TOWNSHIP OF HOWELL

TOWNSHIP CLERK'S OFFICE

ORDINANCE COVER PAGE

Ordinance No. O-13-8

INTRODUCTION

PUBLIC HEARING & ADOPTION

March 19, 2013

April 9, 2013

AGENDA ITEM NUMBER

8A.1
STATEMENT TO BE READ BY MAYOR FOR PUBLIC HEARING and ADOPTION OF ORDINANCE

PROCEDURE ON ORDINANCES:
ORDINANCE FOR FURTHER CONSIDERATION: PUBLIC HEARING

MAYOR:

ORDINANCE NO. 0-13-8 INTRODUCED AND PASSED ON FIRST READING ON 3/19/13 AND PUBLISHED, ACCORDING TO LAW, IS NOW BEING TAKEN UP FOR FURTHER CONSIDERATION AND PUBLIC HEARING. AFFIDAVIT OF PUBLICATION OF THIS ORDINANCE IN THE ASBURY PARK PRESS ISSUE OF 3/22/13 IS SUBMITTED AND IT IS NOTED THAT A COPY OF THE ORDINANCE HAS BEEN POSTED ON THE BULLETIN BOARD IN THE MUNICIPAL BUILDING AND THAT COPIES WERE AVAILABLE TO THE GENERAL PUBLIC UPON REQUEST.

(CLERK TO READ TITLE OF ORDINANCE)

NEXT - MAYOR OPENS THE MEETING TO THE PUBLIC FOR HEARING, REMARKS OR COMMENTS FOR OR AGAINST THE FINAL ADOPTION OF THIS ORDINANCE. (Comments/remarks, if any). THERE BEING NO OTHER PERSON PRESENT DESIRING TO BE HEARD CONCERNING THE AFORESAID ORDINANCE, THE MAYOR DECLARES THE PUBLIC HEARING ON THE ORDINANCE CLOSED.

COUNCILMEMBER MAKES MOTION:

MOTION THAT ORDINANCE NO. 0-13-8 BE FINALLY PASSED AND ADOPTED AND THAT NOTICE OF ITS PASSAGE AND ADOPTION BE PUBLISHED IN THE 4/12/13 ISSUE OF THE ASBURY PARK PRESS BY REFERENCE TO ITS TITLE ONLY.

SECONDED BY COUNCILMEMBER.

ROLL CALL VOTE.
ORDINANCE O-13-8

AN ORDINANCE OF THE TOWNSHIP OF HOWELL, MONMOUTH COUNTY, NEW JERSEY AMENDING CHAPTER 7-11 ENTITLED “SPEED LIMITS” IN ORDER TO ESTABLISH A REDUCED RATE OF SPEED

WHEREAS, the Township Council of the Township of Howell has, in the interest of public safety, investigated the existing speed limit along Hulses Corner Road; and

WHEREAS, the Township of Howell Police Department Traffic Safety Unit prepared a Traffic Safety study and the Director of Community Development having reviewed the traffic study submitted a recommendation for a reduction in speed along a certain potion of Hulses Corner Road; and

WHEREAS, the final recommendation is that the speed limit shall be lowered to 35 MPH from the intersection of Route 9 Southbound, west on Hulses Corner Road for approximately 2,100 linear feet and the remainder of Hulses Corner Road from the 2,100 linear feet off Route 9 southbound to the Jackson Township border shall remain 45 MPH; and

WHEREAS, it is further recommended that the speed limit along Kent Road, in both directions, be codified to read 35 MPH; and

WHEREAS, having evaluated the traffic study and recommendations of the Director of Community Development, the Township of Howell finds it in the interest of public safety to reduce the speed limit to 35 MPH beginning from the intersection of Route 9 Southbound, west on Hulses Corner Road for approximately 2,100 linear feet and the remainder of Hulses Corner Road from the 2,100 linear feet off Route 9 southbound to the Jackson Township border shall remain 45 MPH, pursuant to the powers vested in the Township of Howell by N.J.S. 39:4-8.b.(1), N.J.S. 39:4-197.(1)a and N.J.S. 39:4-98; and

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Howell in the County of Monmouth and State of New Jersey as follows:
1. Section 7-11, entitled “Speed Limits” of the Code of the Township of Howell is hereby amended and supplemented by the inclusion of the following in Schedule XVI.

