

**HARDING TOWNSHIP
ORDINANCE #09-2021**

AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 171, ARTICLE IV (LAND USE DEVELOPMENT) OF THE CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY §§171-15 (LAND USE AND DEVELOPMENT FEES), 171-16 (LAND USE PROCEDURES AND VARIANCE APPLICATIONS) AND 171-23 (TECHNICAL REVIEW FEES)

WHEREAS, the Township of Harding has under the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., (hereinafter the "MLUL") the authority to assess fees to cover administrative costs for applications and/or appeals filed pursuant to the MLUL and Chapter 225 of the Township Code and to require deposits for payment of professionals providing services to the Township's Planning Board and Zoning Board of Adjustment; and

WHEREAS, the Township of Harding has determined it is in the best interest of the general welfare to clarify certain provisions of Chapter 171, Article IV related fees and deposits collected by the Township for Land Use and Development related activities.

NOW THEREFORE BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING IN THE COUNTY OF MORRIS AND THE STATE OF NEW JERSEY THAT §§171-15 (LAND USE AND DEVELOPMENT FEES), 171-16 (LAND USE PROCEDURES AND VARIANCE APPLICATIONS) AND 171-23 (TECHNICAL REVIEW FEES) ARE HEREBY AMENDED AS FOLLOWS (ADDITIONS ARE BOLDDED AND UNDERLINED; DELETIONS HAVE STRIKETHROUGH):

SECTION 1. §171-15 Land use and development fees.

The following application and appeal fees, as applicable, and deposits for technical review shall be paid by every applicant for development and appellant, as applicable, within the Township of Harding pursuant to N.J.S.A. 40:55D-1 et seq. and Chapter 225 of the Township Code. These application fees and appeal fees shall be adjusted by the municipality effective January 1 of each year, commencing in 2012, in accordance with any percentage increase in inflation in the twelve-month period prior to the effective date, as measured by the Consumer Price Index for All Urban Consumers, Northeastern Region (CPI), determined and published by the Bureau of Labor Statistics, United States Department of Labor. Said adjustments will be rounded up to the nearest dollar. Notice of the adjusted fee schedule shall be published by the Township Clerk in the official newspaper of the Township within 10 days of such adjustment. Every application for development or appeal, as applicable, that includes a requirement for a deposit of funds to cover the cost of technical review per § 171-23 shall be accompanied by two separate checks payable to the Township of Harding: one for the application charge and the other for technical review, which shall be deposited into an escrow account, in accordance with the following schedule.

SECTION 2. §171-16 Land use procedures and variance applications shall be amended such that the banner located under the section title shall read as follows:

Application Fee /Appeal Fee

Deposit for Tech Review

SECTION 3. §171-23 Technical review fees.

A. In addition to the filing fees required by § 171-1, an applicant or appellant, as applicable, shall pay fees equal to the costs incurred for the technical review of the application or appeal, as applicable, by the Township Engineer, Township Attorney, legal, planning, and engineering, and other specialized professional consultants to the Planning Board or the Board of Adjustment.

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B. Technical review fees shall be calculated in accordance with the actual time required for review at rates established by a schedule of professional fees adopted and from time to time amended by resolution of the Township Committee, which schedule shall be maintained in the office of the Township Clerk for public inspection.

C. Each deposit for technical review fees shall be held in escrow by the Township in an account separate from the general funds of the Township. The account shall be in a banking institution or savings and loan association in this state, insured by an agency of the federal government, or in any other fund or depository approved for such deposits by the state, in an account bearing interest at the minimum rate currently paid by the institution or depository on time or savings deposits. The Township Chief Financial Officer shall notify the applicant or appellant, as applicable, in writing of the name and address of the institution or depository in which the deposit is made and the amount of the deposit. For a given subdivision or site plan application, there shall be separate accounts for the concept, preliminary and final application stages.

