or her.

"Permittee" means any person who has been issued a permit and has agreed to fulfill all the terms of these regulations.

"Person" means and includes any natural person, partnership, firm, association, utility or corporation. Whenever used in any section prescribing and imposing a penalty, the term "person," as applied to associations, means the partners or members thereof, and as applied to corporations, the officers thereof.

"Street" means and includes a public street, public easement, public right-of-way, public highway, public alley, public way or public road owned, accepted or maintained by the borough.  
(Ord. 2005/21 § 1 (part))

#### **12.16.020 Street openings and pavement cuts.**

A. Permit Required.

1. Compliance with Regulations. It is unlawful for any person or persons to tear up or excavate any of the borough streets or roads, or borough-owned parking lots, for any purpose whatsoever without first obtaining the necessary permit in accordance with the regulations of this chapter.
2. Permit for Each Separate Undertaking. It is unlawful for any person to make any tunnel opening or excavation of any kind in or under the surface of any street of the borough without first securing a permit for the borough for each separate undertaking.
3. Exception for Utility Company Emergency. However, any public utility company maintaining pipes, lines or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately, providing the permit, either written or oral, could not reasonably and practically have been obtained beforehand.
4. Application for Permit. The utility company or applicant shall thereafter apply for a permit on the first regular business day on which the office of the borough engineer is open for business and such permit shall be retroactive to the date when the work was begun.

B. Street Openings Limited. No person to whom a permit has been granted shall perform any of the

work authorized by such permit in any amount or quantity greater than that specified in the permit, except that, upon the approval by the engineer, additional work may be done under the provisions of the permit in an amount not greater than ten (10) percent of the amount specified in the permit. Any deposit and bond posted in connection with the original permit shall be deemed to cover any such additional work as may be approved pursuant to this section within the limit mentioned in this subsection.

C. Commencement of Work. Work for which a permit has been issued shall commence within ninety (90) days after the issuance of the permit. If not so commenced, the permit shall be automatically terminated. Permits thus terminated may be renewed upon the payment of an additional application fee of twenty five dollars (\$25.00).

D. Permits Nontransferable. Permits are not transferable from one person to another and the work shall not be made in any place other than the location specifically designated in the permit. Work, done by contractors, subcontractors or agents of the permittee within the scope of the permit, shall not be considered as done by another person.

E. Expiration of Permits--Extension of Time. Every permit shall expire at the end of the period of time which shall be set out in the permit. If the permittee is unable to complete the work within the specified time, he or she shall, prior to the expiration of the permit, present a request in writing to the engineer for an extension of time, setting forth therein the reasons for the requested extension. If, in the opinion of the engineer, such an extension is necessary and not contrary to the public interest, the permittee may be granted additional time for the completion of the work.

F. Municipal Utility Cuts. All street openings required by utilities owned and/or operated by the borough shall be made and restored under the direction and supervision of the engineer. The permit, fee, deposit, insurance and bond requirements shall not be applicable to any openings made by such municipally owned and/or operated utilities.

Street openings, pavement cuts, and pavement restoration for sanitary sewer and water service connection extensions, after obtaining the required utility permits from the borough in addition to the street opening permit, shall be made by the applicant.

G. State and County Highways. These regulations shall not be applicable in those instances where the highway is maintained by the state of New Jersey or by the county of Monmouth. In such cases, the regulations of the respective governmental bodies having jurisdiction shall govern.

H. Rights of the Borough. Every permit shall be granted subject to the rights of the borough or of any other person entitled thereto to use the street for any purpose for which such street may lawfully be used, not inconsistent with the permit.

I. Revocation of Permits.

1. Grounds for Revocation. Any permit may be revoked by the engineer after notice to the permittee, for:

a. Violation of any condition of the permit or of any provisions of these regulations;

- b. Violation of any provision of any other applicable ordinance or law relating to the work;
  - c. Existence of any condition or the doing of any act constituting or creating a nuisance or endangering the lives or properties of others. A permittee may be granted a period of two days from the date of the notice to correct the violation and to proceed with the diligent prosecution of the work authorized by the permit before such permit is revoked.
2. **Written Notice of Violations.** Written notice of any such violation or condition shall be served the permittee or his or her agent engaged in the work. The notice shall contain a brief statement of the grounds relied upon for revoking the permit. Notice may be given either by personal delivery thereof to the person to be notified or by certified or registered United States mail addressed to the person to be notified.
  3. **Borough Engineer to Restore Street.** When any permit has been revoked and the work authorized by the permit has not been completed, the engineer shall do such work as may be necessary to restore the street or part thereof to as good condition as before the opening was made. All expenses incurred by the borough shall be recovered from the deposit or bond the permittee has made or filed with the borough.

(Ord. 2005/21 § 1 (part))

#### **12.16.030 Duties and responsibilities of applicants.**

- A. **Application for Permit--Plan of Work.** It shall be the duty and responsibility of any applicant to:
  1. Make a written application for such permit with the engineer on such form as he or she shall prescribe. No work shall commence until the engineer has approved the application and plan and issued a permit and until the permittee has paid and provided all fees, deposits, certificates and bonds required under these regulations. The permit shall be approved or denied within ten (10) days of receipt of application;
  2. Furnish in duplicate a plan showing the work to be performed under such permit. If approved by the engineer, one copy of such plan shall be returned to the applicant at the time the permit is granted.
- B. **Nonliability Agreement.** The applicant shall agree to save the borough, its officers, employees, and agents harmless from any and all costs, damages and liabilities which may accrue or be claimed to accrue by reason of any work performed under such permit. The acceptance of any permit under these regulations shall constitute such an agreement by the applicant whether the same is expressed or not.
- C. **Evidence of Availability for Commencement of Work.** The applicant shall present evidence that all materials, labor and equipment which are needed to complete such work as authorized by the permit are available, or will be available prior to the scheduled date of commencement.
- D. **Show of Permit Upon Demand.** The applicant shall keep the original copy of the permit and an approved copy of the plan at all times while such work is in progress at the location for which the permit was

granted and show such permit and/or plan upon demand by the borough or police authorities.  
(Ord. 2005/21 § 1 (part))

