

**BERNARDSVILLE BOROUGH
ORDINANCE 2024-1995**

**AN ORDINANCE CONCERNING PAYMENTS TO MUNICIPAL PROFESSIONALS
UNDER THE MUNICIPAL LAND USE LAW (“MLUL”)**

WHEREAS, the Municipal Land Use Law (“MLUL”) provides at *N.J.S.A. 40:55D-53.2* that:

“The Chief Financial Officer of a municipality shall make all of the payments to professionals for services rendered to the... approving authority for... for review of applications for development, review and preparation of documents, inspection of improvements or other purposes under the provisions of [*N.J.S.A. 40:55D-1, et seq.*]”; and

WHEREAS, *N.J.S.A. 40:55D-53.2* goes on to provide that:

“If the salary, staff support and overhead for a municipal professional are provided by the municipality, the charge shall not exceed 200% of the sum of the products resulting from multiplying (1) the hourly base salary, which shall be established annually by ordinance, of each of the professionals by (2) the number of hours spent by the respective professional applying... inspection of the developer’s improvements...”; and

WHEREAS, the Planning Board and Zoning Board of Adjustment (the “Boards”) both have their own engineers, however, they have requested that the in-house Borough Engineer conduct the inspections required in connection with development applications; and

WHEREAS, the governing body has determined that \$190 an hour for the services of the in-house Borough Engineer, which is less than the rate permitted by the MLUL, is a reasonable rate to charge applicants before the Boards;

NOW THEREFORE, BE IT ORDAINED by the Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey that Article 11 of the Borough Land Development Regulations, entitled “Provisions Applicable to Both Planning Boards and Zoning Boards of Adjustment” is hereby supplemented and amended as follows:

Section 1. Paragraph “j”(1) of Section LD-11-1.1 entitled “Guarantees Required; Surety; Release” is hereby supplemented and amended by adding a new subparagraph “(c)” which reads as follows:

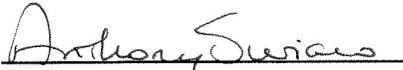
“(c) When inspection of improvements, review of stormwater plans or any other service requested by the approving authority under the provisions of *N.J.S.A. 40:55D-53.2* is performed by the in-house Borough Engineer, the charge to applicants shall be \$190/hour.”

Section 2. Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

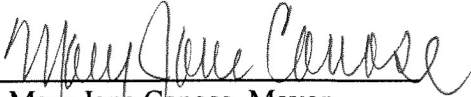
Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall become effective immediately upon final passage and publication as required by law.

ATTEST:


Anthony Suriano, Borough Clerk

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

By: 
Mary Jane Canose, Mayor

Introduction: 2/26/24
1st Publication: 2/29/24
Public Hearing and Adoption: 3/25/24
2nd Publication: 3/28/24