

## ORDINANCE NO. 2024-10

### AN ORDINANCE AMENDING CHAPTER TWENTY-FIVE (COLLECTION OF SOLID WASTE) TO CLARIFY COLLECTION PROCEDURES IN AREAS IN NEED OF REDEVELOPMENT

**WHEREAS**, Chapter 25 of the municipal code of the Borough of Flemington provides for the collection of solid waste for certain residents and occupants as defined therein; and

**WHEREAS**, the Borough Council wishes to clarify Borough's collection policy as it relates to properties in Areas of Need of Redevelopment, N.J.S.A. 40A:12-A-1 et seq., associated with statutory tax abatements;

**BE IT THEREFORE ORDAINED**, by the Borough Council of the Borough of Flemington in the County of Hunterdon and State of New Jersey that Chapter 25 (Collection of Solid Waste) of the Municipal Code thereof is amended as follows:

#### SECTION I.

Section 25-2(a) of Chapter 25 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

The words "resident" or "residents" shall mean and include people occupying all dwelling units in the borough except people occupying dwelling units in Flemington Arms, Herman E. Kapp, Hunter Hills, Hunterdon Mews, Madison Arms, Prospect Hills, Regional Court Apartments **and excluding all Areas in Need of Redevelopment that include a statutory tax abatement;**

#### SECTION II.

Section 25-2(g) of Chapter 25 is hereby amended as follows (replacing the current "reserved" section and including all novel text):

The words "Area in Need of Redevelopment" shall mean any development project subject to a redevelopment agreement entered into with a third party by the Borough of Flemington pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.;

#### SECTION III.

Section 25-2(h) of Chapter 25 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

The words "occupant" or "occupants" shall mean and include people living in multi-family complexes known Flemington Arms, Herman E. Kapp, Hunter Hills, Hunterdon Mews, Madison Arms, Prospect Hills, Regional Court Apartments **but shall exclude all Areas in Need of Redevelopment that include a statutory tax abatement;**

#### SECTION IV.

Section 25-2(i) of Chapter 25 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

The word "owners" shall mean and include for Flemington Arms. Herman E. Kapp, Hunter Hills, Hunterdon Mews, Madison Arms. Prospect Hills, Regional Court Apartments, the persons, firms, corporations, partnerships or entities vested with legal title to the land upon which such multifamily complexes are located, **but shall exclude all such persons, firms, corporations, partnerships, or entities vested with legal title to land upon which resides an Areas in Need of Redevelopment that include a statutory tax abatement;**

#### SECTION V.

Section 25-2(p) of Chapter 25 is hereby created and inserted into the code (all text novel):

The words "statutory tax abatement" shall mean any tax abatement agreement executed between the Borough of Flemington and a third party pursuant to the New Jersey Long-Term Tax Exemption Law and/or the Five-Year Exemption and Abatement Law, N.J.S.A. 40A:21.1, or any other tax abatement statute applicable to redevelopment projects in the State of New Jersey;

#### SECTION VI.

Section 25-7 of Chapter 25 is hereby amended as follows (replacing the current "reserved" section and including all novel text):

##### 25-7 REDEVELOPMENT AREAS

- a. All Areas in Need of Redevelopment that include a statutory tax abatement are specifically excluded from the provisions of this chapter. The Borough will not collect waste, garbage, ash, trash, or rubbish from any property in which a statutory tax abatement is operative.
- b. Section 25-9(g) of this Chapter concerning the timing of waste collection shall specifically apply to all Areas in Need of Redevelopment that include a statutory tax abatement.

#### SECTION VII.

Section 25-9(g) of Chapter 25 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

No waste collection shall occur within the Borough of Flemington except as provided by § 25-3, or for nonresidential or other waste collection which is not covered by § 25-3 at any time except within the hours of 7:00 a.m. and 4:00 p.m. prevailing time Monday through Friday, or between

8:00 a.m. and 5:00 p.m. on Saturdays, Sundays and holidays. **This provision shall specifically apply to all Areas in Need of Redevelopment that include a statutory tax abatement.**

SECTION VIII. If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

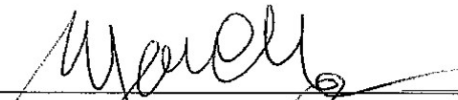
SECTION IX. Should any section, paragraph, sentence, or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared severable.


SECTION X. This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law.

Introduced: April 22, 2024

Adopted: May 13, 2024

ATTEST:

  
\_\_\_\_\_  
Marcia A. Karrow, Mayor

  
\_\_\_\_\_  
Carla Conner, Borough Clerk