

**CITY OF BORDENTOWN**

**ORDINANCE 2024-03**

**AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 240 OF THE CODE OF THE CITY OF BORDENTOWN, ENTITLED, “SIDEWALKS AND CURBS”, AND ARTICLE II OF CHAPTER 300, ENTITLED “GENERAL REGULATIONS”**

**WHEREAS**, the City of Bordentown (the “City”) is well-known for its walkability and unique historic charm; and

**WHEREAS**, on June 29, 2021, the City of Bordentown Planning Board (the “Planning Board”) adopted a Master Plan, prepared by Latini & Gleitze Planning (the “Master Plan”); and

**WHEREAS**, since its adoption, the City, the Planning Board, and the community have worked together to find ways to implement the goals and recommendations of the Master Plan; and

**WHEREAS**, one such topic was improvement of sidewalk connectivity throughout the City; and

**WHEREAS**, as a result of the collaborative process, the Planning Board has recommended that the Board of Commissioners of the City of Bordentown (“Board of Commissioners”) adopt an ordinance that requires construction of sidewalks with new construction projects; and

**WHEREAS**, the Board of Commissioners find that the amendments promote the public interest as the new provisions will foster increased sidewalk connectivity, which will benefit the safety and the quality of life of City residents and visitors.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the City of Bordentown, County of Burlington, State of New Jersey, that Chapter 240, Article II of the Code of the City of Bordentown, entitled “Sidewalks and Curbs”, and Chapter 300, Article II, entitled “General Regulations”, shall be amended and supplemented as follows (underlined text illustrates additions, strikethrough text illustrates deletions):

**ARTICLE I: AMENDMENTS TO SECTION 240-28.**

Section 240-28 shall be amended to read as follows:

**“§ 240-28 Use and maintenance.**

The use and maintenance of sidewalks and curbs shall be in accordance with this section.

- A. [Remains unchanged].
- B. [Remains unchanged].
- C. [Remains unchanged].
- D. [Remains unchanged].
- E. [Remains unchanged].
- F. [Remains unchanged].
- G. [Remains unchanged].
- H. [Remains unchanged].
- I. [Remains unchanged].
- J. When a sidewalk does not exist on-premises, and there are sidewalks abutting on adjacent properties or separated by a vacant lot with no sidewalk, if an application for development, or change of use, is filed with City Hall pursuant to Chapter § 300 Zone - Article XIX, the construction of a sidewalk shall be required to be constructed, with the design and materials subject to the discretion of the relevant City of Bordentown Construction Code official, depending on the location of the adjacent sidewalk and its current condition.”

**ARTICLE II: ADDITION OF SECTION 300-24.2.**

Chapter 300, Article II, “General Regulations,” shall be supplemented with Section 24.2, which shall read as follows:

**“§ 300-24.2 Sidewalk Construction and the Bordentown City Sidewalk Fund.**

- A. Pursuant to § 240-28 of the City Code, any application for development or change of use must include construction of sidewalks when:
  - (1) A sidewalk does not exist on the subject property; and
  - (2) The adjacent properties have sidewalks abutting the subject property, or the immediately adjacent lot(s) is vacant, does not have sidewalks, and the lot adjacent to the vacant lot has sidewalks.
- B. Sidewalk design and materials shall be subject to the discretion of the City of Bordentown Construction Code official.

- C. The City shall establish the “Bordentown City Sidewalk Fund,” which shall be dedicated solely to the installation and repair of sidewalks, and other pedestrian safety projects throughout the City, as authorized the Board of Commissioners.
- D. In lieu of sidewalk construction required by § 240-28 of the City Code and this Section, the applicant may submit a contribution to the “Bordentown City Sidewalk Fund.” Said contribution must be submitted to the City prior to issuance of a building permit, and shall be based upon the following fee schedule:
  - (1) Minor subdivision: \$85 per square yard.
  - (2) Minor site plan: \$85 per square yard.
  - (3) Use variance; or undersized lot variance resulting in a new single-family dwelling: \$85 per square yard.
  - (4) Major site plan or major subdivision. An amount equal to 100% of the reasonable cost of installing sidewalks along the entire frontage of the property where sidewalks do not exist. The amount shall be calculated by the City Engineer based upon typical costs at the time, with a minimum of \$85 per square yard.
  - (5) In the case of an application requiring multiple approvals: \$85 per square yard.
  - (6) Change of use or any other construction not before the Planning Board: \$85 per square yard.
- E. Applications before the Planning Board. If an applicant wishes to make a contribution to the “Bordentown City Sidewalk Fund” in lieu of sidewalk construction, the applicant must request a waiver from the Planning Board. If the Planning Board grants the waiver request, the applicant must submit the appropriate contribution to the “Bordentown City Sidewalk Fund”, consistent with the fee schedule in § 300-24.2(D) above.”

**REPEALER, SEVERABILITY, AND EFFECTIVE DATE**

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Board of Commissioners hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the City to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

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**First Reading:            March 11, 2024**  
**Adopted:                    April 8, 2024**

**ACTING CITY CLERK**

**COMMISSISONERS**