

ORDINANCE # 20 - 2020

**ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING
CHAPTER 170, §170-52.N. and §170-72.C OF THE TOWNSHIP LAND
USE CODE**

WHEREAS, the Township of Livingston has the authority to establish fees and deposits for municipal services; and

WHEREAS, the Township Code currently provides for the payment of a fee and the posting of an escrow deposit for municipal engineering services relating to site improvement issues on construction projects that are not the subject of a Planning Board of Zoning Board of Adjustment application; and

WHEREAS, the Township Manager, Engineer and CFO have determined that administration and management of the escrow deposits require a disproportionate and inefficient amount of staff time relative to the amounts of the charges; and

WHEREAS, the Township Manager, Engineer and CFO have recommended eliminating the escrow deposit requirement and to instead modestly increase the permit fees to amounts that will fairly reimburse the Township for the value of the time devoted to the average application; and

WHEREAS, the Township Council accepts the recommendation and therefore deems it appropriate to amend the Township Code accordingly.

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of Livingston, County of Essex, State of New Jersey that the Township Code is hereby amended as follows: (**Bold and underlined** language is added [~~Bracketed strikeout~~] language is deleted.)

SECTION 1. §170-52.N, Schedule of Fees and Deposits, of the Code of the Township of Livingston is amended as follows:

Chapter 170. Land Use

Article VII. Fees

§ 170-52. Schedule of fees and deposits.

* * * * *

N. Construction permits. Construction permits shall be specified by the Uniform Construction Code in § 110-7A of the Code of the Township of Livingston.

(1) [~~Engineering escrow fee for the new construction of a single family dwelling (individual unit not part of an approved subdivision consisting of two or more~~

~~single family dwellings) for Livingston Township Engineering Department: \$500 deposited initially upon submission of construction permit application. All outstanding charges to be paid prior to the issuance of a certificate of occupancy.]~~

~~(2) [Engineering escrow for other construction requiring Township Engineer review (initial escrow deposit which is not part of an approved site plan or subdivision). All outstanding charges to be paid prior to the issuance of a certificate of occupancy.]~~

~~(a) [Residential: \$500.]~~

~~(b) [All others: \$500.]~~

SECTION 2. §170-72.C, Schedule of Fees and Deposits, of the Code of the Township of Livingston is amended as follows:

Chapter 170. Land Use

Article IX. Subdivision Review, Site Plan Review and Site Improvements

§ 170-72. Improvement requirements.

* * * * *

C. Lot surface drainage.

(2) Waiver. Notwithstanding the foregoing, the Township Engineer may grant a waiver from the requirements of this subsection with respect to activities involving single-family lots if the Township Engineer determines that the project involves less than 1,000 square feet of impervious coverage, does not affect any drainage or critical areas, and does not require any significant changes in the existing grading of the lot. Any such determination shall be made upon the basis of the construction plans, survey and such further information as may be requested from the owner of the property by the Township Engineer. If a waiver is granted, the Township Engineer shall issue a minor lot surface drainage permit, subject to the following conditions:

(a) A licensed professional engineer or architect shall provide a certification letter stating that the proposed activity or project is in accordance with the following provisions of the minor lot surface drainage permit:

[1] Surface drainage waters shall be controlled in a manner that will minimize the adverse effects of such waters upon the subject property and abutting lands.

[2] Soil erosion during and after development shall not increase over what naturally occurs.

[3] The grades and/or elevation of the site shall not be significantly altered from the existing conditions.

(b) Payment of a minor permit application fee in the amount of [~~\$150~~] **\$350** to the Township of Livingston.

(3) Submission of application.

(b) The fees for minor and major lot surface drainage permit applications which partially cover the costs of site visits, review of the application and site inspections are as follows:

[1] Minor permit application: [~~\$150~~] **\$350** [~~for the initial submission and \$25 for each subsequent revision.~~]

[2] Major permit application: [~~\$400~~] **\$650** [~~for the initial submission and \$75 for each subsequent revision.~~]

SECTION 3. Except as hereby amended, the Code of the Township of Livingston shall remain in full force and effect.

SECTION 4. This Ordinance shall take effect in accordance with the law.

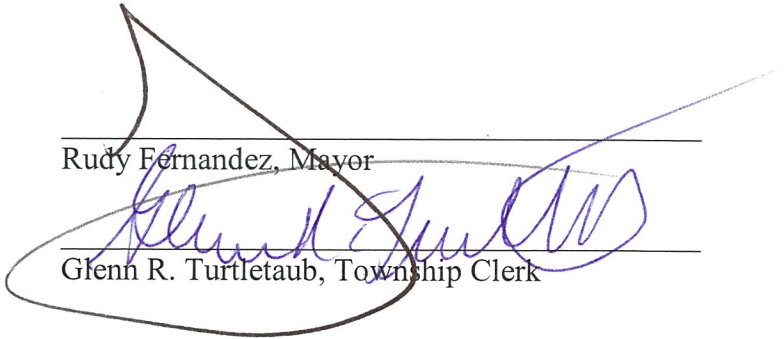
Sham L Weiss

Introduced: November 23, 2020

Adopted: *December 7, 2020*



Rudy Fernandez, Mayor



Glenn R. Turtleaub, Township Clerk