TRAFFIC
7 Attachment 16

SCHEDULE XVI
Speed Limits

In accordance with the provisions of section 7-11, the following described streets or parts of streets shall have the following speed limits thereon in the direction indicated:

<table>
<thead>
<tr>
<th>Street</th>
<th>Direction</th>
<th>Speed</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hulses Corner Rd.</td>
<td></td>
<td>35 MPH</td>
<td>Rt. 9 Southbound intersection for 2100 linear feet west on Hulses Corner Rd.</td>
</tr>
<tr>
<td>Hulses Corner Rd.</td>
<td></td>
<td>45 MPH</td>
<td>Remainder of Hulses Corner from the 2100 linear feet off Route 9 to the Jackson Township border</td>
</tr>
<tr>
<td>Kent Road</td>
<td>Both</td>
<td>35 MPH</td>
<td>Entire Length</td>
</tr>
</tbody>
</table>

2. The speed limits for the directions of traffic along Hulses Corner shall be reduced in accordance with Schedule XVI.

3. The speed limits from both directions along Kent Rd. shall be 35 MPH.

4. Every person convicted of a violation of any provision of this Ordinance or any supplement thereto shall be subject to a penalty or imprisonment as expressly provided by New Jersey Statute.

5. If any provision of this ordinance or the application of this ordinance to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected and shall
remain in full force and effect.

6. All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this ordinance are hereby repealed in their entirety.

7. This ordinance will take effect after publication and passage according to law.

8. Copies of this ordinance shall be supplied to the Commissioner of the New Jersey Department of Transportation and to the Howell Township Clerk, the Monmouth County Clerk, Clerk of Adjoining Municipalities, and the Howell Township Police Department.

NOTICE

The ordinance published herewith was introduced and passed on first reading by the Township Council of the Township of Howell on March 19, 2013 and will be further considered for final passage and adoption at the Township Municipal Building on 4567 Rt. 9 North, Howell, New Jersey on April 9, 2013 at 7:30 p.m. or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard and during the week prior thereto, and up to and including the date of such meeting, copies of said Ordinance will be available at the Clerk’s Office in the Township of Howell Municipal Building to the members of the general public who shall request the same.

PENNY WOLLMAN
Municipal Clerk

This is to certify that the foregoing Ordinance was adopted by the Township Council at a regular meeting of the Township of Howell held ____________________________

PENNY WOLLMAN, MUNICIPAL CLERK
EXPLANATORY STATEMENT: This ordinance amends Chapter 7-11 amending the speed to 35 MPH from the intersection of Route 9 southbound, west on Hulses Corner Road approximately 2,100 linear feet and the remainder of Hulses Corner Road from the 2,100 linear feet off Route 9 southbound to the Jackson Township border shall remain 45 MPH and amending the speed along Kent Road, both directions, to 35 MPH.
TOWNSHIP OF HOWELL

TOWNSHIP CLERK'S OFFICE

ORDINANCE COVER PAGE

Ordinance No. O-13-7

INTRODUCTION

PUBLIC HEARING & ADOPTION

March 19, 2013

April 9, 2013

AGENDA ITEM NUMBER

8A.2
STATEMENT TO BE READ BY MAYOR FOR PUBLIC HEARING and ADOPTION OF ORDINANCE

PROCEDURE ON ORDINANCES:
ORDINANCE FOR FURTHER CONSIDERATION: PUBLIC HEARING

MAYOR:

ORDINANCE NO. O-13-7 INTRODUCED AND PASSED ON FIRST READING ON 3/19/13 AND PUBLISHED, ACCORDING TO LAW, IS NOW BEING TAKEN UP FOR FURTHER CONSIDERATION AND PUBLIC HEARING. AFFIDAVIT OF PUBLICATION OF THIS ORDINANCE IN THE ASBURY PARK PRESS ISSUE OF 3/22/13 IS SUBMITTED AND IT IS NOTED THAT A COPY OF THE ORDINANCE HAS BEEN POSTED ON THE BULLETIN BOARD IN THE MUNICIPAL BUILDING AND THAT COPIES WERE AVAILABLE TO THE GENERAL PUBLIC UPON REQUEST.

