

TOWNSHIP OF MAPLEWOOD



ORDINANCE

2668-11

**AN ORDINANCE
TO AMEND
CHAPTER 271
OF THE CODE
OF THE TOWNSHIP OF MAPLEWOOD
ENTITLED
"ZONING AND DEVELOPMENT REGULATIONS"**

"Interpretive Statement"

This ordinance will provide that with regard to Performance Guaranties, ten (10%) percent of the amount of the guaranty must be in cash.

WHEREAS, the Planning and Engineering Committee has reviewed various provisions of the Township of Maplewood ("Township") Zoning and Development Regulations; and

WHEREAS, the Planning and Engineering Committee has recommended that with regard to Performance Guaranties ten (10%) percent of the amount of the guaranty be in cash; and

WHEREAS, the recommended change is permitted pursuant to N.J.S.A. 40:55D-55.3.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey that Chapter 271 of Code of the Township of Maplewood entitled "Zoning and Development Regulations" be amended as follows:

FIRST: Section 271-14.B.(2)

Shall be amended to read:

The performance guaranty shall equal 120%, 10% of which shall be cash, of the cost of installing the improvements. It shall

be either certified check, bank money order or surety bond of a bonding company approved by and at the option of the governing body or its designee. The Township Engineer's certification that the principal has satisfactorily installed the improvements or has defaulted shall be the basis for governing body action which accepts or rejects the improvements, withholds approval or extends the time allowed for installation of the improvements. As a condition or as part of any such extension, the amount of any performance guaranty shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation as determined as of the date of the passage of the resolution.

SECOND: Severability

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

THIRD: Repeal of Prior Ordinances

Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any such inconsistencies.

FOURTH: Effective Date

This Ordinance shall take effect after final passage and publication and as provided by law.

PUBLIC NOTICE is hereby given that the foregoing proposed Ordinance was introduced and read by title for the first time at a meeting of the Township Committee of the Township of Maplewood, held on April 19, 2011, and that Committee met again on May 3, 2011, at 7:30 p.m. at the Municipal Building, 574 Valley Street, Maplewood, New Jersey, at which time and place the Committee proceeded to consider the said Ordinance on second reading and final passage.

ELIZABETH J. FRITZEN, R.M.C.
Township Clerk