

NOTICE OF PENDING ORDINANCE 959

The following Ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Committee of the Township of Boonton, in the County of Morris, New Jersey, held on March 9, 2026. It will be further considered for final passage after the public hearing thereon, at a regular meeting of said Township Committee to be held in the Municipal Building in said Township on April 13, 2026 at 7:00 o'clock PM, and during the week prior to and up to and including the date of such meeting, copies of said ordinances will be made available at the Clerk's Office in said Municipal Building to the members of the general public who shall request the same.

Douglas Cabana, Municipal Clerk

Dated: March 9, 2026

ORDINANCE # 959

AN ORDINANCE OF THE TOWNSHIP OF BOONTON, COUNTY OF MORRIS, STATE OF NEW JERSEY REPEALING AND REPLACING SECTION 102-16.1 "COLLECTION OF DEVELOPMENT FEES" IN CHAPTER 102 "LAND USE," OF THE CODE OF THE TOWNSHIP OF BOONTON.

WHEREAS, P.L. 2024, c. 2 ("FHA-2"), sets forth deadlines for municipalities to complete the Fourth-Round affordable housing compliance process in order to secure a Compliance Certification from the County Mount Laurel Judge; and

WHEREAS, a Compliance Certification protects municipalities from exclusionary zoning and builder's remedy litigation for the ten-year period commencing on July 1, 2025 and continuing to June 30, 2035; and

WHEREAS, the Township has been working diligently and has been fully compliant throughout the entire Fourth Round affordable housing process, and to date the Township has met all deadlines imposed by the State under the FHA-2; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1f(2)(c), of the FHA-2 the Township is required to adopt all Fourth Round affordable housing implementation ordinances by March 16, 2026 as a condition of securing a Compliance Certification from the Court; and

WHEREAS, in order to protect the interests of the Township and maintain compliance with P.L. 2024, c.2; the Township Committee finds it necessary and proper to adopt updated affordable housing ordinances to conform with recent changes to State statutory and regulatory laws; and

WHEREAS, the Township Attorney and Township Planner have reviewed and thoroughly vetted the provisions of this ordinance and recommend the Township Committee adopt same.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Boonton, County of Morris, State of New Jersey, that the Code of the Township of Boonton is hereby amended as follows:

SECTION 1. Section 102-16.1 entitled “Collection of Development Fees,” within Chapter 102, Part 2, Article IV of the “Land Use” Code of the Township of Boonton is hereby repealed in its entirety and replaced as follows:

§102-16.1 Collection of development fees. Effective March 9, 2026, all residential development and non-residential development shall be subject to the Township’s development fee ordinance set forth within Section 101-23 of Chapter 101 “Affordable Housing” of the Code of the Township of Boonton.

SECTION 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Boonton, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Township of Boonton are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. The Township Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63.

SECTION 5. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Boonton for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

SECTION 6. Upon the adoption of this Ordinance and after a public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of this Ordinance as finally adopted with the Morris County Planning Board, as required by N.J.S.A. 40:55D-16. The Township Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S.A. 40:49-2.1

SECTION 7. This ordinance may be re-numbered for the purposes of recodification.

SECTION 8. This ordinance shall take effect upon publication and in accordance with the law.