(CLERK TO READ TITLE OF ORDINANCE)

NEXT - MAYOR OPENS THE MEETING TO THE PUBLIC FOR HEARING, REMARKS OR COMMENTS FOR OR AGAINST THE FINAL ADOPTION OF THIS ORDINANCE. (Comments/remarks, if any). THERE BEING NO OTHER PERSON PRESENT DESiring TO BE HEARD CONCERNING THE AFORESAID ORDINANCE, THE MAYOR DECLARES THE PUBLIC HEARING ON THE ORDINANCE CLOSED.

COUNCILMEMBER MAKES MOTION:

MOTION THAT ORDINANCE NO. O-13-7 BE FINALLY PASSED AND ADOPTED AND THAT NOTICE OF ITS PASSAGE AND ADOPTION BE PUBLISHED IN THE 4/12/13 ISSUE OF THE ASBURY PARK PRESS BY REFERENCE TO ITS TITLE ONLY.

SECONDED BY COUNCILMEMBER.

ROLL CALL VOTE.
ORDINANCE NO. O-13-7

AN ORDINANCE OF THE TOWNSHIP OF HOWELL SUPPLEMENTING AND AMENDING ARTICLE X ENTITLED ZONES, SPECIFICALLY, CHAPTER 188-75 THROUGH CHAPTER 188-78 AND CHAPTER 188-78.2 TO ALLOW ADULT DAY CARE FACILITIES AS A PERMITTED USE AND AMENDING CHAPTER 188-4 TO ADD A DEFINITION OF ADULT DAY CARE FACILITY OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOWELL

WHEREAS, the Legislature has authorized municipalities to enact, amend and supplement ordinances as set forth in N.J.S.A. 40:48-2; and

BE IT HEREBY ORDAINED by the Township Council of the Township of Howell desires to amend Article X entitled Zones of the Revised General Ordinances of the Township of Howell as follows:

NOTE: Article X Chapter 188-75 through Chapter 188-78 and Chapter 188-78.2 and Chapter 188-4 that are to be amended by Ordinance are set forth below. All additions are shown in bold italics underline. All deletions are shown in bold italics with strikeouts. All remaining portions in normal typeface are unchanged.

§ 188-4. Definitions and rules of general applicability.

A. Verbs used in the present tense include the future tense, the singular number includes the plural, and the plural the singular. The term "shall" indicates a mandatory requirement, and the term "may" indicates a permissive action. The phrase "such as" where used herein shall be considered as introducing a typical or illustrative rather than an entirely exclusive or inclusive designation of permitted or prohibited uses, activities, establishments or structures.

B. Certain words, phrases and terms in this chapter are defined as follows:

All definitions set forth in this Chapter shall remain unchanged and continue in alphabetical order, with the exception of the following definition added herein:

**ADULT DAY CARE CENTER- A senior care location that is open during normal business hours which provides non-medical care services, supervision, and social interaction for the elderly. Stand-alone facilities shall be considered a principal uses. Adult day care facilities shall be accessory uses in skilled nursing facilities and assisted living facilities to the extent that any such facilities exist.**

§ 188-75. Neighborhood Commercial Zone (NC).

A. Purpose. The purpose of the NC District is to provide for limited retail sales and services uses in areas where they presently exist.
B. Permitted uses.
(1) Principal uses.
(a) Retail sales and services.
(b) Offices, fiduciary institutions.
(c) Restaurants.
(d) Community theaters and playhouses.
(E) Adult Day Care Facilities

(2) Accessory uses: accessory uses customarily incidental and ancillary to a permitted use.

(3) Conditional uses:
(a) Houses of worship.
(b) Schools, including day care.
(1) Sexually oriented business as defined in § 188-4.
(2) Tattoo, body piercing or branding establishments

§ 188-76. Highway Commercial Zone (HC).

A. Purpose. The purpose of the HC Zone is to provide for highway-oriented development in the Route 9 corridor on lots which would not otherwise conform to the Highway Development Zone standards due to the established pattern of lotting.

B. Permitted uses.
(1) Principal uses:
(a) Offices.
(b) Financial institutions.
(c) Medical centers.
(d) Entertainment uses.
(e) Retail sales.
(f) Retail services.
(g) Adult Day Care Facilities

(2) Accessory uses: accessory uses customarily incidental and ancillary to a permitted use.

