

**TOWNSHIP OF MANSFIELD
BURLINGTON COUNTY**

ORDINANCE 2022 – 4

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY REPEALING AND DELETING MANSFIELD TOWNSHIP CODE, ARTICLE VI, “IMPROVEMENTS”, SECTION 50-40 “CONSTRUCTION PRIOR TO FINAL APPROVAL” AND ADOPTING AND REPLACING IT WITH A NEW SECTION 50-40 “CONSTRUCTION PROHIBITED PRIOR TO RECEIPT OF ALL REQUIRED OUTSIDE AGENCY APPROVALS.”

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Mansfield, in the County of Burlington and State of New Jersey, as follows:

SECTION ONE: Mansfield Township Code, Article VI “Improvements”, Section 50-40 "Construction Prior to Final Approval" is hereby deleted and repealed.

SECTION TWO: There is hereby adopted a new Mansfield Township Code, Article VI, “Improvements”, Section 50-40 as follows:

“§50-40: Construction Prohibited Prior to Receipt of All Required Outside Agency Approvals.

- A. Unless authorized by the Township Committee as set forth in subsection B, below, no construction of site improvements, including clearing, grading, drainage or other improvements for any application for development approved by the Township shall be permitted until all outside agency approvals for the development are obtained.
- B. A majority of the Township Committee may grant an exemption and authorize the initial construction of site improvements, including clearing, grading, drainage or other improvements (but not construction permits issued by the Construction Code Official) based on a written request by a developer, setting forth the improvements proposed to be constructed, the status of any remaining outside agency approvals and any hardship claim by the developer to justify the granting of an exemption by the Township Committee.
- C. If a majority of the Township Committee agrees to provide an exemption hereunder, no construction can take place unless and until all of the following conditions are satisfied.
 - (a) The developer submits a “hold harmless” letter in the form provided by the Township Attorney indemnifying the Township from any liability for the construction of improvements prior to the receipt of all required outside agency approvals.
 - (b) The developer post the required inspection escrows to pay for the inspection of the improvements that are authorized by the Township Engineer.
 - (c) The developer posts a “Safety and Stabilization” performance guarantee pursuant to New Jersey Municipal Land Use Law for the purpose of restoring property that has been disturbed to a safe and stable condition.
 - (d) The developer completes a pre-construction conference with the Township Engineer.

REPEALER, SEVERABILITY AND EFFECTIVE DATE

- A. Any and all Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency
- B. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.
- C. This Ordinance shall take effect immediately upon final passage and publication according to law

I, **LINDA SEMUS, RMC, CMR**, Township Clerk of the Township of Mansfield, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and accurate copy of an Ordinance which was introduced on February 16, 2022 and duly adopted on second reading as amended and after public hearing by the by the Township Committee of the Township of Mansfield on March 2, 2022 at 7:00 PM.

LINDA SEMUS, RMC, CMR, Municipal Clerk

INTRODUCED: 2/16/2022 FINALLY ADOPTED: 3/2/2022