

ORDINANCE 2014-04

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON,
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY TO
ESTABLISH CHAPTER 3, "ADMINISTRATION OF
GOVERNMENT," ARTICLE XVI, "ASSESSMENT
COMMISSION," OF THE CODE OF THE TOWNSHIP OF
HARDYSTON TO ESTABLISH A BOARD OF
ASSESSMENT COMMISSIONERS.**

WHEREAS, the Township of Hardyston desires to create an Assessment Commission for the assessment for benefits for local improvements in accordance with N.J.S.A. 40:56-21 et seq.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey, as follows:

Section 1. Establish Chapter 3, "Administration of Government," Article XVI, "Assessment Commission" to state as follows:

ARTICLE XVI. ASSESSMENT COMMISSION

§ 3-66. Creation.

Pursuant to and in accordance with the provisions of N.J.S.A. 40:56-21 et seq., there is hereby created in the Township of Hardyston an Assessment Commission, the members of which shall be appointed by the Mayor with the advice and consent, by resolution, of the Township Council.

§ 3-67. Membership; terms of office; vacancies; Alternate Commissioners.

A. The Assessment Commission shall consist of three members, all of whom are residents of the Township, who shall be designated Commissioners.

B. The Commissioners shall be appointed for a term of three years. There shall also be two Alternate Commissioners appointed for a term of three years. All terms shall be computed

from July 1 of the year of appointment. The Commissioners and Alternate Commissioners shall serve until their successors are appointed and shall qualify.

C. Vacancies shall be filled for the unexpired term only.

D. Alternate Commissioners shall serve as Commissioners in those cases where a Commissioner is unable to serve in connection with a specific project or projects.

§ 3-68. Conflict of interest.

In the event that any Commissioner shall be in any way interested in any local improvement, he shall be disqualified from exercising the powers hereinabove conferred with respect to that improvement, and the Mayor, with the advice and consent of the Township Council, shall appoint an Alternate Commissioner or, if said Alternate Commissioner shall not qualify, some other qualified person or persons to act in his place with respect to that improvement only.

§ 3-69. Powers and duties.

The Assessment Commission shall be and hereby is charged with the duty of making all assessments for benefits for local improvements within the Township of Hardyston in accordance with the duties imposed upon it by virtue of N.J.S.A. 40:56-21 et seq., inclusive, and shall, in addition, have and exercise all of the powers authorized by the aforesaid statutes.

§ 3-70. Procedures and guidelines.

A. The Commissioners shall be required to:

(1) Examine the subject property after completion of the improvement.

(2) Schedule a time, date and location for a hearing to be held in connection with assessment and shall notify all owners of all real estate affected directly by mail and by publication in the appropriate newspaper, all pursuant to N.J.S.A. 40:56-25.

(3) Conduct a hearing with a quorum of at least two Commissioners, all in accordance with N.J.S.A. 40:56-26.

(4) Determine what if any incidental damages to the property owner(s) should go toward reducing the amount of the assessment.

(5) Certify the amount of the assessment to the Mayor and Council by a written report duly signed and accompanied by a map showing the subject real estate.

B. The Assessment Commission shall report to the Mayor and Council as to its determination, pursuant to N.J.S.A. 40:56-30, within 45 days of the Commission being notified that assessments are required. The Commission shall conduct a hearing before issuing its report, and the property owners who may be assessed shall have the opportunity to address the Assessment Commission at the hearing.

C. Pursuant to N.J.S.A. 40:56-30, the report may be considered by the Mayor and Council at any meeting after receipt, provided that the Township Clerk gives at least two weeks' prior notice, which notice shall have been posted in five public places in the Township; or published in a newspaper circulating in the Township, once in each week for two weeks prior to the meeting; and by mailing a copy of the notice to the owner or owners named in the report, directed to the last known post-office addresses of said owner or owners. The affidavit of the Township Clerk shall be conclusive to evidence such mailing. The notice shall briefly state the object of the meeting with reference to the assessment. At that or any subsequent meeting, the Mayor and Council, after considering the report and map, may adopt and confirm the report with or without alteration, as may seem proper, and/or may refer the matter to any committee of the Council or to the Commission for revision or correction before taking final action.

SECTION 2.All ordinances of the Township of Hardyston, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4.This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON.

ATTEST:

JANE BAKALARCZYK
TOWNSHIP CLERK

STANLEY KULA
MAYOR

NOTICE

The ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Township of Hardyston, in the County of Sussex, New Jersey, held on March 12, 2014. It will be further considered for final passage after public hearing thereon, at a meeting of said governing body to be held in the Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey on March 26, 2014 at 7:00 p.m., or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning the same.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk