

ORDINANCE #934

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING CHAPTER 390 OF THE CODE OF THE BOROUGH OF OCEANPORT, ENTITLED "ZONING"

BE IT ORDAINED by the Council of the Borough of Oceanport, in the County of Monmouth, in the State of New Jersey, that the following be amended:

NOTE: Additions are underlined and deletions are marked by strike through.

Article II. Definitions

§390-4. Word usage; terms defined

B. Terms defined. As used in this chapter, the following terms shall have the meanings indicated:

STORY

~~The vertical distance from top to top of two successive tiers of beams or finished floor surfaces, and for the topmost story, from the top of the floor finish to the top of the ceiling joists, or where there is no ceiling, to the top of the roof rafters.~~

The vertical distance from top to top of two successive tiers of beams or finished floor surfaces, and for the topmost story, from the top of the floor finish to the top of the ceiling joists, or where there is no ceiling, to the top of the roof rafters. "Story" is defined as habitable space and does not include a ground floor garage or storage area that is less than 7 feet 11 inches.

Article X. Development Fees

§390-45. Residential Development Fees

B Eligible exactions, ineligible exactions and exemptions for residential development.

(7) Residential reconstruction projects resulting from fire, flood, or natural disaster (this exemption applies *only* for the owner of record at the time of the fire, flood, or natural disaster).

§390-47. Collection Procedure

C. ~~The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.~~ The construction official responsible shall notify the local tax assessor of the need to have an estimate of the equalized assessed value of the development.

D. ~~Within 90 days of receipt of that notice, the Municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.~~ Within 20 days of the receipt of that notice, the Municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development to the construction official.

E. ~~The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.~~ The Construction official shall assess and

collect fifty percent (50%) of the estimated fee PRIOR to issuing the building permit for the development.

E.F. The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.

F.G. Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.

G.H. Should the Borough of Oceanport fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b of § 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).

H.I. Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

I.J. Appeal of development fees.

- (1) Developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Borough of Oceanport. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- (2) A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Borough of Oceanport. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

BE IT FURTHER ORDAINED that all other Ordinance or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final passage and publication in accordance with the law.

Introduced: July 9, 2014

Approved: July 9, 2014

Adopted: September 4, 2014

ATTEST: _____
JEANNE SMITH
BOROUGH CLERK

MICHAEL J. MAHON
MAYOR