

cc: Admin  
Plan

(C)

# TOWNSHIP OF BYRAM NEW JERSEY

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September 11, 2008

TO: Green Township  
Andover Township  
Andover Borough  
Sparta Township  
Hopatcong Borough  
Stanhope Borough  
Mt. Olive Township  
Allamuchy Township  
Roxbury Township  
Sussex County Planning

FROM: Doris J. Flynn, RMC, Township Clerk

RE: Land Use Ordinances

Pursuant to the provisions of the Municipal Land Use Law, Chapter 291, enclosed please find a copy of the following proposed ordinances:

Ordinance of the Township of Byram Amending Chapter 45, Article IV, Section 37A(4) of the Revised Ordinances of the Township of Byram to Modify the Provisions of the Existing Fees

The above ordinance was introduced at the Byram Township Council meeting of September 2, 2008. Said ordinance will be considered for final reading and passage at a public hearing to be held **October 6, 2008** at the Byram Municipal Building, 10 Mansfield Drive, Byram Township, beginning at 7:30 p.m.



## TOWNSHIP OF BYRAM

### ORDINANCE NO. 18 - 2008

#### **ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BYRAM AMENDING CHAPTER 45, ARTICLE IV, SECTION 37A(4) OF THE REVISED ORDINANCES OF THE TOWNSHIP OF BYRAM TO MODIFY THE PROVISIONS OF THE EXISTING FEES**

STATEMENT OF PURPOSE: The purpose of this ordinance amendment is to modify the existing escrow ordinance to make various changes to authorize charging for municipal employee professionals, as authorized pursuant to the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-53.2

BE IT ORDAINED by the Township Council of the Township of Byram, County of Sussex and State of New Jersey, that "Article IV, Chapter 45, Section 37" of the revised Ordinances of the Township of Byram shall be and hereby is amended as follows:

SECTION 1. Sections 45-37A(4)(c) and (d) are hereby amended in their entirety to state as follows:

- "(c) The review fee escrow deposit shall be from time to time applied to defray the actual reasonable and necessary expenses incurred by the Township of Byram in connection with the processing of such application for development, including but not limited to such actual reasonable and necessary expenses incurred by the Township of Byram for review and/or processing of the application for development by the Township Engineer, planning consultant, Board and/or Township Attorney and any other professionals or experts retained by the Planning Board in connection with their review and action on such application; and all reasonable and necessary costs actually incurred by the Planning Board and Township in connection with the review and/or processing of such application by the Township Engineer, planning consultant, Board and/or Township Attorney or other professionals or experts retained by the Board or Township shall be charged against and disbursed from the aforesaid review fee trust account, as hereinafter provided. The term "professional personnel" or "professional services", as used herein, shall include the services of a duly licensed engineer, surveyor, planner, attorney, realtor, appraiser or other expert who would provide professional services for review of applications for development, preparation of documents and inspection of improvements, for advice to insure an application complies with the standards set forth in this ordinance and other experts whose testimony is in an area testified to by any of the applicant's experts or other purposes under the provisions of the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. "Professional personnel" shall include personnel retained by the Township pursuant to a professional services contract, as well as Township employees (i.e., personnel whose salary, staff support and overhead are provided by the Township). If the professional services are provided by a Township employee, the charge shall not exceed 200% of the sum of the products resulting from multiplying (1) the hourly base salary, which is established annually by ordinance, of each of the professionals

by (2) the number of hours spent by the respective professionals upon review of the application or inspection of the developer's improvements.

- (d) The Township Engineer, planning consultant, Board Attorney and any other professionals or experts retained by the Planning Board or Township in connection with its review and action on such application shall submit vouchers to the Planning Board or Township for all actual reasonable and necessary fees and expenses incurred in reviewing such application and the subject matter thereof and in submitting reports or rendering professional services in connection therewith. All such vouchers for any such services shall be prepared in the same manner as vouchers for similar services rendered to the Board or Township, and the fees and rates charged for similar such services to the Board or Township. Upon receipt of such vouchers, the same shall be reviewed by the Planning Board or Township Council, and the Board or Council shall determine whether or not such fees and charges represent the actual reasonable and necessary charges, fees and expenses which have been incurred in connection with the review and processing of such application. The administrative officer shall not make disbursement from such review fee trust account unless and until the Planning Board or Township Council has affirmatively approved such vouchers for payment."

SECTION 3. 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, subdivision, clause or provision, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 4. Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This ordinance shall take effect within twenty (20) days of the date of adoption hereof.

INTRODUCED: SEPTEMBER 2, 2008

ADOPTED:

TOWNSHIP OF BYRAM

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ESKIL DANIELSON, MAYOR

ATTESTED:

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DORIS FLYNN, TOWNSHIP CLERK

## NOTICE

NOTICE is hereby given that the above entitled Ordinance was introduced and passed first reading at the meeting of the Township Council of the Township of Byram on the 2nd day of September, 2008. The said ordinance will be further considered for final adoption at a meeting of the Township Council of The Township of Byram, held at the Byram Municipal Building, Mansfield Drive, Byram Township, New Jersey, on the 6th day of October 2008 at 7:30 p.m. at which time all persons will be given the opportunity to be heard concerning said ordinance. Copies of this ordinance are available in the Clerk's office, Monday through Friday, between the hours of 8:30 a.m. and 4:30 p.m.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BYRAM

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TOWNSHIP CLERK

