

TOWNSHIP OF BORDENTOWN

ORDINANCE NO. 2015-2

An Ordinance of the Township of Bordentown Providing for the Joint Administration of Land Use Powers with the City of Bordentown.

WHEREAS, the New Jersey Municipal Land Use Law, at N.J.S.A. 40:55D-77, et seq., permits the Governing Bodies of two municipalities to enter into an Agreement providing for the joint administration of powers conferred upon the municipalities by the Municipal Land Use Law, and;

WHEREAS, there are properties along the Route 130 and Route 206 highway corridors which exist along the common Municipal Boundary between the Township of Bordentown (the "Township") and the City of Bordentown (the "City"), and which are in common ownership and/or common use ("Common Properties"), and;

WHEREAS, the Governing Bodies of the Township and the City desire to enter into an agreement that will designate which single municipality shall exercise Land Use Power for each Common Property, thus simplifying the land use approval and enforcement process, and:

WHEREAS, the Township Committee recognizes the benefits to be obtained by entering into such an Agreement; which include the comprehensive review of land use proposals on the Common Properties, elimination of duplicate applications and costs, and uniform Zoning Enforcement for the Common Properties, and

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Bordentown that:

Section 1.

1. Upon the adoption of a substantially similar Ordinance by the City of Bordentown within the time limit set forth by N.J.S.A. 40:55D-77, the Township Committee may enter into an agreement with the City of Bordentown, pursuant to this Ordinance, to provide for the joint administration of land use powers for the Common Properties.
2. The duties to be exercised for each Common Property shall be limited to:
 - a. The complete Land Use application process, whether it may be a Planning Board or Zoning Board application,
 - b. Land use management of any subsequent Planning or Zoning Board-approved site construction, including receipt of Performance Guarantees, construction inspections, and release of Guarantees,

- c. Zoning and Land Use enforcement.
3. The terms of the agreement shall set forth:
- a. The method for the designation of which Municipality shall regulate each individual Common Property; which may be determined either by: (1) a preponderance of lot area in one Municipality; or, (2) a preponderance of use in one Municipality; or, (3) such other methodology as may be mutually agreed upon which advances the purposes of this Ordinance and the Municipal Land Use Law.
 - b. The specific Common Properties to be regulated, listed by Tax Block and Lot numbers, and the designation of the Municipality which shall regulate each.
 - c. That both the Township and the City shall retain appointment power for all land use officials within their respective municipalities.
 - d. That both municipalities shall each be individually responsible for any expenses which they might incur as a result of entering into the Agreement.
 - e. The duration of the Agreement, which may not exceed a term of twenty (20) years.
 - f. That the Agreement may be extended for additional terms of up to twenty years each, if authorized by substantially similar Ordinances adopted by both Municipalities.
 - g. That either municipality may unilaterally terminate the Agreement upon adoption of an Ordinance. In accordance with N.J.S.A. 40:55D-83, termination of the Agreement shall not be made effective earlier than June 30 next succeeding the expiration of 12 full calendar months following the decision to terminate; provided that such termination may occur at an earlier date if both municipalities unanimously agree to such earlier date on or after the date of the decision to terminate as provided by the joint agreement.

Section 2. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

Section 3. This Ordinance shall take effect upon adoption and publication of notice of adoption as provided by Law; and, upon adoption of a substantially similar Ordinance by the City of Bordentown within six months.

INTRODUCED: FEBRUARY 9, 2015
ADOPTED: FEBRUARY 23, 2015