

ORDINANCE #O-04-2023

AN ORDINANCE AMENDING CHAPTER XXX (LAND USE REGULATIONS) OF THE GENERAL ORDINANCES THE BOROUGH OF MONMOUTH BEACH.

BE IT ORDAINED by the Mayor and Borough Commissioners of the Borough of Monmouth Beach, County of Monmouth, and State of New Jersey that Chapter XXX (Land Use Regulations) of the General Ordinances of the Borough of Monmouth Beach is hereby amended or supplemented as follows:

PURPOSE

The purpose of this ordinance is to include provisions that provides for the collection and enforcement of an Applicant's responsibility to maintain escrow accounts posted as required by law with the Borough of Monmouth Beach Combined Land Use Board.

Chapter XXX (Land Use Regulations) of the General Ordinances of the Borough of Monmouth Beach is hereby amended or supplemented as follows (new text is double underlined, text to be deleted is ~~struck through~~ and notations to the reader and changes in subparagraph designations either with or without changes to content are italicized):

SECTION 1

BE IT ORDAINED that , Chapter XXX (Land Use Regulations) Article 30-4 (Fees) Subsection 30-4E shall be amended by the addition of new subsections 3 through 8 as follows:

3. If any applicant before the Borough of Monmouth Beach Combined Land Use Board becomes 90 days deficient in paying any required escrow or supplemental escrow for the payment of the Board's professional fees, the Board Secretary shall provide a certification to the Borough Clerk setting forth:
 - a. The date of the notice to the applicant;
 - b. The amount requested/required;
 - c. The amount that remains unpaid; and
 - d. That 90 days has elapsed since the date of request for such payment.
4. Upon receipt of the certification of the Board Secretary as set forth in Subsection 30-4E-3, the Borough Clerk shall advise the governing body by providing it with a copy of the Board Secretary's certification.
5. If the Governing Body chooses to impose a lien on the subject property to the extent of the unpaid escrow, it shall advise the property owner, in writing, at least 10 days before the next Governing Body Meeting at which such action will be taken.
6. If the escrow remains unpaid by the expiration of 10 days as set forth in the proceeding section, the Governing Body may adopt a resolution to assess the property owner the amount of the unpaid escrow, such amount to be added to the property owner's tax bill and be a lien against the taxpayer's subject property.

7. This procedure is not intended to relieve the applicant or property owner from paying the required escrow bills. Rather, this section is designed to provide an additional mechanism to collect unpaid escrow bills.
8. If any application to the Combined Land Use Board is made by other than the owner of the property, in addition to the owner of the property providing its consent for the applicant to proceed, the owner shall also provide a written statement to the Board, indicating its awareness that, if any escrow bills are not paid, the Borough may impose a lien for the same and add the unpaid escrow bill(s) to the real estate taxes of that property.

SECTION 2

All other ordinances not specifically modified herein shall remain in full force and effect.

SECTION 3

If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4

The Borough Clerk is hereby directed, upon adoption of the Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S. 40:49-2.1.

SECTION 5

This Ordinance shall take effect immediately upon final passage and publication according to law and filing with the Monmouth County Planning Board.

Introduced: February 21, 2023
Passed & Adopted: March 21, 2023

Joyce L. Escalante, RMC
Borough Clerk