

TOWNSHIP OF WALL

ORDINANCE NO. 25-2005

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AMENDING CHAPTER 140, THE "LAND USE AND DEVELOPMENT REGULATIONS OF THE TOWNSHIP OF WALL", OF THE CODE OF THE TOWNSHIP OF WALL, SECTIONS 140-282, "AFFORDABLE HOUSING TRUST FUND", AND 140-283 "MANDATORY DEVELOPMENT FEES".

BE IT ORDAINED by the Township Committee of the Township of Wall, in the County of Monmouth and State of New Jersey, as follows:

Section 1. Chapter 140, the "Land Use and Development Regulations of the Township of Wall", of the Code of the Township of Wall, as amended and supplemented, Section 140-282, "Affordable Housing Trust Fund", be and the same is hereby further amended and supplemented, as follows:

- a. By the deletion therefrom of subsection 140-282E., "Use of mandatory development fees."
- b. By the deletion therefrom of subsection 140-282H., "Expiration."
- c. By renumbering subsections 140-282F. and G. as subsections 140-282E. and F.

Section 2. Chapter 140, the "Land Use and Development Regulations of the Township of Wall", of the Code of the Township of Wall, as amended and supplemented, Section 140-283, "Mandatory Development Fees", subsection 140-283F., "Use of mandatory development fees", be and the same is hereby further amended and supplemented by the deletion therefrom of subparagraph (2), and the substitution therefor of the following:

"(2) The Township may use the moneys collected pursuant to this Part 6 for any activity designed to address its fair share obligation, subject to the

provisions of N.J.A.C. 5:94-4.4(d), which shall not apply to any payments in lieu of constructing affordable units on site under an agreement with the Township entered prior to December 20, 2004. Such activities include, but are not limited to: housing rehabilitations; regional contribution agreements; purchase of land for low- and moderate-income housing; improvements to land for low- and moderate-income housing; extensions and/or improvements of roads and infrastructure to low- and moderate-income housing sites; assistance designed to render units to be more affordable to low- and moderate-income households; and the administration and implementation of the Wall Township Fair Share plan and Housing Element."

Section 3. Chapter 140, the "Land Use and Development Regulations of the Township of Wall", of the Code of the Township of Wall, as amended and supplemented, Section 140-283, "Mandatory Development Fees", subsection 140-283F., "Use of mandatory development fees", be and the same is hereby further amended and supplemented by the deletion therefrom of subparagraph 140-283F.(4) and the substitution therefor of the following:

"(4) No revenues collected from development fees pursuant to this Part 6 shall be used to reimburse the Township for any prior activities undertaken to address its fair share obligation. No funds shall be used for legal or other professional fees incurred in litigation opposing compliance with the Township's lower income housing obligations."

Section 4. All Ordinances, or parts thereof, inconsistent with the provisions of this Ordinance, be and the same are hereby repealed to the extent of such inconsistency.

Section 5. Should any section, paragraph, clause or any other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

Section 6. This Ordinance shall take effect upon its passage and publication according to law, and upon the filing thereof with the Monmouth County Planning Board.

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on August 10, 2005, and further be considered for final passage and adopted at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey on Sept. 14, 2005, at 7:30 p.m., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in the Township of Wall, Town Hall, to members of the general public who shall request the same.

LORRAINE KUBACZ, R.M.C.
Township Clerk