D. All interest earned on any account shall be retained in the account until paid over as hereinafter provided. The Township Administrator shall from time to time certify to the Township Committee the costs of the technical review of an application or appeal, as applicable, and costs of reports and/or testimony as determined in accordance with the aforementioned schedule of professional fees. If the Township Committee determines the costs as certified to be reasonable, then such amount shall be withdrawn from the escrow account and paid over to the Township as an item of miscellaneous revenue.

E. An applicant or appellant, as applicable, may at any time examine Township records with respect to an escrow account and expenditures therefrom.

F. All deposits for technical review fees shall be made prior to the performance of the professional services which the deposit is intended to cover.

G. All payments charged to the deposit shall be pursuant to vouchers from the professionals stating the hours spent, the hourly rate, and the expenses incurred.

H. In the event that the initial deposit made by an applicant or appellant, as applicable, is not sufficient to cover all technical review, report and/or testimony costs with respect to the application or appeal, as applicable, for which the deposit was made, upon request by the Township, the applicant or appellant, as applicable, shall, upon written notice from the Township, make such further deposit or deposits as may be necessary to cover further technical review, report and/or testimony costs.

I. Whenever the interest earned on any escrow account shall exceed \$100 in any calendar year, the Township Chief Financial Officer shall pay to the applicant or appellant, as applicable, 66 2/3% of the interest earned during the calendar year on such account with the remaining 33 1/3% of such interest being paid over to the Township for administrative expenses. Such payments shall be made within 30 days after the termination of the calendar year in which the interest was earned or within 30 days after the termination of the account in the event that the account shall be terminated prior to the end of the calendar year.

J. Whenever the interest earned on any escrow account is no more than \$100 in any calendar year, all of such interest shall remain in the account until the termination of the account, at which time all of such

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interest shall be paid over by the Township Chief Financial Officer to the Township for administrative expenses.

K. After the completion of the review of an application for development or appeal, as applicable, by the Planning Board or the Board of Adjustment, or upon the withdrawal of an application or appeal, as applicable, and after all technical review and/or testimony costs have been paid from the escrow account for such application or appeal, as applicable, the Township Chief Financial Officer shall refund to the applicant or appellant, as applicable, all deposit moneys remaining in the escrow account, together with the interest, if any, which the applicant or appellant, as applicable, is entitled to receive. A written final accounting shall be provided to the applicant or appellant, as applicable, on the uses to which the deposit was put. Thereafter, copies of the vouchers submitted pursuant to Subsection F of this section shall be provided to the applicant or appellant, as applicable, upon written request. After the interest which the Township is entitled to receive is paid over to the Township, the escrow account shall be terminated.

* NOTE: Affordable housing fees are applicable per § 171-3.

SECTION 4: At least three copies of said full Ordinance are on file in the Office of the Municipal Clerk for public examination and acquisition. Copies are available for inspection or acquisition during regular weekday working hours and arrangements have been made for the publication of said proposed Ordinance in pamphlet or other similar form which will be available for purchase from the Township Clerk.

SECTION 5: This Ordinance shall take effect upon final passage and publication according to law.

SECTION 6: All Ordinance or parts of Ordinances inconsistent herewith are hereby repealed.

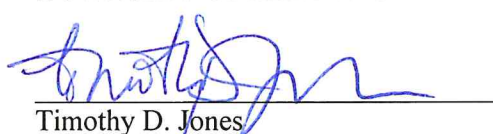
SECTION 7: If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions.

ATTEST



Lisa A. Sharp, RMC
Municipal Clerk

TOWNSHIP OF HARDING



Timothy D. Jones
Mayor

INTRODUCED: April 12, 2021
PUBLIC HEARING: May 10, 2021
ADOPTED: May 10, 2021

ADVERTISED: April 15, 2021
ADVERTISED: May 13, 2021

Vote on Adoption:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN
Ms. Chipperson		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. DiTosto		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Platt		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*2nd
1st*