#### **12.16.040 Street opening regulations.**

- A. Opening and Excavation Restrictions.
  - 1. Center Line Restriction. No opening or excavation in any street shall extend beyond the center line of the street before being backfilled and the surface of the street temporarily restored.
  - 2. Same Day Backfill--Exception. Trenches shall not be opened for a longer distance than that which can be properly backfilled and temporarily patched the same day; except in certain instances when, due to the special nature of the work involved, backfill cannot be accomplished the same day, provided prior notice be given to the engineer and any trench or excavation be properly safeguarded and not obstruct the flow of traffic.
  - 3. Backfill shall consist of an approved compacted subgrade material, placed and compacted in six-inch layers with a vibratory pad-type compactor, when access with a vibratory roller is not practical. Pavement subbase shall be a minimum six-inch dense, graded aggregate base course which shall consist of quarry-processed stone. Pavement base shall be six inches of hot mix asphalt base course, Mix I-2. All material and construction methods shall conform to the requirements of the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, Latest Edition.
  - 4. Utility Facilities. All utility facilities shall be exposed sufficiently ahead of trench excavation work to avoid damage to those facilities and to permit their relocation if necessary.
  - 5. Protection of Pipe Drains--Culverts. Pipe drains, pipe culverts or other facilities encountered shall be protected by the permittee.
  - 6. Repair and Payment of Damage. Any facilities or utilities damaged by the permittee must be repaired by the permittee under the supervision of the interested person or the permittee shall make payment to that person to cover repairs made by the utility company or the interested person.
  - 7. Monuments. Monuments of concrete, iron, or other lasting materials set for the purpose of locating or preserving the lines of any street or property subdivision, or a precise survey reference point or a permanent survey bench mark within the borough shall not be removed or disturbed or caused to be removed or disturbed unless permission to do so is first obtained in writing from the engineer. Permission shall be granted upon condition that the permittee shall properly replace the monument.
  - 8. Proper Drainage. When work performed by the permittee interferes with the established drainage system of any street, provision shall be made by the permittee to provide proper drainage to the satisfaction of the engineer.

9. Removal of Excavated Material. When any earth, gravel or other excavated material is caused to roll, flow or wash upon any street, the permittee shall cause the same to be removed from the street within eight hours after deposit. In the event the earth, gravel or other excavated material so deposited is not removed, the engineer shall cause such removal and the cost incurred shall be paid by the permittee or deducted from his or her deposit.
10. Safety Requirements.
  - a. Every permittee shall place around the project such barriers barricades, lights, warning flags or danger signs as shall be determined by the engineer or the police authorities for the protection of the public. Additional safety requirements may be prescribed by the engineer or the police authorities and, where applicable, shall be in conformance with the requirements set forth by OSHA. Where it is expected traffic flow will be obstructed, the police department shall be notified prior to excavation. The borough fire department shall be notified by the permittee when a street shall be blocked off.
  - b. Whenever any person fails to provide or maintain the safety devices required by the engineer, such devices shall be installed and maintained by the borough. The amount of the cost incurred shall be paid by the permittee or deducted from his or her deposit.
  - c. No person shall wilfully move, remove, injure, destroy or extinguish any barrier, warning light, sign or notice erected, placed or posted in accordance with the provisions of these regulations.
11. Access to Driveways, Fire Hydrants. Access to private driveways shall be provided except during working hours when construction operations prohibit provision of such access, except in emergencies affecting the safety of life and property. Free access shall be provided at all times to fire hydrants.
12. Public Travel--Flow of Traffic--Nuisance. Excavated materials shall be laid compactly along the side of the trench and kept trimmed up so as to cause as little inconvenience as possible to public travel. In order to expedite the flow of traffic or to abate a dirt or dust nuisance, the engineer may require the permittee to provide toe boards or bins. If the excavated area is muddy and causes inconvenience to pedestrians, temporary wooden plank walks shall be installed by the permittee as directed by the engineer. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, the permittee shall keep a passageway at least one-half the sidewalk width open along such sidewalk line.
13. Time for Work. Work authorized by a permit shall be performed between the hours of eight a.m. and four-thirty p.m., Monday through Friday, unless the permittee obtains prior consent from the engineer to do the work at an earlier or later hour.
14. Further Conditions for Granting of Permit. In granting any permit, the engineer may attach such other conditions thereto as may be reasonably necessary to prevent damage to public or private property or to prevent the operation from being conducted in a manner hazardous to life or property or in a manner likely to create a nuisance. Such conditions may include but shall not be

limited to:

- a. Limitations on the period of the year and time of day in which the work may be performed;
  - b. Restrictions as to the size and type of equipment;
  - c. Designation of routes upon which materials may be transported;
  - d. The place and manner of disposal of excavated materials;
  - e. Requirements as to the laying of dust, the cleaning of streets, the prevention of noise, and other results offensive or injurious to the neighborhood, the general public, or any portion thereof;
  - f. Regulations as to the use of streets in the course of the work.
15. Trenching to be Sawcut. All trenching within the pavement lines shall be sawcut prior to the excavation of the trench.
16. Sawcutting. Before removal of bituminous or Portland cement concrete materials, a full-depth sawcut shall be performed to provide for the complete removal of such material without damage to the remaining adjacent material. The saw shall be capable of providing a neat cut, the full depth in a single pass.
- B. Backfilling and Restoring Opening.
1. Backfill.
    - a. After excavation is commenced, the work of making and backfilling the same shall be prosecuted with due diligence.
    - b. Backfill shall consist of an approved compacted subgrade material, placed and compacted in six-inch layers with a vibratory pad-type compactor, when access with a vibratory roller is not practical.

Pavement subbase shall be a minimum six-inch dense, graded aggregate base course which shall consist of quarry-processed stone. Pavement base shall be six inches of hot mix asphalt base course, Mix I-2. All material and construction methods shall conform to the requirements of the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, Latest Edition.
  - c. The engineer must be notified prior to road opening by the permittee. The engineer must also be notified during the twenty-four (24) hour period preceding the beginning of backfilling. The date and approximate time at which backfilling will begin shall also be provided to the engineer.

d. No backfilling shall be accomplished unless or until the engineer or a designated borough inspector is present, except in an emergency situation: however, the applicant accepts responsibility for proper compaction in those instances.

