

ORDINANCE NO: 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

WHEREAS, pursuant to *N.J.S.A. 40:48-1 et seq.*, the power to adopt public ordinances for public health, safety and welfare of the Borough is conterminous with the power of the legislature; and

WHEREAS, the Mayor and Borough Council of the Borough of Keyport declare that in order to promote public health, safety and welfare it is imperative that the Borough be able to collect the necessary escrow funds to ensure that its professionals are paid to review applications for permits that do not involve Keyport Unified Planning Board review and/or approval; and

WHEREAS, pursuant to *N.J.S.A. 40:55D-8*, the Borough is authorized to establish such fees for reviews of any applications; and

WHEREAS, the Mayor and Council of the Borough of Keyport wish to amend Chapter 25:1-20 of the Revised General Ordinances of the Borough of Keyport which governs requirements permits and certificates of occupancy.

NOW THEREFORE, BE IT ENACTED by the Mayor and Council of the Borough of Keyport that:

Chapter 25:1-20, Permits and Certificates of Occupancy is amended as follows:

No person/applicant shall erect, construct or structurally alter any building unless a zoning office permit has been issued and obtained from the Zoning Officer (the administrative officer; pursuant to the Municipal Land Use Law) who shall be appointed by and serve at the pleasure of the Mayor and Council.

Any person/applicant who seeks to erect, construct or structurally alter any building shall deposit an escrow with the Zoning Office in an amount not to exceed \$500.00. Such amount shall be used to pay any professionals for their review of such person's/applicant's application to erect, construct or structurally alter any building. Such escrow shall continue to be the property of the person/applicant and not the Borough. Depending on the complexity of the application, If any

Note: New language indicated by underlining thus, language eliminated indicated by strikethrough ~~thus~~.

funds remain after the completion of review, such funds shall be returned to the person/applicant. Such escrow shall be in addition to any required Borough subcode fees. This paragraph shall only be applicable to applications to the Zoning Office that are not subject to review by the Borough Unified Planning Board.

If any part or parts of the Ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this Ordinance.

All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

This Ordinance shall become effective immediately upon its final passage and publication as required by law.

Introduced: April 27, 2010

Public Hearing: May 18, 2010

Adopted: May 18, 2010

Valerie T. Heilweil, RMC

Borough Clerk

Borough of Keyport

Robert J. Bergen, Mayor

Borough of Keyport