

BOROUGH OF NORTH HALEDON

ORDINANCE #2-2019

AN ORDINANCE OF THE BOROUGH OF NORTH HALEDON AMENDING ARTICLE III "USE OF PUBLIC SEWER" CHAPTER 479 "SEWERS" SECTION 8 ENTITLED "SEWER CONNECTION FEE" OF THE CODE OF THE BOROUGH OF NORTH HALEDON

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Borough of North Haledon ("Borough") is authorized to adopt an Ordinance for the preservation of public health, safety and welfare; and,

WHEREAS, in connection therewith the Borough is authorized to collect a sewer connection charge to provide for a fair payment toward the capital cost of the public sewer system pursuant to N.J.S.A. 40A:26A-11; and,

WHEREAS, pursuant to the New Jersey Local Redevelopment and Housing Law, specifically N.J.S.A.40A:12A-8, the Borough has the power to enter into a negotiated redevelopment agreement with a redeveloper; and,

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of North Haledon, County of Passaic, and State of New Jersey, as follows:

SECTION ONE. Article III, Chapter 479, Section 8 entitled "Sewer Connection Fee" is hereby amended with the new additions in **bold** as follows:

D. The fee shall be paid in full to the Borough prior to the issuance of a certificate of occupancy for the unit to which it applies **or at such time as the Redevelopment Agreement by and between the Borough and a redeveloper shall dictate.** The payment of said sewer connection fee shall be a condition to the issuance of any certificate of occupancy. In the event that a connection is made without prior payment of the sewer connection fee for any reason, **unless otherwise permitted pursuant to a Redevelopment Agreement,** the sewer connection fee shall

constitute a first lien upon the benefited property and shall bear interest as set forth in N.J.S.A. 40A:26A-12 and as otherwise provided by law. This shall be in addition to any violations, penalties or other remedies otherwise provided for. **For the purposes of this section “Redevelopment Agreement” shall mean a contract for the planning, replanning, construction, or undertaking of any project or redevelopment work, or any part thereof as set forth in N.J.S.A. 40A:12A-8(f).**

SECTION TWO. All Ordinances of the Borough which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

SECTION THREE. If any section, subsection clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portion of the Ordinance.

SECTION FOUR. This Ordinance shall take effect as provided by law.

NOTICE

Notice is hereby given that the above ordinance was introduced and passed first reading at the Regular Meeting of the Mayor and Council of the Borough of North Haledon on January 23, 2019, and will be considered for final passage after public hearing at the Regular Meeting of the Mayor and Council to be held on February 20, 2019 at the Municipal Bldg., 103 Overlook Ave., North Haledon, NJ at 7:30 p.m., or shortly thereafter at which time anyone interested therein or affected thereby will be given an opportunity to be heard.