2. Temporary Paving. All excavations shall be temporarily paved at the end of each day's work with a minimum of two inches of hot mix asphalt base course, Mix I-2. The temporary pavement shall be maintained in a satisfactory condition until the final restoration of the pavement is made.

3. Paving. All pavement restoration shall conform to the requirements of the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, Latest Edition.

a. Concrete Base Pavement. Restoration of pavement in streets having a concrete base shall be restored with a minimum of eight inches of Class "B" air-entrained concrete with reinforcement equal to that of pavement removed. Surface course shall be a minimum of two inches of hot mix asphalt surface course (Mix I-5).

b. Bituminous Concrete Pavements. Restoration of bituminous concrete paved streets shall consist of a minimum of six inches of hot mix asphalt base course (Mix I-2) and two inches of hot mix asphalt surface course (Mix I-5).

C. Water and Sewer Connection Trenches. Where permits are for the installation of water or sewer connections, the permittee must provide for the backfill, subbase, base course and the final surface course.

D. Sidewalk Areas. Where excavations are in a sidewalk area, unpaved areas shall be restored to the condition prior to disruption by grading, placement of four inches of topsoiling, seeding, liming and fertilizing. Sidewalks shall be restored to the prior width and grade using the existing type materials wherever possible. New concrete walks may be constructed in lieu of replacement with prior type materials, with permission of the adjacent property owner.

E. Inspection.

1. The borough engineer, or a duly authorized agent or representative of the borough shall make daily inspections of all work authorized by a permit. The engineer is empowered to provide a full-time inspector if the work to be performed is of a nature that a full-time inspector is necessary to ensure compliance with the provisions of these regulations. All costs of inspection shall be borne by the permittee.

2. In no case shall any opening made by a permittee be considered in the charge or care of the borough or any of its officers or employees, and no officer or employee is authorized in any way to take or assume any jurisdiction over any such opening, except in the exercise of the police power, when it is necessary to protect life and property.

(Ord. 2005/21 § 1 (part))

#### **12.16.050 Fees.**

A. Application Fees and Inspection Fees.

1. Application fees	\$100.00
2. Inspection fees.	
a. Opening not to exceed fifty (50) square feet	400.00
b. Opening exceeding fifty (50) square feet	50.00 for every additional 100 square feet

B. Refunds. No refunds of fees shall be made after filing of the application.

C. Waiver of Fees. Application and inspection fees shall be waived for work done at the request of, and solely for, the borough.  
(Ord. 2005/21 § 1 (part))

**12.16.060 Deposits.**

A. Deposit Required. The applicant shall deposit with the borough adequate funds to cover the costs of inspecting the work to be performed, restoring the street damaged or disturbed by the work, protection of the work site, cleanup of the work site, and any other work which may be necessary to be performed by the borough, should the applicant fail to comply with the terms and provisions of these regulations. Deposits shall consist of cash, certified check or surety bonds.

B. Computation of Deposit.

1. For a fifty (50) square foot opening, the minimum deposit shall be one thousand dollars (\$1,000.00).
2. For an opening exceeding fifty (50) square feet, the deposit shall be one thousand dollars (\$1,000.00), plus two hundred fifty dollars (\$250.00) for each additional fifty (50) square feet.

C. Form of Deposit. The deposit may be either in the form of a certified, treasurer's or cashier's check or in lawful money of the United States. A surety bond may be substituted for the check or money.

D. Insufficient Deposit. If any deposit is less than sufficient to pay all costs, the permittee shall, upon demand, pay to the borough an amount equal to the deficiency. If the permittee fails or refuses to pay such deficiency, the borough may institute an action to recover the same in any court of competent jurisdiction. Until such deficiency is paid in full, no additional permits shall be issued to such permittee.

E. Yearly Deposit. Whenever any public utility or authority shall anticipate more than one street opening or excavation per calendar year, such utility or authority may post one deposit in an amount and form as provided in subsection C of this section for the calendar year or part thereof to cover the cost of any and all work. Public utilities or authorities with assets in excess of one hundred thousand dollars (\$100,000.00) may post a corporate bond to cover the anticipated work for the year, but such bond shall not be less than fifty thousand dollars (\$50,000.00).

F. Refund of Deposit. Upon notification by the permittee that all work authorized by the permit has been completed and after restoration of the opening, the borough shall refund to the permittee his or her deposit, less all costs incurred by the borough in connection with such permits. In no event shall the application or permit fee be refunded. In those instances where bonds are utilized for deposits, the borough may make a claim against the total amount of the bond for all costs incurred by the borough. Should the permittee fail to comply with the regulations, the total amount of the bond shall be applied singularly to each permit so that at all times thereafter, there remains in effect the full amount of the bond.  
(Ord. 2005/21 § 1 (part))

#### **12.16.070 Liability insurance.**

A. Insurance Requirements. Each applicant, before the receipt of a permit, shall provide the borough with an acceptable certificate of insurance indicating that he or she is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself or herself, his or her subcontractor, or anyone directly or indirectly employed by him or her, and naming the borough as one of the insured. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the engineer in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury in effect shall not be in an amount less than one hundred thousand dollars (\$100,000.00) for each person and three hundred thousand dollars (\$300,000.00) for each accident and, for property damages, in an amount not less than one hundred thousand dollars (\$100,000.00) with an aggregate of three hundred thousand dollars (\$300,000.00) for all accidents. Public utilities and authorities may be relieved of the obligation of submitting such a certificate if they are insured in accordance with the requirements of these regulations.

B. Public Utility or Authority--Self-Insurer Certificate. In lieu of filing a certificate of insurance, a public utility or authority may file with the borough a copy of a self-insurer certificate issued by the Security-Responsibility Bureau of the Department of Law and Public Safety.  
(Ord. 2005/21 § 1 (part))

#### **12.16.080 Openings in new streets.**

A. Notices of Improvements. When the borough shall improve or pave any street, the engineer shall first give notice to all persons owning vacant property abutting on the street about to be paved or improved, and to all public utilities and authorities operating in the borough. All such persons, utilities and authorities shall make all connections as well as any repairs thereto which would necessitate excavation of the street within sixty (60) days from the giving of such notice. The time shall be extended if permission is requested in writing and approved by the borough.

