

BOROUGH OF MANASQUAN **ENCROACHMENT GUIDELINES**

PREFACE

As a result of Super Storm Sandy, the Borough of Manasquan has made great strides in the recovery of property damaged by the storm. Through legal and administrative efforts, departments have streamlined the process for property owners to rebuild.

ENCROACHMENTS

It is at the point where property owners rebuild, it is discovered that a portion of their rebuilt structure is or will be encroaching on Borough property. Many times, this is discovered during the Planning Board application process. The Planning Board may require the applicant to obtain an encroachment license from the Borough in order to consider an application. Other times, when a Planning Board application is not required, encroachments are discovered by the Borough during the permitting process.

LICENSING

In all cases, encroachment licenses must be granted by the Governing Body of the Borough of Manasquan through a vote and approval at a regularly scheduled meeting. Additionally, an annual licensing fee shall be determined prior to the vote of the Governing Body and if approved, be a part of the authorizing resolution.

PROCESS WHEN DISCOVERED BY PERMITTING

When an encroachment is discovered during the permitting process, the Code Department shall notify the property owner that an encroachment exists and that the permit shall be denied. In all cases, the Code Department shall not allow an encroachment on municipal property. The authority to grant an encroachment license falls solely on the Governing Body of the Borough of Manasquan.

OPTIONS

After denial of a municipal encroachment, the property own can:

1. Remove the part of the structure causing the encroachment
2. Amend the part of the structure causing the encroachment
3. Claim a hardship and deem the encroachment necessary

HARDSHIP CLAIM

Should the property owner claim a hardship, he or she shall fill out a request for an encroachment license from the Code Department which contains, at minimum, the following information:

1. The name, address and contact information of the property owner.
2. Location address and block and lot number of property requesting the license.
3. Statement from the Tax Collector that all taxes, utility billing and any other fees within the department are paid in full.
4. A Statement from the Tax Collector indicating the annual fee to be charged to the property owner should the application be approved.
5. A statement from the Code Department that no outstanding violation exists on this property or any fees in arrears.
6. Any plans, diagrams, photos which describe the encroachment needed.
7. A statement of hardship and the reasons for the necessity from the applicant.
8. A copy of the property homeowner's liability insurance covering the area of encroachment. If approved, the homeowners insurance shall name the Borough of Manasquan as an additional insured.
9. A statement that the property owner shall indemnify and hold harmless the Borough of Manasquan from all liability associated with this encroachment on Manasquan property.

10. An acknowledgement that the property owner shall be responsible for all attorneys fees and/or cost incurred by the Borough of Manasquan arising out of the property owner's use of the Borough of Manasquan property.
11. An acknowledgement that in the event that the property owner fails to comply with the requirements, the property owner shall be subject to penalties as contained in Borough Ordinance 4-9, including the removal of the encumbrance.

CALCULATION OF ENCROACHMENT LICENSE FEE

The annual encroachment is calculated as follows:

1. the price per square foot of the encroaching dwelling is calculated by taking the improvement assessed value and dividing it by the number of square feet in the dwelling
2. the square footage of the encroachment is determined from appropriate diagrams showing the location and dimensions of the encroachment
3. the square footage of the encroachment is multiplied by the price per square foot from step 1 above
4. the annual interest rate is determined based the LIBOR interest rate plus 3 and recommended by the Borough CFO and approved by the Governing Body at the annual Borough Organization meeting each year.
5. payment is due annually and late fees and penalties apply.

ENCROACHMENT LICENSE FEE APPLICATION

It shall be the sole responsibility of the property owner to prepare the encroachment application with all requested information. It is important for the applicant to take note of the scheduled meetings and be aware of dates to submit such request to the governing body. Requests after meeting agenda have been closed are scheduled at the following regular meeting of the Governing Body.

AMMENDMENTS NECESSARY

The Borough shall reserve the right to make changes to the guidelines as necessary. The guidelines do not guarantee approval by the Manasquan Governing Body. Encroachment Licenses are subject to late fee and any other means to collect as authorized by Ordinance. Resolutions or Ordinances contrary to these guidelines shall apply.

BOROUGH OF MANASQUAN
ENCROACHMENT LICENSE REQUEST

PROPERTY OWNER NAME: _____

ADDRESS: _____

PHONE: _____

EMAIL: _____

PROPERTY ADDRESS: _____

Lot _____ Block _____

ENCROACHMENT REQUESTED:

DIMENSIONS OF ENCROACHMENT: _____

REASON FOR HARDSHIP AND NECESSITY:

ATTACHED ARE THE FOLLOWING DOCUMENTS FOR REVIEW

Plans _____ Diagram _____ Photo _____ Other _____

AMOUNT OF ANNUAL LICENSE FEE: _____ Initials _____
(DETERMINED AND VERIFIED BY TAX COLLECTOR)

ACKNOWLEDGEMENTS

Tax Department

Said property has no outstanding taxes, water/sewer billings or other tax department billings outstanding.

_____ (tax collector signature)

Code Department

Said property does not have any outstanding violations or fees outstanding.

_____ (code department signature).

OWNER STATEMENT AND ACKNOWLEDGEMENT

I, _____, understand that if an Encroachment license is approved by the Manasquan Governing Body the following documents shall be submitted as part of a contract between myself and the Borough of Manasquan: copy of the property liability insurance covering the area of encroachment naming the Borough of Manasquan as an additional insured, a statement that the property owner shall indemnify and hold harmless the Borough of Manasquan from all liability associated with this encroachment on Manasquan property, an acknowledgement that the property owner shall be responsible for all attorneys fees and/or cost incurred by the Borough of Manasquan arising out of the property owner's use of the Borough of Manasquan property and a payment in full for the amount of the license. In the event that I fail to comply with the requirements, I shall be subject to penalties as contained in Borough Ordinance 4-9, including the removal of the encumbrance and deeming the license null and void.

Signature of Property Owner _____ Date _____

Witness: _____ Date _____

-----OFFICE USE ONLY-----

Date Received _____ Return Date to Owner as Incomplete _____ Date Completed _____

Reviewed by Code _____ Clerk _____ Tax _____ Legal _____

NOTES _____

Meeting Date Scheduled _____ Approved Date: _____ Resolution # _____ Denied _____