(3) Conditional uses.
(a) Houses of worship.
(b) Auto service.
(c) Car washes.
(d) Schools, including day care.
(e) Telecommunications facilities.
[Added 4-22-2002 by Ord. No. 0-02-8]

(1) Sexually oriented business as defined in § 188-4.
(2) Tattoo, body piercing or branding establishments

§ 188-77. Highway Development 1 (HD-1).

A. Purpose. The purpose of the HD-1 Zone is to provide for highway-oriented development in the Route 9 corridor on larger lots than permitted in the HC Zone.

B. Permitted uses.
(1) Principal uses:
(a) Offices.
(b) Financial institutions.
(c) Medical centers.
(d) Hospitals.
(e) Restaurants without drive-through or take-out.
(f) Restaurants with drive-through or take-out.
(g) Entertainment uses.
(h) Retail sales.
(i) Retail services.
(j) Home improvement centers.
(k) Tattoo and body piercing. [Added 5-10-2011 by Ord. No. 0-11-10]

(i) Adult Day Care Facilities

(2) Accessory uses: accessory uses customarily incidental and ancillary to a permitted use.

(3) Conditional uses:
(a) Houses of worship.
(b) Schools, including day care.
(c) Auto sales.
(d) Auto services.
(e) Auto auctions.
(f) Car washes.
(g) Telecommunications facilities. Editor's Note: Former Subsection B(3)(h), Hotel and/or conference center, added 8-15-2006 by Ord. No. 0-06-23, which immediately followed this subsection, was repealed 5-19-2009 by Ord. No. 0-09-20.
(h) Commercial breeders, dog kennels, shelters, pounds, dog training facilities and pet shops. [Added 12-15-2009 by Ord. No. 0-09-59]
(i) Gasoline station convenience center. Editor's Note: Former Subsection B(3)(i), Billboards, added 9-21-2010 by Ord. No. 0-10-20, was removed pursuant to Ord. No. 0-11-40, adopted 11-1-2011. [Added 12-13-2011 by Ord. No. 0-11-47]


(1) Sexually oriented business as defined in § 188-4. Editor’s Note: Former Subsection C(2), which listed tattoo, body piercing or branding establishments as a prohibited use, and which immediately followed this Subsection C(1), was repealed 6-28-2011 by Ord. No. 0-11-19. See now Subsection B(1), Permitted principal uses.
§ 188-78. Highway Development 2 (HD-2).

A. Purpose. The purpose of the HD-2 Zone is to provide for the appropriate nonretail development of the Route 33 corridor.

B. Permitted uses.
(1) Principal uses:
(a) Offices.
(b) Financial institutions.
(c) Medical centers.
(d) Hospitals.
(e) Restaurants without drive-through. [Amended 8-12-2008 by Ord. No. 0-08-23]
(f) Adult Day Care Facilities
(2) Accessory uses: accessory uses customarily incidental and ancillary to a permitted use.

(3) Conditional uses:
(a) Houses of worship:
(b) Schools, including day care.
(c) Telecommunications facilities. Editor's Note: Former Subsection B(3)(d), Hotel and/or conference center, added 8-15-2006 by Ord. No. 0-06-23, which immediately followed this subsection, was repealed 5-19-2009 by Ord. No. 0-09-20. [Added 4-22-2002 by Ord. No. 0-02-8]
(d) Commercial breeders, dog kennels, shelters, pounds, dog training facilities and pet shops. [Added 12-15-2009 by Ord. No. 0-09-59]
(e) Gasoline station convenience center. Editor's Note: Former Subsection B(3)(e), Billboards, added 9-21-2010 by Ord. No. 0-10-20, was removed pursuant to Ord. No. 0-11-40, adopted 11-1-2011. [Added 12-13-2011 by Ord. No. 0-11-47]

(1) Sexually oriented business as defined in § 188-4.
(2) Tattoo, body piercing or branding establishments.


A. Purpose. The purpose of the HD-3 Zone is to provide for highway development along highway corridors that will provide a balance of social, economic and cultural opportunities for residents while maximizing existing transportation and other infrastructure along highway corridors.

B. Permitted uses.
(1) Principal uses:
(a) Offices.
(b) Financial institutions.
(c) Medical centers.
(d) Hospitals.
(e) Restaurants with drive-through.
(f) Planned mixed-use age-restricted developments and converted age-restricted developments (development consisting of both residential and commercial uses on a large tract), as provided in Subsections F through L of § 188-78.2. [Added 12-11-2012 by Ord. No. 0-12-22]

(g) Adult Day Care Facilities

(2) Accessory uses. Accessory uses customarily incidental and ancillary to a permitted use.

