

ORDINANCE NO. O-20-5

**AN ORDINANCE PROVIDING PROCEDURE TO ADD
UNPAID BOARD PROFESSIONAL FEES TO
PROPERTY OWNERS' TAXES
IN THE BOROUGH OF WEST LONG BRANCH**

WHEREAS, the borough has been experiencing several problems with applicants before the West Long Branch Zoning Board of Adjustment and West Long Branch Planning Board not making payment of required escrows, or not supplementing such payments, creating a deficit in the applicant's escrow account and, therefore, an inability for the borough to make payment to the boards' professionals; and

WHEREAS, the applicants should not receive the benefit of having their cases heard and concluded, or being able to obtain necessary building permits in the event of a successful application, when they have not paid the board's professionals; and

WHEREAS, the current procedure of repeatedly sending notices to applicants who were deficient in such payments has not proved to be successful, requiring the borough to seek alternate means to assure itself of these bills being paid; and

WHEREAS, the governing body has considered a procedure to add unpaid board escrow bills to the tax bills of the property owners for such properties, similar to the procedure the borough follows regarding unkempt properties where the borough has stepped in to undertake property maintenance;

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of West Long Branch as follows:

SECTION 1.

If any applicant before the West Long Branch Zoning Board or the West Long Branch Planning Board becomes ninety (90) days deficient in paying any required escrow or supplemental escrow for the payment of the board's professional fees, the Board Secretary shall provide a certification to the Borough Clerk setting forth (a) the date of the notice to the applicant; (b) the amount requested/ required; (c) the amount that remains unpaid; and (d) that ninety (90) days has elapsed since the date of request for such payment.

SECTION 2.

Upon receipt of the certification of the Board Secretary as set forth in Section 1, the Borough Clerk shall advise the governing body by providing it with a copy of the Board Secretary's certification.

SECTION 3.

If the governing body chooses to impose a lien on the subject property to the extent of the unpaid escrow, it shall advise the property owner in writing at least ten (10) days before the council meeting at which such action will be taken.

SECTION 4.

If the escrow remains unpaid by the expiration of ten (10) days as set forth in the proceeding section, the governing body may adopt a resolution to assess the property owner the amount of the unpaid escrow, such amount to be added to the property owner's tax bill and be a lien against the taxpayer's subject property.

SECTION 5.

This procedure is not intended to relieve the applicant or property owner from paying the required escrow bills. Rather, this ordinance is designed to provide an additional mechanism to collect unpaid escrow bills.

SECTION 6.

If any application to either the zoning board or the planning board is made by other than the owner of the property, in addition to the owner of the property providing its consent for the applicant to proceed, the owner shall also provide a written statement to the board, indicating its awareness that, if any escrow bills are not paid, the borough may impose a lien for the same and add the unpaid escrow bill(s) to the real estate taxes of that property.

SECTION 7.

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