B. Restrictions Upon Opening New Streets. No permit shall be issued by the engineer which would allow an excavation or opening in a paved and improved street surface less than five years old unless the applicant can clearly demonstrate that public health or safety require that the proposed work be permitted or unless an emergency condition exists.  
(Ord. 2005/21 § 1 (part))

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## Chapter 12.20

### SNOW AND ICE REMOVAL

#### Sections:

**12.20.010 Responsibility of owner.**

**12.20.020 Posting of notice of noncompliance.**

**12.20.030 Removal by the borough.**

**12.20.040 Costs of removal to be lien.**

**12.20.050 Casting of snow or ice.**

**12.20.060 Violations--penalties.**

#### **12.20.010 Responsibility of owner.**

The owners of lands abutting the sidewalks of public streets shall remove or cause to be removed all snow and ice in accordance with the following regulations:

- A. For properties located in the business zones of the borough, a pathway at least six feet wide shall be cleaned of accumulated snow and ice by twelve noon of any day when the snowfall and/or ice formation concludes between three p.m. of the prior day and nine a.m. of the current day; and within four hours on any day when the snowfall and/or ice formation concludes between the hours of nine a.m. and three p.m.
- B. For properties located in all other zones of the borough, a pathway at least four feet wide shall be cleared of all accumulated snow and ice by nine a.m. of any day when the snowfall and/or ice formation has concluded by six p.m. of the prior day; and by nine p.m. of any day if the snowfall and/or ice formation has concluded after six p.m. of the prior day.
- C. Owners of properties located at the intersection of two streets shall also extend the required cleared pathway to the cleared portion of the street at the designated crosswalk of the intersecting streets.

(Prior code § 5-8.1)

#### **12.20.020 Posting of notice of noncompliance.**

When the owner of a property required to clear snow and/or ice from the sidewalk area fails to complete this task within the required time for completion in Section 12.20.010, and the property is not occupied by the owner, or the owner is not available to receive the summons, the structure will be posted with a notice that the owner is in noncompliance, and if the required work is not completed within twenty-four (24) hours, the work will be done by the borough at the expense of the owner. The posting of this notice shall serve as conclusive proof that the owner of the property was adequately advised of his responsibilities in the incident under enforcement.

(Prior code § 5-8.2)

#### **12.20.030 Removal by the borough.**

When the owner of a property required to clear snow and/or ice from the sidewalk area fails to complete this task within the time stated on the notice, and has been issued at least one summons and/or notice for this nonperformance, then the superintendent of public works, or his or her designated agent, may cause the required work to be done at the expense of the property owner.

(Prior code § 5-8.3)

#### **12.20.040 Costs of removal to be lien.**

The cost incurred and paid by the borough in removing accumulated snow and ice from a sidewalk area shall be certified as being true by the superintendent of public works and presented to the mayor and council. The mayor and council shall examine the certificate and related information concerning the cost of removal, and if satisfied that the costs are fair and reasonable, the mayor and council shall cause the approved cost to be charged against the lands abutting or bordering the sidewalk. The amount so charged shall be billed to the owner of the lands, and if not paid in full in thirty (30) days, shall forthwith, along with the interest expense, become a lien upon the lands and shall be added to and become a part of the taxes then next to be assessed and levied upon the lands to be collected and enforced according to law.

(Prior code § 5-8.4)

#### **12.20.050 Casting of snow or ice.**

No owner, tenant or occupant or employee or agent of an owner or tenant or occupant, of any premise abutting a public street or right-of-way shall throw, place or deposit snow or ice on any street or public way. Those operating snow plows who deposit snow on the street or right-of-way from their plowing of private property shall remove this snow by pushing it off of the traveled portion of the street and shall not obstruct or narrow that portion of the street or right of way normally cleared by the borough.

(Ord. 1/97 (part): Ord. 35/95 (part): prior code § 5-8.5)

#### **12.20.060 Violations--penalties.**

Any person who shall be guilty of a violation of this chapter shall be issued a summons. A first violation of this chapter shall be punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). Each subsequent violation committed between November 1st and April 30th of any subsequent years shall be punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

Each and every day in which a violation of this chapter exists shall constitute a separate violation.  
(Ord. 1/97 (part: Ord. 35/95 (part): prior code § 5-8.6)

## **Chapter 12.24**

### **PARADES**

#### Sections:

- 12.24.010 Parade defined.
- 12.24.020 Permit required.
- 12.24.030 Exceptions.
- 12.24.040 Permit application.
- 12.24.050 Fee.
- 12.24.060 Standards for issuance--Contents of permit.
- 12.24.070 Notice of rejection.
- 12.24.080 Alternate permit--Limitations.
- 12.24.090 Notice to borough officials.
- 12.24.100 Duties of permittee.
- 12.24.110 Possession of permit.
- 12.24.120 Public conduct during parades.

#### **12.24.010 Parade defined.**

"Parade" means any parade, march, ceremony, show, exhibition, pageant, procession of any kind or similar display in or upon any street, park or other public place in the borough.  
(Prior code § 5-13.1)

#### **12.24.020 Permit required.**

No person or organization of any kind or class shall engage, participate in, aid, form or start any parade, unless a parade permit shall have first been obtained from the borough clerk after review by the mayor and council.  
(Prior code § 5-13.2)

#### **12.24.030 Exceptions.**

This chapter shall not apply to:

- A. Funeral and wedding processions;
- B. Any government agency within the scope of its function;
- C. Students going to and from classes or participating in educational activities, providing such conduct is under the immediate direction, supervision and authorization of the proper school authorities of the borough.

