



BOROUGH OF RIVERDALE NEW JERSEY



TITLE:

RESOLUTION TO INTRODUCE ORDINANCE# 11-2016

ORDINANCE AMENDING CHAPTER 136 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND REPEALING THE PROVISIONS CONCERNING THE RESERVATION OF SEWERAGE CAPACITY

BE IT RESOLVED, the Ordinance entitled No. 11-2016, as stated above be adopted and the Mayor and Council had first reading by title on May 25, 2016 and

BE IT FURTHER RESOLVED that a copy of the same be published in the Morris Daily Record on June 1, 2016 and together with a Notice of Introduction thereof and the same shall be considered for final passage at the Meeting of the Mayor and Council on June 22, 2016.

BE IT FURTHER RESOLVED, that the Borough Clerk post a copy of said Ordinance on the bulletin board and make copies available to the general public.

RECORD OF COUNCIL VOTE

Motion – by Councilman: _____ Second - by Councilman: _____

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Astarita						Pellegrini				
Revis						Desai				
Clinton						Oswald				

A.J. Jalloh, Borough Clerk

Paul M. Carelli, Mayor

This resolution, when adopted, must remain in the possession of the Borough Clerk. Certified copies are available.



BOROUGH OF RIVERDALE NEW JERSEY



ORDINANCE NO. 11-2016

ORDINANCE AMENDING CHAPTER 136 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND REPEALING THE PROVISIONS CONCERNING THE RESERVATION OF SEWERAGE CAPACITY

WHEREAS, The Appellate Division of the Superior Court of New Jersey, in the case captioned Paige Development Corporation v. Borough of Riverdale, found that portions of the Riverdale sewer ordinance which permit the reservation of sewerage capacity and impose a non-user charge on the property upon which sewerage capacity is been reserved are in conflict with N.J.S.A. 40A:26A-10; and

WHEREAS, the Council has determined that it is prudent at this time to repeal the provisions of Chapter 136 which permit the reservation of sewerage capacity.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Riverdale, in the County of Morris and State of New Jersey, as follows:

Section 1. Chapter 136 of the Revised General Ordinances of the Borough of Riverdale shall be amended by the repeal of Subsection D of Section 136-19, entitled "Reservation of Sewerage Capacity".

Section 2. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 3. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4 This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Adopted this ___ day of
_____, 2016.

NOTICE OF PENDING ORDINANCE

The ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Borough of Riverdale, a municipal corporation of the State of New Jersey, held on May 25, 2016. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at Borough Hall, in the Borough on June 22, 2016 at 7:30 o'clock p.m., and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's office to the members of the general public who shall request the same.

Abubakar Jalloh, Borough Clerk