

ORDINANCE NO. 3551
INTRODUCED BY: COMMISSIONER THOMAS J. EVANS
INTRODUCED ON: MAY 21, 2024
PUBLISHED: MAY 30, 2024
PUBLIC HEARING: JUNE 18, 2024
PUBLISHED: JUNE 27, 2024

ORDINANCE NO. 3551

CALENDAR YEAR 2024

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND
TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase to said budget to 2.5%, unless authorized by ordinance to increase it to 3.5%, over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriations and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Board of Commissioners of the Township of Nutley in the County of Essex finds it advisable and necessary to increase its 2024 Municipal Budget by up to 3.5% over the previous year's final appropriations in the interest of promoting the health, safety and welfare of its citizens; and

WHEREAS, the Board of Commissioners hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to its final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, as follows:

SECTION 1. The Board Of Commissioners of the Township of Nutley, County of Essex, a majority of the full authorized membership, affirmatively concurs that in the 2024 Municipal Budget, the final appropriations of the Township of Nutley shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$1,668,455.99 and that the 2024 Municipal Budget for the Township of Nutley be approved and adopted in accordance with this ordinance.

SECTION 2. Any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

SECTION 3. A certified copy of this Ordinance, as introduced, should be filed with the Director of the Division of Local Government Services within five (5) days of introduction.

SECTION 4. Upon adoption, a certified copy of this Ordinance, with the recorded vote included thereon, shall be filed with the Director of the Division of Local Government Services within five (5) days of adoption.

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SECTION 5. If any section, sub-section, paragraph, sentence, or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 6. All ordinances or parts of ordinances inconsistent with this ordinance's provisions are hereby repealed to the extent of such inconsistency.

SECTION 7. This ordinance shall take effect twenty days after final passage and approved by Board of Commissioners in the manner prescribed by law at N.J.S.A. 40:69A-181.

Record of Vote	Commissioner Thomas J. Evans	Commissioner Mauro G. Tucci	Commissioner Joseph P. Scarpelli	Commissioner Alphonse Petracco	Mayor John V. Kelly, III
<i>Yes</i>	X		X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>		X			