(Prior code § 5-13.3)

#### **12.24.040 Permit application.**

Any person desiring a parade permit shall file an application with the borough clerk on forms provided by the clerk. Applications shall be filed less than twenty (20) days before the date on which the parade is to be conducted. In the event of a late application, the mayor and council shall, when good cause is shown, have the authority to consider applications which are filed less than twenty (20) days before the date on which the parade is to be conducted. The application shall contain the following:

- A. The name, address and telephone number of the person who will be the parade chairperson and who will be responsible for its conduct;
- B. If the parade is to be conducted for or on behalf of any organization, the name, address, telephone number, authorized and responsible leaders of the organization together with the address of the headquarters of the organization;
- C. The name, address and telephone number of the parade chairperson or the person personally responsible for the conduct of the parade;
- D. The date of the parade;
- E. The route to be traveled, including the starting point and the termination point, together with all roads and streets to be traversed during the parade;
- F. The approximate number of persons, animals and vehicles which will participate in the parade and, when available, the type and description of vehicles;
- G. The hour when the parade will start and terminate;
- H. Whether the parade will occupy all or only a portion of the width of the street to be traversed;
- I. The location of any and all streets to be used for assembly areas of the parade;
- J. The time at which the parade will begin to assemble at the assembly areas designated above;
- K. The interval of space to be maintained between each unit of the parade;
- L. If the parade is being held by, on behalf of or for any person other than the applicant, the applicant shall file with the borough clerk a communication in writing from the person holding the parade, authorizing the applicant to apply for the permit on his or her behalf;
- M. Any additional information which the mayor and council may find reasonable for a fair determination as to whether a permit should be issued.

(Prior code § 5-13.4)

**12.24.050 Fee.**

There shall be a fee of two dollars (\$2.00) which shall accompany the completed application when filed

with the borough clerk. The fees shall be used to defray administrative expenses relative thereto.  
(Prior code § 5-13.5)

#### **12.24.060 Standards for issuance--Contents of permit.**

A. Standards. The mayor and council shall order that a permit be issued, after consideration of the application, if they determine that:

1. The conduct of the parade will not substantially interrupt the safe and orderly movement of traffic contiguous to the route of the parade;
2. The conduct of the parade will not require the diversion of so great a number of the police officers of the borough to properly police the parade and contiguous area as to prevent normal police protection of the borough;
3. The conduct of the parade will not require the diversion of so great a number of ambulances so as to prevent normal ambulance service to the borough;
4. The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with the proper fire and police protection of ambulance service to areas contiguous to the assembly areas;
5. The conduct of the parade will not interfere with the movement of fire fighting equipment enroute to any fire in the borough;
6. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroute;
7. The parade is not held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit.

B. Contents of Permit.

1. Starting time;
2. Minimal speed;
3. Maximum speed;
4. Maximum interval of space to be maintained between the units of the parade;
5. The portions of the streets to be traversed or which may be occupied by the parade;
6. The maximum length of the parade in miles or fraction thereof;
7. Such other information as the mayor and council shall find necessary for the enforcement of this

chapter.  
(Prior code § 5-13.6)

#### **12.24.070 Notice of rejection.**

If the mayor and council approve the application, they shall mail to the applicant forthwith a notice of their action. In the event that the application shall not be approved, a like notice shall be given to the applicant no later than five days from the date of the filing of the application.  
(Prior code § 5-13.7)

#### **12.24.080 Alternate permit--Limitations.**

A. The mayor and council, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on the date, at a time or over a route different than that named by the applicant. If the applicant desires to accept the alternate permit, he or she shall notify the council by written notice of acceptance, within three days after notice. An alternate parade permit shall conform to the requirements of, and shall have the effect of a parade permit.

B. The mayor and council shall not approve more than one parade permit for any one twenty four (24) hour period. When there is more than one parade application for the same date, the application received first will be granted the permit provided all the conditions of this chapter are complied with.  
(Prior code § 5-13.8)

#### **12.24.090 Notice to borough officials.**

Immediately following the issuance of a parade permit, the borough clerk shall send a copy thereof to the following:

- A. The mayor;
- B. The borough attorney;
- C. The fire chief;
- D. The chief of police.

(Prior code § 5-13.9)

#### **12.24.100 Duties of permittee.**

Any permittee under this chapter shall comply with all permit directions and conditions and with all applicable laws and ordinances of the borough.  
(Prior code § 5-13.10)

#### **12.24.110 Possession of permit.**

The parade chairperson or such other person in charge of or leading the activity shall carry the parade

permit upon his person during the conduct of the parade.  
(Prior code § 5-13.11)

**12.24.120 Public conduct during parades.**

A. Interference. No person shall unreasonably hamper, obstruct or impede any parade or parade assembly or any person, vehicle or animal participating or being used in the parade.

B. Driving Through Parade. No person shall drive a motor vehicle between the vehicles or persons participating in any parade when the vehicles or persons are in motion and are conspicuously designated as a parade.

C. Parking on Parade Route. The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting part of a route of a parade. The chief of police shall post signs to such effect and no person shall park or leave unattended any vehicle. This chapter shall be effective only upon posting of proper signs.  
(Prior code § 5-13.12)

**Chapter 12.28**

**PARK USE REGULATIONS**

Sections:

- 12.28.010 Definitions.
- 12.28.020 Prohibited uses of parks.
- 12.28.030 Opening and Closing Hours.
- 12.28.040 Recreational activities restricted.
- 12.28.050 Permits--User contracts.
- 12.28.060 Interpretation.
- 12.28.070 Violations--Penalties.
- 12.28.080 Territorial scope.

**12.28.010 Definitions.**

The following words, as used in this chapter, shall have the following meanings:

"Animals" means cats, dogs, horses, any fowl or birds, any living creatures within the jurisdiction of the park.

"Committee" means the recreation committee of the borough or its authorized representatives.

"Council representative" means the member of the council appointed annually by the mayor.

"Director" means the person appointed annually to be in charge of borough recreation.

"Freehold Borough parks or parks system" means all real property situated in the borough or adjacent lands in the township of Freehold acquired by or under the jurisdiction and care of the borough or which may be hereafter acquired by it or come under its jurisdiction.

"Municipality, borough" means respectively that are of borough property which lays within the borough and outside of the borough in Freehold Township.

"Path" means any footpath, walk, or any path maintained for pedestrians.

"Pedestrian" means a person afoot.

"Permit" means any written license issued by or under the authority of the chairperson of the recreation committee or his or her designated representative, permitting a special event or activity on park facilities.

"Private road or drive" means every road or land or driveway not open to the use of the public in general.

