

ORDINANCE NO. 12 – 2023

**AN ORDINANCE REPEALING CHAPTER 17 OF THE CODE BOOK OF THE
BOROUGH OF CLAYTON
(PARKS AND RECREATION ESCROW ACCOUNT)**

WHEREAS, the Mayor and Council of the Borough of Clayton adopted Code Book Chapter 17, Parks and Recreation Escrow Account, on December 26, 1991 by Ordinance No. 91-26; and

WHEREAS, the adoption of Ordinance No. 91-26 was by way of a majority vote of the then existing governing body and not by any public referendum; and

WHEREAS, Chapter 17 was adopted at a time when existing law in New Jersey allowed municipalities to collect funds from Developers to contribute to an Escrow Account for Parks and Recreational improvements as provided in the then existing Chapter 88, Unified Development of the Clayton Code Book; and

WHEREAS, the ability to collect contributions in lieu of actual construction from developers for recreational improvements was ruled against by the New Jersey Supreme Court in the case of New Jersey Shore Building Ass'n v. Township of Jackson, 199 N.J. 449 (2009); and

WHEREAS, the funds in this account have remained at the minimum balance amount of \$100,000, with interest accrued, for a number of years in light of developers being unable legally to contribute to this Escrow Account; and

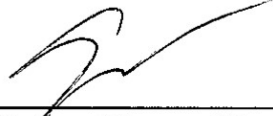
WHEREAS, the governing body has determined there exists current recreational needs that can be addressed by spending the funds in this Escrow Account.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Clayton, County of Gloucester and State of New Jersey that Chapter 17, Parks and Recreation Escrow Account, be and is hereby repealed.

BE IT FURTHER ORDAINED that the remaining funds in this Escrow Account shall be used for parks and recreational expenses and improvements for the Borough until said funds have been exhausted.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication as required by law.

BOROUGH OF CLAYTON



Thomas Bianco, Mayor

ATTEST:



Christine Newcomb, Borough Clerk

NOTICE OF INTRODUCTION

ORDINANCE NO. 12 – 2023

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TAKE NOTE that the foregoing ordinance was introduced at a meeting of the Mayor and Council of the Borough of Clayton held on March 23, 2023 and was then read for the first time. The said ordinance will be further considered for final passage by the Mayor and Council at the Municipal Building, 125 N. Delsea Drive, Clayton, New Jersey, at a meeting beginning 6:30 p.m. on April 13, 2023, at which time and place, or any time and place to which such meeting be adjourned, all persons interested will be given an opportunity to be heard concerning such ordinance.

BY ORDER of the Mayor and Council of the Borough of Clayton.

Christine Newcomb
Borough Clerk

NOTICE OF ADOPTION
BOROUGH OF CLAYTON
ORDINANCE NO. 12 – 2023

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The foregoing Ordinance was finally adopted by the Mayor and Council of the Borough of Clayton on April 13, 2023.

Christine Newcomb
Borough Clerk