

**ORDINANCE No. 09-2016**  
**BOROUGH OF SEA BRIGHT**

**AN ORDINANCE AMENDING CHAPTER 182, "STREETS AND SIDEWALKS", OF  
THE CODE OF THE BOROUGH OF SEA BRIGHT, PERTAINING TO STREET  
OPENINGS OF NEWLY PAVED STREETS.**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Sea Bright, as follows:

SECTION ONE: Chapter 182, "Streets and Sidewalks", of the Code of the Borough of Sea Bright, Article I, "Excavations", § 182-11.26, "Opening newly paved streets restricted." be and the same is hereby amended and supplemented to read, in full, as follows:

"§ 182-11.26. Opening newly paved streets restricted, Restoration.

No permit shall be issued by the Borough Clerk of the Borough of Sea Bright which would allow an excavation or opening of a paved or improved street surface less than five years old unless:

- A. The applicant can clearly demonstrate that public health or safety requires that the proposed work be permitted or that an emergency condition exists; or
- B. The excavation or opening is for the purpose of providing utility services: (1) to a new residential or commercial structure constructed on a vacant lot; (2) after the complete demolition of an existing structure; or (3) after the re-construction of a storm damaged structure. In such cases, restoration shall be accomplished utilizing infrared technology, as approved by the Borough Engineer."

SECTION TWO: All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies

SECTION THREE: If any section, subsection, paragraph, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION THREE: This Ordinance shall take effect immediately upon its passage and publication according to law and upon filing with the Monmouth County Planning Board.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on April 5, 2016 and will be further considered after a Public Hearing held on April 19, 2016 at the Municipal Building at 7:00 pm.

INTRODUCED: April 5, 2016  
PUBLIC HEARING: April 19, 2016  
ADOPTED: April 19, 2016

Witness

Christine Pfeiffer  
CHRISTINE PFEIFFER, CLERK

BOROUGH OF SEA BRIGHT,

Dina Long  
DINA LONG, MAYOR