"Right-of-way" means the privilege of the immediate use of the roadway, drive, path.

"Safety zone" means any space within the park established for pedestrians.

"Soliciting" means selling goods or services by sample or taking orders for future delivery with or without accepting advance payment for the goods; seeking any form of contributions.

"Stopping or standing," when prohibited, means any cessation of movement of a vehicle occupied or not, except when necessary to avoid conflict with other traffic including horses.

"Traffic" means pedestrians, ridden or herded animals, vehicles, either singly or together, while in the confines of the parks jurisdiction.

"Vehicle" means any conveyance, except baby carriages, including motor vehicles, trailers, campers, tricycles, bicycles, sleds, sleighs, pushcarts, boats or vehicles propelled by other than muscular power. It shall include also, any horse.

"Vending" means to sell, to dispose of by sale or to trade.  
(Prior code § 5A-1)

#### **12.28.020 Prohibited uses of parks.**

A. Animals. No person shall cause or permit any animal owned by him, in his custody or under his control, to go or become at large.

1. Dogs shall be restrained by a leash not exceeding six feet in length.
2. No person shall hunt, molest, kill, wound, trap, take chase, shoot, throw missiles at, remove or have in his possession, any animal, reptile, bird or egg, not owned by him, in his custody, or under his control. Nor shall he knowingly buy, receive, have in his possession, sell or give away any such animal, reptile, bird or egg.

3. No person over the age of thirteen (13) shall fish in any of the brooks, ponds and Lake Topanemus, bordering the parks unless he has a state license. No person shall kill, wound, discharge or throw missiles at any fish in such waters; or place therein any piscivorous fish, poison, or any other substances injurious to fish.
4. No horse shall be driven or ridden in the parks except when allowed by permit of the recreation committee, or after the establishment of horse footpaths for that purpose.

B. Disorderly Conduct. The following shall apply.

1. Possession or consumption of any alcoholic beverages by any person under age twenty-one (21) in any public place or place of public assembly is prohibited. The possession or drinking of any intoxicating beverage by any person at any interscholastic or intrascholastic athletic contest or event is prohibited.
2. No person shall throw stones or other missiles so as to annoy other persons. Games, involving the throwing of missiles to be performed only in designated areas.
3. No person shall climb or stand upon any tree, wall, fence, shelter, seat, statue or other erection.
4. No person shall litter in the park, or deposit on the ice or in Lake Topanemus any matter that would tend to damage the ice for skating or pollute the water.
5. No person shall fail to obey or interfere with a police officer or lifeguard in the proper performance of his or her duties.
6. No person shall remove or open permanent or temporary barriers signs, directionals, gates or fences.

C. Explosives. No person shall bring into or have in his or her possession at borough parks, any explosives, including any substance, compound, mixture or article having properties of such a character that alone or in conjunction with or in combination of other substances or compounds, may decompose suddenly and generate sufficient heat, gas or pressure or any or all of them to produce rapid flaming, combustion, or administer a destructive blow to surrounding objects.

Fireworks are excepted from this regulation, provided written approval of the mayor and council and the State Department of Labor and Industry is secured for the specific occasion.

D. Firearms, Weapons and Tools--Concealed Weapons. No person shall bring into or have in his or her possession:

1. Any pistol or revolver or object upon which loaded or blank cartridges may be used. Official starters, at authorized track and field events, are excepted from this restriction;
2. Any tools, instruments, skeleton keys, picklocks, jimmy, or other things known as burglar tools, except when authorized by law;

3. Any rifle, shotgun, air gun, spring gun, slingshot, bow, or other instrument or weapon in which the propelling force is a spring or air.
- E. Fires. No person shall kindle, build, maintain or use a fire, except in places designated for such purpose.
1. All fires shall be continuously under the care and direction of a competent person from the time it is kindled until it is extinguished.
  2. Gas stoves are permitted.
  3. Only charcoal, charcoal lighters or fuel approved by the park will be permitted.
  4. No cigar, cigarette or lighted match shall be discarded carelessly or in a manner which may start a fire.
- F. Vending. No person shall sell or offer for sale any object or merchandise or any other thing, within the parks, except by permit of the mayor and council.
- G. Advertising. No person shall:
1. Post, paint, affix, distribute, hand out, deliver, place, cast or leave about, any bill, billboard, placard, ticket, handbill, circular or advertisement or any of the following without written permission of the mayor and council;
  2. Display any flag, banner, transparency, target, sign, placard or any other matter for advertising;
  3. Operate any musical instrument soundtrack, or drum for advertising purposes, for the purpose of attracting attention to any exhibition, show, performance, or other display;
  4. Public speeches and rallies will be allowed in accordance with the Freehold Borough parade ordinance and after obtaining a permit under said ordinance.
- H. Soliciting. No person shall solicit for any purpose except when allowed by permit and also must have a borough license.
- I. Protection of Property. It is unlawful for any person to:
1. Throw or place any foreign or waste substance in Lake Topanemus, any river, lagoon, stream, storm sewer, or drain, or any substance, matter or thing which may or shall result in the pollution of the waters;
  2. To wash motor vehicles in any of the parks;
  3. Injure trees, shrubs, and grass, or destroy, cut, break, deface, mutilate, disturb, sever or remove

from the ground any plant, flower, growing thing, stem, branch or leaf thereof:

- a. Pile debris of any kind against same,
  - b. Attach any rope or cable or other contrivance thereto,
  - c. Set fire or assist in setting a fire to any of the same;
4. No person shall injure, deface, displace, remove, fill in, raise, destroy, or tamper with any drive, path, walk, bridge, or approach thereto; take up or remove or carry away any asphalt, concrete, flagstone, rock, stone, gravel, sand, clay, or earth; or make any excavation of any kind, name or nature; or harvest, cut, injure, or remove any ice, or injure, deface, displace, remove or destroy any structure, building, post, railing, bench, seat, platform stand, tree guard, telephone, pipe or main for conducting gas, water, or wires, or any hydrant, sewer, drain, pipe, main receiving basin covering, manhole or vent forming a part thereof, or any appurtenance or appendage connected therewith; any property or equipment, real or personal, owned by or under the jurisdiction or control of borough council, or appertaining to the creation, government, use or maintenance of the parks, or injure or in any way interfere with the operation of any machine, instrument or contrivance used in the parks; or injure, deface, displace, remove or destroy any sign, inscription, post, or monument erected or marked for any purpose; or any mile board, milestone, danger sign or signal, guide sign or post, or any signaling device, stationed, installed or placed by the borough council or the recreation committee, or any city, town, village, within the parks for the purpose of direction, restricting or regulating traffic, establishing zone, or giving information or direction to the public; or interfere with any lamp, lamppost, gas or electric apparatus, or extinguish the light therein; except upon proper authority or with a permit; attach, string, adjust or carry any wire or other object in, or over, any part of the parks.
5. No person shall take into, carry through, leave in, or throw, cast, lay, drop or discharge into, or on the parks, any rubbish, refuse, garbage or other material. Such refuse and rubbish shall be deposited in receptacles so provided.

