

Ordinance

No. 13-2018

**AN ORDINANCE AMENDING CHAPTER 340. SUBDIVISION OF LAND,
ARTICLE III. PROCEDURES, SECTION 340-8(A), SUBMISSION OF FINAL PLAT
OF MAJOR SUBDIVISION OF THE CODE OF THE BOROUGH OF WESTVILLE**

NOW THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Westville, County of Gloucester and State of New Jersey, that Chapter 340. Subdivision of Land, Article III. Procedures, Section 340-8(A), Submission of Final Plat of Major Subdivision is hereby amended as follows:

Section 1. Section 340-8 (A) is hereby amended to read as follows:

A. Submission of final plat of major subdivision.

1. The final plat shall be submitted to the Secretary of the Land Use Board for forwarding to the Land Use Board members for final approval within three years from the date of preliminary approval.
2. At the time of submission of a final plat, the subdivider shall:
 - (a) pay a fee in accordance with the filing schedule;
 - (b) deposit funds into the escrow fund in an amount set forth in Chapter 205, Land Use and Development, to be used to pay the fees of professional personnel employed to process, review and make recommendations on the final plat;
 - (c) deposit funds into the escrow fund in an amount to reimburse for reasonable inspection fees paid to the Borough Engineer for the inspection of improvements as follows:
 - (i) not to exceed, except for extraordinary circumstances, the greater of \$500 or 5% of the cost of bonded improvements that are subject to a performance guarantee as outlined in Section 340-13;

- (ii) not to exceed 5% of the cost of private site improvements that are not subject to a performance guarantee under Section 340-12 , which cost shall be determined pursuant to section 15 of [P.L.1991, c. 256 \(C.40:55D-53.4\)](#);
 - (iii) For those developments for which the inspection fees total less than \$10,000, fees may, at the option of the developer, be paid in two installments. The initial amount deposited in escrow by a developer shall be 50% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Borough Engineer for inspections, the developer shall deposit the remaining 50% of the inspection fees;
 - (iv) For those developments for which the inspection fees total \$10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited in escrow by a developer shall be 25% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Borough Engineer for inspection, the developer shall make additional deposits of 25% of the inspection fees;
 - (v) If the Borough determines that the amount in escrow for the payment of inspection fees, as calculated pursuant to paragraph (i) and (ii) of this section, is insufficient to cover the cost of additional required inspections, the Borough may require the developer to deposit additional funds in escrow provided that the Borough delivers to the developer a written inspection escrow deposit request, signed by the Borough Engineer, which: informs the developer of the need for additional inspections, details the items or undertakings that require inspection, estimates the time required for those inspections, and estimates the cost of performing those inspections
3. Any excess of funds in the escrow account at the time of final acceptance of improvements will be returned to the subdivider after verification by the escrow agent that all required fees have been paid.
 4. In the event that construction of off-site improvements takes place prior to the submission of the final plat, the subdivider shall pay into the stated escrow fund the specified amounts to adequately cover the recited costs in accordance with the construction schedule.

Section 2. Repealer.

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

Section 3. Severability.

Each section of this Ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective, shall not be deemed to affect the validity or constitutionality of any other sections or parts hereof.

Section 4. Effective date.

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduced: May 31, 2018

Adopted:

BOROUGH OF WESTVILLE

**Russell W. Welsh, Jr.
MAYOR**

ATTEST:

**Kathleen Carroll
DEPUTY MUNICIPAL CLERK**