(3) Conditional uses:
(a) Houses of worship.
(b) Schools and day-care facilities.
(c) Telecommunication facilities.
(d) Commercial breeders, dog kennels, shelters, pounds, dog training facilities and pet shops. [Added 12-15-2009 by Ord. No. 0-09-59]
(e) Gasoline station convenience center. Editor's Note: Former Subsection B(3)(e), Billboards, added 9-21-2010 by Ord. No. 0-10-20, was removed pursuant to Ord. No. 0-11-40, adopted 11-1-2011. [Added 12-13-2011 by Ord. No. 0-11-47]

Subsection C through L of this Chapter shall remain unchanged.

SECTION 2. REPEALER

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 3. INCONSISTENT ORDINANCES

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION 4. SEVERABILITY

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

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication according to law.
NOTICE

The Ordinance published herewith was introduced and passed on first reading by the Township Council of the Township of Howell on March 19, 2013 and will be further considered for final passage and adoption at the Township Municipal Building at 4567 Route 9 North Road, Howell, New Jersey on April 9, 2013 at 7:30 p.m. or as soon thereafter as the matter can be reached on the Agenda, at which time and place all persons interested therein shall be given an opportunity to be heard and during the week prior thereto, and up to, and including, the date of such meeting, copies of said Ordinance will be available at the Clerk’s Office in the Township of Howell Municipal Building to the members of the general public who shall request same.

PENNY WOLLMAN, Municipal Clerk

This is to certify that the foregoing Ordinance was adopted by the Township Council at a regular meeting of the Township of Howell held on ________________ , 2013.

PENNY WOLLMAN, Municipal Clerk
TOWNSHIP OF HOWELL

TOWNSHIP CLERK'S OFFICE

ORDINANCE COVER PAGE

Ordinance No. O-13-9

INTRODUCTION

PUBLIC HEARING & ADOPTION

March 19, 2013

April 23, 2013

AGENDA ITEM NUMBER

8A.3
AGENDA NUMBER:
TOWNSHIP COUNCIL MEETING DATE: 3/19/13
ORDINANCE NUMBER: O-13-9

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 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year’s final 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 Council of the Township of Howell in the County of Monmouth finds it advisable and necessary to increase its CY 2013 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 Township Council hereby determines that a 3.5% increase in the budget for said year, amounting to $495,654.98 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Council 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 Council of the Township of Howell, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget year, the final appropriations of the Township of Howell shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to $1,156,528.28, and that the CY 2013 municipal budget for the Township of Howell be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any 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 the Division 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.

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading by the Township Council of the Township of Howell on March 19, 2013 and will be further considered for final passage and adopted at the Municipal Building, 4567 Route 9 North, Howell, New Jersey 07731 on April 23, 2013 at 7:30 O’clock P.M., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, 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 in the Township of Howell Municipal Building to the members of the general public who shall request same.

PENNY WOOLMAN
Township Clerk
MEMORANDUM

TO: Helene Schlegel, Township Manager (via e-mail)
FROM: Jeffrey Filiatreault, Chief Financial Officer
DATE: March 15, 2013
RE: 2013 CAP and CAP Bank Ordinance
COPY: Penny Wollman, Township Clerk (via e-mail)

As you are aware, the 2013 CAP Cost of Living Adjustment has been limited to 2.0% with the ability to increase that CAP to 3.5%. When the CAP has been increased to 3.5%, any unused amount may be "banked" and used for CAP adjustment in the next two fiscal years. It has not been unnecessary to utilize the higher CAP percentage in the last few years, however I do not want the excess to be lost immediately in the event it is needed in either of the next two years.

Accordingly, I am enclosing a 3.5% CAP Ordinance for Council's action. This ordinance must be introduced, at the very latest, concurrently with the introduction of the 2013 Budget.

Please have this ordinance introduced on the March 19, 2013 meeting for final passage on April 23, 2013.

It must be approved by a majority of the full membership of the Council, published, and a public hearing held at least 10 days after publication date. A certified copy of the introduced action must be filed with the Director, Thomas Neff within 5 days of introduction and an additional certified copy must be filed with the director within 5 days of adoption.