J. Minors. No parent or guardian or custodian of any minor shall permit or allow him or her to do any act prohibited by this section.

(Ord. 2001/29 §§ 6--8; prior code § 5A-2)

#### **12.28.030 Opening and Closing Hours.**

All parks will open at sunrise as defined by the U.S. Weather Bureau for the Freehold area, unless otherwise specified or designated by signs, and close one-half hour after sunset except when permitted after application for permit to the chairperson of the recreation committee.

(Prior code § 5A-3)

#### **12.28.040 Recreational activities restricted.**

The following activities are permitted only at times and areas so designated for the purpose by the recreation committee and are otherwise prohibited within the parks and at Lake Topanemus:

- A. Swimming, bathing, wading, fishing;
- B. Ice skating, sledding, skiing;
- C. Modern airplane flying;
- D. Boating on Lake Topanemus, without motors;
- E. Basketball, baseball;
- F. Archery;
- G. Horseshoe pitching;
- H. Tennis;
- I. Picnicking;
- J. Camping;
- K. Football and track.

All persons using the facilities of the parks and Lake Topanemus must obey the posted rules and regulations established for the proper, effective and safe utilization of the facility.  
(Prior code § 5A-4)

#### **12.28.050 Permits--User contracts.**

A. Permit Required--Fee. A permit will be necessary for any organization or group of people of twenty-five (25) or more desiring to use the park facilities. There will be a fee charged of ten dollars (\$10.00) for this permit, which will cover the cost of printing and issuing the permit.

The permit shall be issued only to citizens and taxpayers of municipalities which contribute to the upkeep of the parks and Lake Topanemus. Such permit authorizing a person or organization the use of any of the parks may be granted upon application of the party to the borough mayor and council, by written approval. All conditions of the permit approval must be adhered to and any violation of the terms and conditions, rules and regulations, or falsifications, shall constitute grounds for its revocation by the mayor and council or its authorized representative. If the group obtaining a permit intends to vend or sell alcoholic beverages, permission must be granted by the State Alcoholic Beverage Commission and approved by the Freehold Borough police department and the Freehold Borough mayor and council.

B. User Contract. For the use of established designated areas for organized sports, namely football, track and baseball, which areas come under the jurisdiction of the recreation committee, prior to the commencement of these activities, a written request must be made to the director and the recreation committee, and a user contract must be filled out in its entirety by both user and the recreation committee, approved by the

recreation committee. All clauses must be adhered to.  
(Prior code § 5A-5)

### **12.28.060 Interpretation.**

In the interpretation of this chapter, the provisions shall be construed as follows:

Any requirement or prohibitions of any act, shall respectively extend to and include the causing and procuring, directly or indirectly, of such act.

No provision hereof shall make unlawful any act necessarily performed by any officer or employee of the recreation committee in line of duty or work as such, or by any person, his or her agent or employees, in the proper and necessary execution of the terms of any agreement with the recreation committee.

Any act otherwise prohibited by law or local ordinance, shall be lawful if performed, under, by virtue of and strictly within the provisions of a permit to do so and to the extent authorized thereby.  
(Prior code § 5A-6)

### **12.28.070 Violations--Penalties.**

Any person violating any provision of this chapter, shall forfeit and pay a fine or penalty therefore, plus damages, not exceeding one hundred dollars (\$100.00) for each offense, plus the cost of the damages.  
(Prior code § 5A-7)

### **12.28.080 Territorial scope.**

The provisions of this chapter shall be effective within all of the parks and lands under the administration of the mayor and council of the borough, and the recreation committee shall regulate the use thereof by all persons.  
(Prior code § 5A-8)

## **Chapter 12.32**

### **LAKE TOPANEMUS USE REGULATIONS**

#### **Sections:**

- 12.32.010 Hours.**
- 12.32.020 Admission fee.**
- 12.32.030 Forfeiture of tickets.**
- 12.32.040 Litter.**
- 12.32.050 Sale of food and beverages prohibited.**
- 12.32.060 Fires on beach prohibited.**
- 12.32.070 Washing of motor vehicles prohibited.**
- 12.32.080 Additional regulations.**
- 12.32.090 Rules and regulations.**
- 12.32.100 Conduct and certain prohibited acts.**

#### **12.32.010 Hours.**

The lake and the abutting and adjoining land thereto owned by the borough shall remain open and available to the public during the hours as established by the borough by resolution from to time.  
(Ord. 2001/29 § 9 (part): prior code § 5-12.1)

**12.32.020 Admission fee.**

The borough may, by resolution, establish an admission fee for the use of the facilities at the Lake Topanemus Park including parking fee, use of park, beach area and lake. No such fee shall be established until the proposed fee is forwarded to the Lake Topanemus commission for review and until thirty (30) days have passed after the commission has received the proposed resolution.  
(Ord. 2001/29 § 9 (part): prior code § 5-12.2)

**12.32.030 Forfeiture of tickets.**

Any person upon the premises shall abide by and conform to the directions of any designated police officers or person's employed by the borough in charge of the area. A violation of any order or direction shall be sufficient cause for the person's ticket to be forfeited and all privileges thereunder to be forfeited and for removal from the area. In addition to being a violation of this chapter, the person shall become liable upon conviction to the penalties hereinafter set forth. A violation by any person while on the premises of any provision of the Disorderly Persons Act, shall also constitute and be a violation of this chapter, and shall make such violator subject to the penalties herein provided in addition to any and all other penalties which may be otherwise permitted by law.  
(Prior code § 5-12.3)

**12.32.040 Litter.**

No person shall at any time discharge or permit, or knowingly permit the discharge of any liquids, solids, garbage, rubbish or any other thing into or upon the waters known as Lake Topanemus, or upon the ground area and park area, abutting the same, and shall not suffer or permit any dog, whether leashed or unleashed, within the area, during the season hereinbefore established.  
(Prior code § 5-12.4)

**12.32.050 Sale of food and beverages prohibited.**

No person shall sell or bring upon the premises of the borough aforesaid or any part thereof with intention to sell, any food stuffs, beverages or any other goods and wares, merchandise of any kind or nature for such purpose, and no such sales will be permitted upon the premises.  
(Prior code § 5-12.5)

**12.32.060 Fires on beach prohibited.**

No person shall ignite or start or permit a fire to burn on that portion of the premises owned by the borough abutting Lake Topanemus, in the township of Freehold, which is sanded and is designated as a public bathing beach, whether such fire be for the purpose of cooking or burning debris or otherwise.  
(Prior code § 5-12.6)

### **12.32.070 Washing of motor vehicles prohibited.**

No person shall at any time, wash or cause to be washed any motor vehicle on any of the lands and premises owned by the borough and located in the township of Freehold, which abuts or adjoins Lake Topanemus.

(Prior code § 5-12.7)

### **12.32.080 Additional regulations.**

In addition to the foregoing provisions, the mayor and council shall have the authority from time to time as the occasion requires, to impose additional or other regulations not herein set forth, by resolution, and there shall be publicly exhibited at the premises above described on an open and prominent place, visible to all users of the premises, a copy of this chapter as well as any regulations herein authorized which may be hereafter adopted. A violation of any regulations so adopted shall also constitute and be a violation of this chapter.

(Prior code § 5-12.8)

### **12.32.090 Rules and regulations.**

No person in the park and recreational area shall:

- A. Wilfully mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, pavings or paving materials, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal;
- B. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of six years shall use the restrooms and washrooms designated for the opposite sex;
- C. Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick flowers or seed of any tree or plant, dig in or otherwise disturb grass areas, or in any other way injure the natural beauty or usefulness of any area;
- D. Climb any tree or walk, stand or sit upon monuments, vases, planters, fountains, railings, fences or upon any other property not designated or customarily used for such purposes;
- E. Tie or hitch an animal to any tree or plant;
- F. Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, wildlife, reptile or bird; nor shall he remove or have in his possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird;
- G. Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream or other body of water in or adjacent to the park or any tributary stream, storm

sewer, or drain flowing into such water, any substance, matter or thing, liquid or solid, which will or may result in the pollution of such waters;

- H. Have brought in or shall dump in, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to the park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere;
- I. Drive any vehicle on any area except the paved park roads or parking areas;
- J. Park a vehicle in other than an established or designated parking area;
- K. Leave a vehicle standing or parked at night in established parking areas or elsewhere in the park areas;
- L. Swim, bathe, or wade in any waters or waterways in or adjacent to the park;
- M. Dress or undress in the park, or in any vehicle, toilet or other place in the park;
- N. No person shall carry or possess firearms of any description, or air-rifles, spring-guns, bow-and-arrows, slings or any other forms of weapons potentially inimical to wildlife and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden;
- O. Set up tents, shacks, or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in the park after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as house-trailer, camp-trailer, camp-wagon;
- P. Take part in or abet in the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins, horseshoes, quoit or model airplanes except in those areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball and lacrosse is prohibited except on the fields and courts or areas provided therefore. Roller-skating shall be confined to those areas specifically designed for such pastime.

(Prior code § 5-12.9)

### **12.32.100 Conduct and certain prohibited acts.**

While in the park, all persons shall conduct themselves in a proper and orderly manner, and in particular, no person shall:

- A. Bring or have in their possession alcoholic beverages, drink alcoholic beverages or offer same for consumption by any person;

- B. Have in his or her possession, or set or otherwise cause to explode or discharge or burn, any firecrackers, torpedo rockets, or other fireworks, firecrackers or explosives of inflammable material, or discharge them or throw them into any such areas from lands or highways adjacent thereto. This prohibition includes any substances, compounds that would be dangerous from any of the foregoing standpoints;
- C. Bring a dog or other domestic animal into the park and recreation areas without a proper lead. No domestic animals are permitted in the beach or dock areas;
- D. Solicit alms or contributions for any purpose whether public or private without having received a permit from the borough clerk for same. A permit shall not issue unless the person seeking to engage in charitable solicitations provides information to the borough clerk setting forth the following:
  - 1. The exact recipient of the charitable solicitation,
  - 2. The name and address of the persons who will be engaged in the solicitation,
  - 3. Documentation that the charitable organization is a valid charitable organization in the state of New Jersey.

No person shall engage in charitable solicitations which in any way interfere with the free and open use of the park area by other persons;

- E. Build or attempt to build any fire except in a designated area. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material within the park or on any highways, roads, or streets abutting or contiguous thereto;
- F. Enter an area posted as "Closed to the Public", nor shall any person use, or abet in the use of, any area in violation of posted notices;
- G. Gamble, or participate in or abet any game of chance, without special permit that has been subject to all municipal, county and state laws;
- H. Go onto the ice on any of the waters except such areas as are designated as skating fields, and provided a safety signal is displayed;
- I. Remain in the park area after the park has been closed or on non-park hours, using seats or benches for sleeping purposes, or engaging in loud, boisterous, threatening, abusive, insulting or indecent language.
- J. Expose or offer for sale any article or thing, nor shall he station or place any stand, cart, or vehicle for the transportation, sale, or display of any such article or thing;

K. Paste, glue, tack, or otherwise post any sign, placard, advertisement, inscription whatsoever, nor shall any person erect or cause to be erected any sign whatsoever on any public lands or highways or roads adjacent to the park.

(Ord. 2001/29 § 9 (part); prior code § 5-12.10)