

**BOROUGH OF SUSSEX
COUNTY OF SUSSEX
ORDINANCE NO. 2023-16**

**AN ORDINANCE AMENDING CHAPTERS 20 AND 24 REGARDING
PUBLICATION COSTS AND PROFESSIONAL SERVICES COSTS, OF THE
CODE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND STATE
OF NEW JERSEY.**

BE IT ORDAINED by the Borough Council of the Borough of Sussex, in the County of Sussex and State of New Jersey, as follows:

SECTION 1. Subsection 20-3.4, entitled “Schedule of Fees”, of Section 20-3, entitled “Provisions Applicable to Both the Planning Board and Zoning Board of Adjustment” of Chapter 20, entitled “Land Use Procedures”, be and is hereby revised to add Paragraph (g) which shall read as follows:

- g. Publication of notice of final decision per Section 20-3.9. (See Subsection 24-1.5)

SECTION 2. Paragraph (b) of Subsection 20-3.4.1, entitled “Fees for Professional Services; Penalties for Default in Payment”, of Section 20-3, entitled “Provisions Applicable to Both the Planning Board and Zoning Board of Adjustment” of Chapter 20, entitled “Land Use Procedures”, be and is hereby replaced with the following:

- b. The professional services shall be those services required for the review of application materials, the conduct of hearings on the application, preparation of Board resolutions and necessary follow-up activities arising from approval of an application, including, but not limited to, legal, engineering (including environmental analysis and traffic analysis), professional planning, architectural (including landscaping), historic preservation, urban design, and services offered by other personnel and experts deemed necessary with respect to action on such land development matters. Professional services shall also include such services rendered by the Borough attorney and/or Borough engineer as may be necessary in conjunction with relief sought or obtained in connection with a land use application including but not limited to dedications and/or grants of easements, review and approval of development agreements, review and approval of bond requirements, actions that may be necessary to enforce development agreements and/or bond requirements.

SECTION 3. Subsection 20-3.9, entitled “Publication of Decision”, of Section 20-3, entitled “Provisions Applicable to Both the Planning Board and Zoning Board of Adjustment” of Chapter 20, entitled “Land Use Procedures”, be and is hereby replaced with the following:

§ 20-3.9 Publication of Decision.

A brief notice of every final decision shall be published in the official newspaper of the municipality. Such publication shall be arranged by the secretary of the planning board or zoning board of adjustment, as the case may be, with separate charge to be paid by the applicant. Said notice shall be sent by the board secretary to the official newspaper for publication within ten days of the date of any such decision.

SECTION 4. Paragraph (c) of Subsection 24-1.5, entitled “Land Use Fees”, of Chapter 24, entitled “Fees”, be and is hereby amended to read as follows:

- c. Publication of notice of final decision of Planning/Zoning Board: Actual cost of publication.

SECTION 5. If any article, section, subsection, paragraph, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 6. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other

ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 7. This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey following the required 20-day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

Attest:

Antoinette Smith, Borough Clerk

Edward Meyer, Mayor

NOTICE

NOTICE IS HEREBY GIVEN that the attached Ordinance 2023-16 was introduced at a regular meeting of the Mayor and Council of the Borough of Sussex, Sussex County, New Jersey, held on June 8, 2023 and passed on first reading, and that such Ordinance was further considered for final passage and adoption at the regular meeting of the Mayor and Council held on July 11, 2023 at Borough Hall, 2 Main Street, in the Borough of Sussex at 7:00 p.m. and via the internet and after all persons present were given the opportunity to be heard concerning the same, it was finally passed and adopted and will be in full force and effect according to law.

Antoinette Smith, RMC