

ORDINANCE 322-23

CALENDAR YEAR 2023

**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. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in 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 appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and members of Township Committee of the Township of Upper Freehold in the County of Monmouth finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and members of Township Committee hereby determines that a 1.0% increase in the budget for said year, amounting to \$27,237.90 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and members of Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years;

NOW THEREFORE BE IT ORDAINED, by the Mayor and members of Township Committee of the Township of Upper Freehold, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Township of Upper Freehold shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to 95,332.65, and that the CY 2023 municipal budget for the Township of Upper Freehold be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that 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; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

All Ordinances or parts thereof which are inconsistent with or in conflict with this Ordinance or any part hereof are hereby repealed to the extent of said inconsistency.

If the provisions of any Section, subsection, paragraph, subdivision or clause of this Ordinance shall be adjudged invalid by a Court of competent jurisdiction, such Order

or Judgment shall not affect or invalidate the remainder of any Section, subsection, paragraph, subdivision or clause of this Ordinance or any other Ordinance which is referred to herein by reference and to this end, the provisions of this Section, subsection, paragraph, subdivision or clause of this Ordinance are hereby declared to be severable.

This Ordinance shall take effect immediately upon its passage and publication according to law.

Approved on First Reading: March 16, 2023

Approved, Passed & Adopted: April 20, 2023

DATED: _____

ATTEST:

Dr. Robert A. Frascella, Mayor

Dana L. Tyler, RMC
Municipal Clerk/Administrator