

ORDINANCE 2014-10

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON AMENDING CHAPTER 88 ENTITLED "FEES" OF THE CODE OF THE TOWNSHIP OF HARDYSTON TO AMEND SECTION 88-3 ENTITLED LAND USE FEES TO MODIFY THE PROVISIONS REGARDING ESCROW CHARGES

Purpose Statement: The purpose of this Ordinance is to amend the land use fees provisions of Section 88-3 of the Code of the Township of Hardyston to authorize the municipality to charge for its professional employees in accordance with the provisions of the Municipal Land Use Law.

Section 1. Section 88-3 entitled "Land Use Fees" of the Code of the Township of Hardyston. Chapter 88 entitled "Fees" is hereby amended to amend as sub-section H entitled "Review Fee Escrow Deposits to Municipal Agency" to add the following sub-paragraphs after paragraph 88-3H(1):

(d) Fees or charges shall be based upon a schedule by contract approved by the Township Council or Planning Board by Resolution and shall be limited only to professional charges for review of applications, requests for master plan amendments and/or ordinance amendments, review and preparation of developer agreements and any amendment requests, review and preparation of documents and inspection of developments under construction and review by outside consultants when an application or request is of a nature beyond the scope of the expertise of the professional or consultant utilized by the Township. The only costs that shall be added to any such charges shall be actual out-of-pocket expenses of any such professionals or consultants, including normal and typical expenses incurred in processing application and inspecting improvements. The Applicant shall not be charged for any township, clerical or administrative functions, overhead expenses, meeting rooms or any other township costs and expenses except those provided for herein.

(e) If the professional services are provided by a township professional employee, the charge shall not exceed two-hundred (200%) percent of the sum of the products resulting from multiplying (1) the hourly based salary, which was established annually by ordinance, of each of the professionals by two (2) the number of hours spent by the respective professional upon review of the applications, requests for master plan

amendments and/or ordinance amendment, review and preparation of developer agreements and any amendment requests, review and preparation of documents or inspection of the developer's improvements. For other professionals, the charge shall be the same rate as all other work of the same nature by the professional for the Township when fees are not disbursed or otherwise imposed on applicants or developers.

Section 2. Severability.

If any section, paragraph, subdivision clause or provision of this Ordinance shall be judged invalid, such adjudication shall apply only to that section, paragraph, sub-division, clause or provision and the remainder of the Ordinance shall be deemed valid and effective.

Section 3.

This ordinance shall take effect after final passage and publication in the manner required by law.

HARDYSTON TOWNSHIP

Jane Bakalarczyk, Township Clerk

Dated: August 13, 2014

NOTICE

PLEASE TAKE NOTICE that notice is hereby given that the above ordinance was introduced and passed at the regular meeting of the Hardyston Township Council held at the Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey, on July 9, 2014. The same came up for final adoption at a meeting of the Township Council of the Township of Hardyston held on August 13, 2014, and after all persons present were given the opportunity to be heard concerning the same, it was finally passed, adopted and will be in full force and effect in the Township according to law.

HARDYSTON TOWNSHIP

Jane Bakalarczyk, Township Clerk