

**ORDINANCE NO. 3599**

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, ARTICLE XXXVI - ZONING BOARD OF ADJUSTMENT, SECTION 112-285 - ESTABLISHMENT AND COMPOSITION, SUBSECTION B - ADDING TWO (2) ADDITIONAL ALTERNATES.**

**SUMMARY**

An Ordinance amending the Development Ordinance of the Township of Franklin by adding two additional alternates to the Zoning Board of Adjustment, thus making the total of alternates – four (4).

**BE IT ORDAINED** by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, is hereby as follows:

**SECTION I**

Chapter 112, Development – Article XXXVI – Zoning Board of Adjustment - Section 112-285 - Establishment and Composition is amended as follows:

**ARTICLE XXXVI ZONING BOARD OF ADJUSTMENT**

**112-285 ESTABLISHMENT AND COMPOSITION**

- (A) A Zoning Board of Adjustment is hereby established pursuant to C.40:55D-69 et seq. consisting of seven (7) residents of the Township of Franklin appointed by the Township Council to serve for terms of four years. The terms of the members first appointed shall be so determined that to the greatest practicable extent, the expiration of such terms shall be distributed evenly over the first four years after their appointment; provided that the initial term of no member shall exceed four years. Thereafter, the terms of each member shall be for four years. Nothing in this ordinance shall, however, be construed to effect the term of any present member of the Zoning Board of Adjustment, all of whom shall continue in office until the completion of the term for which they were appointed.
  
- (B) There shall also be appointed to the Zoning Board of Adjustment ~~two~~ ***four*** alternate members who shall be designated by the Township Council ***at the time of their appointment*** as "Alternate No. 1" ~~and~~, "Alternate No. 2", ***“Alternate No. 3” and “Alternate No. 4”***. ~~Each alternate shall serve in rotation during the absence or disqualification of any regular member or members. The term of each alternate member shall be two years. In the event that a choice must be made as to which alternate member is to vote, alternate members shall vote in the order of their numerical designation. The terms of the alternate members first appointed shall be so determined that to the greatest practicable extent, the expiration of such terms shall be distributed evenly over the first two years of their appointment, provided that the initial term shall not exceed two (2) years. Thereafter, the term of each alternate member shall be two (2) years. The terms of not more than two (2) alternates shall expire in any one (1) year.~~
  
- (C) No member of the Zoning Board may hold any elective office or position under the municipality.

**SECTION II**

If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court jurisdiction, such validity of unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

### **SECTION III**

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as to the extent of such inconsistency.

### **SECTION IV**

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

#### **ORDINANCE NO. 3599**

This is a true copy of an ordinance adopted by the Township Council, Township of Franklin, Somerset County, NJ.

Introduced:	February 14, 2006
Public Hearing:	March 14, 2006
Adopted:	March 14, 2006
Notice of Final Adoption:	March 20, 2006
Effective Date:	April 3, 2006

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Ann Marie McCarthy, Township Clerk