

**WARREN TOWNSHIP
RESOLUTION NO. 2019-239
REQUESTING APPROVAL FROM DLGS TO ESTABLISH A DEDICATED TRUST BY
RIDER ACCOUNT FOR UNIFORM CONSTRUCTION CODE ENFORCEMENT FEES**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a Dedication by Rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, N.J.S.A. 52:27D-124e provides for the imposition of enforcement penalties for violations of the Uniform Construction Code (UCC); and

WHEREAS, the Township Committee adopted Resolution 2019-198 on July 18, 2019, requesting permission from the Director of the Division of Local Government Services to establish a dedicated trust for UCC penalty fees; and

WHEREAS, the Division of Local Government Services, by email from Robert Kennedy of the Division to Chief Financial Officer Karen DeNave, did not approve the request and advised that the use of said funds for new equipment and transportation shall be deleted from the request; and

WHEREAS, the Township Committee of the Township of Warren adopted Ordinance 19-32 on May 14, 2019, Section N which provides that all penalty monies collected under the penalty provision of the said Ordinance and the UCC shall be utilized to support the Construction Office for purposes to include the cost of training, technical support programs, conferences, certifications, new equipment and transportation; and

WHEREAS, the Township Administrator is recommending that the Township Committee amend Ordinance 19-32 to delete the references for new equipment and transportation as permitted uses for UCC penalty fees, said amendment was introduced on September 19, 2019 as Ordinance 19-47; and

WHEREAS, the receipt and expenditure of said funds shall be in accordance with the Local Public Contracts Law, Local Budget Law, Local Fiscal Affairs Law, and applicable to Township Ordinances and procedures; and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government services may approve expenditures of monies by Dedication by Rider.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Warren, in the County of Somerset, State of New Jersey, hereby requests approval from the Director of the Division of Local Government Services, for the establishment of a dedicated rider account pursuant to N.J.S.A. 40A:4-39 for an account to be entitled, "Uniform Construction Code Penalty Enforcement Fees."

BE IT FURTHER RESOLVED that said fees may be utilized to support the Construction Office for purposes to include the cost of training, technical support programs, conferences, and certifications.

BE IT FURTHER RESOLVED, that the Township Clerk will forward two copies of this Resolution to the Director of the Division of Local Government Services for review and approval.

| INTRODUCED | SECONDED | COMMITTEE | AYE | NAY | ABSTAIN | ABSENT |
|------------|----------|-----------|-----|-----|---------|--------|
| | | LAZO | x | | | |
| | x | MAZIARZ | x | | | |
| x | | SORDILLO | x | | | |
| | | MARION | x | | | |
| | | DINARDO | x | | | |

CERTIFICATION

I, Cathy Reese, Township Clerk of the Township of Warren, in the County of Somerset, New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted at a meeting of the Township Committee held on September 19, 2019.

Cathy Reese, RMC
Township Clerk