

ORDINANCE 1-11
AN ORDINANCE REPEALING AND RESCINDING
FEE REDUCTION ORDINANCE NO: 17-10

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF
KEYPORT AS FOLLOWS:**

SECTION I. Purpose:

During 2010 Ordinance 4-10 (An Ordinance Amending Chapter 12-1 of the Revised General Ordinances of the Borough of Keyport with Regard to Backflow Prevention Devices Inspection Fees), Ordinance 6-10 (An Ordinance Amending Chapter 25-1-20 of the Revised General Ordinances of the Borough of Keyport with Regard to Escrow Fees for Non-Planning Board Construction Applications), Ordinance 7-10 (An Ordinance Amending Chapter 12-1 of the Revised General Ordinances of the Borough of Keyport with Regard to Subcode Fees), Ordinance 8-10 (An Ordinance Amending Chapter 12-2.3 of the Revised General Ordinances of the Borough of Keyport with Regard to Certificate of Occupancy), and Ordinance 9-10 (An Ordinance Amending Chapter 12-14.7 of the Revised General Ordinances of the Borough of Keyport with Regard to Landlord Registration Fees) established, amended or increased certain fees due to the Borough.

Ordinances 4-10, 7-10, 8-10 and 9-10 were specifically repealed by Ordinance 17-10. Ordinance 6-10 was not listed in Ordinance 17-10 but it is attached to it and that attachment could be interpreted as a repealer. Ordinance 17-10 becomes effective on January 1, 2011.

Ordinance 4-10 established a fee to compensate the Borough for performing an annual inspection of backflow preventors and/or devices required to prevent reverse flows of water from individual systems which may contaminate the public water source.

Ordinance 6-10 established an escrow to pay for professionals to review an application and "as built" which is not subject to Planning Board review.

Ordinance 7-10 established and amended Uniform Construction Code fees for permits and services pursuant to the subcodes of the Uniform Construction Code. This Ordinance alone established, amended or increased 195± fees.

Ordinance 8-10 established and amended fees for the inspection of and issuance of a Certificate of Occupancy certifying that a unit is fit for human habitation.

Ordinance 9-10 established and amended landlord residential fees for residential and commercial rental units.

Most of the fees established or amended by these ordinances are required in order to ensure and promote public health, safety and welfare in a fiscally responsible manner.

During the 2010 political campaign for the offices of Mayor and Council the challengers of the incumbents issued a campaign flyer which stated that 37 municipal fees had been increased in 3½ years of the incumbent Mayor's Administration and stated that the fees were intended to pay for the salaries of the Mayor's appointees from Middlesex County and Carteret Borough. The Mayor's appointees were from Middlesex County and Carteret Borough and they did replace residents of Monmouth County and Keyport Borough.

The incumbent Mayor and Councilmember and their running mate were defeated by the challengers in the general election held on November 2, 2010.

On November 23, 2010 the Mayor and Council introduced Ordinance No. 17-10 which rescinded and repealed Ordinance 4-10, Ordinance 7-10, Ordinance 8-10 and Ordinance 9-10, which were attached to Ordinance 17-10, and reduced the fees to the level they were prior to the effective dates of those ordinances. Ordinance 6-10 was not referred to in the body of Ordinance No. 17-10, but it was attached to the copies of the Ordinance which were distributed. Ordinance No. 17-10 was adopted by the Mayor and Council at the regular meeting held on December 7, 2010.

The adoption of Ordinance No. 17-10 reduced or eliminated 210± fees and escrows established, amended or increased during the single year of 2010 in response to a criticism of raising 37 fees or escrows over a period of 3½ years, 2007, 2008, 2009 and 2010.

The adoption of Ordinance No. 17-10 was contrary to all of the public health, safety, welfare and fiscal policy purposes set forth in Ordinance Nos. 4-10, 6-10, 7-10, 8-10 and 9-10.

SECTION II. Repealer

Ordinance No. 17-10 is hereby repealed and rescinded and Ordinance Nos. 4-10, 6-10, 7-10, 8-10 and 9-10 are restored to full force and effect.

SECTION III. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION IV. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduced: January 1, 2011

Public Hearing: January 18, 2011

Adopted:

Valerie T. Heilweil, RMC
Borough Clerk
Borough of Keyport

Robert E. McLeod, Mayor
Borough of Keyport