

ORDINANCE NO. 2006-06

AN ORDINANCE AMENDING ORDINANCE #6-26-79 ENTITLED “AN ORDINANCE OF THE BOROUGH OF ALLENHURST REGULATING AND LIMITING THE USES OF LAND AND THE USES AND LOCATIONS OF BUILDINGS AND STRUCTURES; REGULATING AND RESTRICTING THE HEIGHT AND BULK OF BUILDINGS AND STRUCTURES AND DETERMINING THE AREA OF YARDS, RESTRICTING THE DENSITY OF POPULATION; DIVIDING THE BOROUGH OF ALLENHURST INTO DISTRICTS FOR SUCH PURPOSES; ADOPTING A MAP OF SAID BOROUGH SHOWING BOUNDARIES AND CLASSIFICATIONS OF SUCH DISTRICTS AND ESTABLISHING PROCEDURES REGARDING THE SUBDIVISION OF LAND AND THE APPLICATIONS FOR SITE PLAN APPROVAL AND PRESCRIBING THE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS”

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE BOROUGH OF ALLENHURST IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring) as follows:

Section 1. The provisions of Section 200 of Ordinance #6-26-79 be and are hereby amended to include the following additional definition:

Building Coverage: The square footage or other area measurement by which the principal building and/or structure occupies the land as measured on a horizontal plane. The maximum building coverage requirements permitted by this ordinance shall be the total area of the principal building and/or structure, and shall include all attached decks, patios, and/or porches, and attached or integral garages.

Impervious Surface Coverage: The square footage or other area measurement by which a building and/or structure occupies the land as measured on a horizontal plane. The maximum impervious surface coverage requirements permitted by this ordinance shall be the total area of all buildings and structures as herein defined. Buildings and structures include, but are not limited to, buildings, structures, dwellings, accessory buildings, garages, storage sheds, tool sheds, recreational courts, including, but not limited to, tennis and basketball courts, pools, pool houses, cabanas, decks, patios, porches, driveways, walkways and all other areas covered by pavers or impervious material.

Section 2. The provisions of Section 404 of Ordinance #6-26-79 be and are hereby amended to include the following:

I. Maximum Building Coverage: In all residential districts, building coverage, which applies to the principal building only, may not exceed twenty (25%) percent of the total lot area.

J. Maximum Impervious Surface Coverage: In all residential districts, the maximum impervious surface coverage may not exceed forty (45%) percent of the total lot area.

Section 3. If any section or provision hereof shall be adjudged invalid, such determination shall not affect the other provisions hereof which shall remain in full force and effect to the extent of such conflict or inconsistency provided not otherwise required by law.

Section 4. If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to said section, paragraph, subsection, clause

or provision so adjudicated, and the remainder of this ordinance shall remain in full force and effect.

Section 5. All other terms, provisions, sections and subsections of the Ordinance above described remain in full force and effect.

Section 6. This ordinance shall take effect twenty (20) days after the first publication thereof after final passage as provided by law.

INTRODUCED: February 14, 2006

ADOPTED: March 28, 2006

ORDINANCE #2006-08

A SPECIAL ORDINANCE AUTHORIZING EMERGENCY APPROPRIATION IN THE AMOUNT OF \$40,000.00 FOR THE PREPARATION AND EXECUTION OF A COMPLETE PROGRAM OF REASSESSMENT OF REAL PROPERTY FOR THE BOROUGH OF ALLENHURST, INCLUDING APPROVED TAX MAP UPDATES FOR USE OF THE LOCAL ASSESSOR

BE IT ORDAINED By the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, State of New Jersey, as follows:

SECTION I - Pursuant to N.J.S.A. 40A:4-53, the sum of \$40,000.00 is hereby appropriated for the preparation and execution of a complete program of reassessment of real property for the Borough of Allenhurst, including approved tax maps for use by the local Assessor.

SECTION II - The appropriation, as set forth in Section I, shall be deemed, "A Special Emergency Appropriation", as defined and provided for in N.J.S. 40A:4-55.

SECTION III - The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least one fifth (1/5 of the amount authorized pursuant to N.J.S.40A:4-55.

SECTION IV - It is the express desire and understanding of the Board of Commissioners of the Borough of Allenhurst that this emergency appropriation shall be excluded from the CAP, as set forth in the Local Budget Law, N.J.S.A. 40A:4-1 et seq. as amended, as the amendments currently exclude such an emergency appropriation from the CAP limitation.

SECTION V - All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION VI - If any word, phrase, clause, section or provision of this ordinance shall be found by any court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section or provision shall be severable from the balance of this ordinance and the remainder of this ordinance shall remain in full force and effect.

SECTION VII - This ordinance shall take effect upon final passage and publication according to law.

INTRODUCED: March 14, 2006

ADOPTED: March 28, 2006

ORDINANCE #2006-09

**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 in said budget to 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 governing body of the Borough of Allenhurst in the County of Monmouth finds it advisable and necessary to increase its CY 2005 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 governing body hereby determines that a one percent increase in the budget for said year, amounting to \$20,081.53 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the governing body hereby determines 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.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Allenhurst in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2006 budget year, the final appropriations

shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14 be increased by one percent amounting to \$20,081.53, and that the CY 2006 municipal budget be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED 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 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.

APPROVED: March 28, 2006

ADOPTED: