

TOWNSHIP OF HAMILTON
ORDINANCE NO. 1820-2016

AN ORDINANCE REPEALING AND RESERVING SECTION 203-134C OF THE
TOWNSHIP CODE REGARDING TERM LIMITS ON DEVELOPER
PERFORMANCE BONDS.

WHEREAS, Township Code Section 203-134C presently limits the term of certain developer performance guarantees to three years;

WHEREAS, the Township Committee was concerned that this was neither legally necessary nor advantageous to the Township;

WHEREAS, the Township Committee referred consideration of this matter to the Planning Board by Resolution at the Committee's regular meeting on March 3, 2016;

WHEREAS, on March 7, 2016, the Planning Board reviewed and discussed the matter and voted unanimously to recommend removing the language of Section 203-134C relating to limiting performance guarantees to three years;

WHEREAS, the Township Committee has reviewed the Planning Board's recommendation, and having reviewed Section 203-134C and finding that the entirety of the Section relates to term limits on performance guarantees and removing only the reference to the actual term limit renders the remainder of the Section inoperative and nonsensical, the Township Committee has determined to accept the Planning Board's recommendation with modification; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hamilton, County of Atlantic and State of New Jersey, that:

SECTION I. REPEALING SECTION 203-134C

The entirety of Township Code Section 203-134C is hereby REPEALED.

SECTION II. RESERVING SECTION 203-134C

Township Code Section 203-134C shall be marked RESERVED, and be set aside for future use.

SECTION III. SEVERABILITY and REPEALER

- (a) If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid, or enforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
- (b) Any Ordinance inconsistent with the terms of this Ordinance is hereby repealed to the extent of such inconsistency

SECTION IV. EFFECTIVE DATE

This Ordinance shall take effect upon its final passage and publication as provided by law.