

**ORDINANCE
TOWNSHIP OF FRANKLIN
O-13-2010
REPEALING ORDINANCE O-11-2004**

WHEREAS, the Township of Franklin, in good faith, adopted Ordinance O-11-2004 which established a fee to be paid to the Township engineer for revising tax maps upon subdivision applications; and

WHEREAS, the Superior Court of New Jersey, Gloucester County, entered a ruling on April 1, 2005, under Docket No. GLO-L-1429-04 in the matter entitled Builders League of South Jersey v. Borough of Glassboro, which found that tax map impact fees such as those charged by the Township of Franklin are *ultra vires* the powers granted to municipalities under the Municipal Land Use Law and are, therefore, void; and

WHEREAS, the Township of Franklin believes it is in the best interest of the tax payers to, consistent with the Superior Court decision, repeal Ordinance O-11-2004.

NOW THEREFORE, BE IT ORDAINED, by the Township of Franklin, Committee of the Township of Franklin, County of Gloucester, State of New Jersey, that Ordinance O-11-2004 codified in the Franklin Township Code as §253-20.1 be and is hereby repealed in its entirety.

ATTEST:

TOWNSHIP OF FRANKLIN

CAROLYN K. TOY, CLERK

BY: _____
PATRICK DOUGHERTY, MAYOR

CERTIFICATION

I, Carolyn K. Toy, Clerk of the Township of Franklin the County of Gloucester, do hereby certify that the foregoing to be a true and correct copy of an Ordinance introduced by the Township Committee of the Township of Franklin at a meeting held on Tuesday, May 25, 2010 with a subsequent second public reading held on June 22, 2010 at which time any person interested therein was given an opportunity to be heard.

CAROLYN K. TOY, CLERK