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TOWN OF MORRISTOWN
ORDINANCE NO. O-42-98

ORDINANCE REQUIRING
CONTRIBUTION DISCLOSURE STATEMENTS
IN MAJOR ZONING VARIANCE APPLICATIONS

Be it Ordained by the Mayor and Council of The Town of Morristown, County of Morris, and State of New Jersey as follows:

Section 1. Short Title:

Contribution Disclosure Ordinance

Section 2. Purpose:

WHEREAS municipal Master Plans include well thought out, long-term decisions about the development capacity of a community; and

WHEREAS municipal Master Plans are implemented through the enactment of local land use ordinances; and

WHEREAS deviations from these local ordinances by way of variances pursuant to N.J.S.A. 40:55D-70(d) provide opportunities for significant private gain; and

WHEREAS this town has a tradition of openness in government and a strong commitment to providing a fair and impartial variance application process; and

WHEREAS openness in government and a fair and impartial variance application process are crucial to assuring the continuing integrity of the municipal Master Plan, its implementing ordinances and the integrity of the variance application process; and

WHEREAS disclosure of political contributions by property owners, developers and professionals will enhance the town's existing commitment to openness in government and provide further guarantees of a fair and impartial variance application process; and

FILED
JUN 20 2013
KIM GUADAGNO
SECRETARY OF STATE

WHEREAS disclosure of political contributions by property owners, developers and professionals will effectuate the purposes of the Municipal Land Use Law to promote morals and the general welfare;

THEREFORE, it is accordingly found and determined that the paramount public interest in enhancing the town's commitment to openness in government, in providing further guarantees of a fair and impartial variance application process, and in promoting morals and the general welfare through the integrity of the municipal planning process requires the supplementation of the municipal application checklist to mandate the listing of specified political contributions made by property owners, developers and the professionals whose services they use in applications for major zoning variances.

Section 3. Definitions:

- a. Application Checklist - The term "Application Checklist" means the list of submission requirements adopted by ordinance and provided by the municipal agency to a developer pursuant to N.J.S.A. 40:55D-10.3.
- b. Developer - The term "Developer" means a developer as defined by N.J.S.A. 40:55D-4, i.e. the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
- c. Professional - The term "Professional" means any person or entity whose principals are required to be licensed by New Jersey Law and who supplies legal representation, expert testimony or written reports in support of an application. Professionals shall include both any individuals supplying the representation, testimonies or reports and the firms or entities in which said individuals practice.

- d. Contribution - The term "Contribution" means every loan, gift, subscription, advance or transfer of money or other thing of value, including any item of real property or personal property, tangible or intangible (but not including, services provided without compensation by individuals volunteering a part or all of their time on behalf of a candidate, committee or organization), made to or on behalf of any candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee and any pledge, promise or other commitment or assumption of liability to make such transfer. For purposes of reports required under the provisions of the ordinance, any such commitment or assumption shall be deemed to have been a contribution upon the date when such commitment is made or liability assumed.
- e. Contribution Disclosure Statement - The term "Contribution Disclosure Statement" means a list specifying the amount, date, and the recipient of any and all Contributions made to or on behalf of any candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee of or pertaining to this municipality, made up to one year prior to filing the variance application and/or during the pendency of the application process, and required to be reported pursuant to N.J.S.A. 19:25-10.1 to 10.14.

Section 4. General Provisions:

- a. Disclosure Requirements
 - i. Any applicant for a variance pursuant to N.J.S.A. 40:55D-70(d) shall include in the application Contribution Disclosure Statements for all Developers; all

associates of said Developers who would be subject to disclosure pursuant to N.J.S.A. 40:55D-48.1 or 40:55D-48.2; and all Professionals who apply for or provide testimony, plans, or reports in support of said variance and who have an interest in the property or development which is the subject of the application or whose fee in whole or part is contingent upon the outcome of the application. Regardless of whether the owner of the property which is the subject of the variance application falls in any of the categories established in the preceding sentence, the applicant shall include in the application a Contribution Disclosure Statement for said owner.

- ii. During the pendency of the application process until final site plan approval is granted, any applicant for a variance pursuant to N.J.S.A. 40:55D-70(d) shall amend its Contribution Disclosure Statements to include continuing disclosure of all Contributions within the scope of disclosure requirement of the above paragraph.

b. Inclusion of Contribution Disclosure Statements as an Element of the Application Checklist

- i. The current Application Checklist ordinance adopted pursuant to N.J.S.A. 40:55D-10.3 is hereby amended to require Contribution Disclosure Statements from any and all Owners, Developers, or Professionals applying for or providing testimony, plans, or reports in support of any application for a variance pursuant to N.J.S.A. 40:55D-70(d).
- ii. The municipal board of adjustment shall amend its Application Checklist to include the Contribution Disclosure Statements specified in the above paragraph.

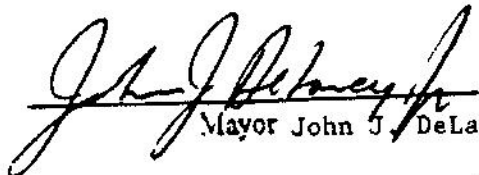
- iii. An application shall not be deemed complete by the administrative official or accepted for public hearing by the Municipal Agency until the required Contribution Disclosure Statements are submitted.
- c. Availability of the Disclosure Statement
- All Contribution Disclosure Statements shall be available in the office of the administrative officer for review by any member of the public.

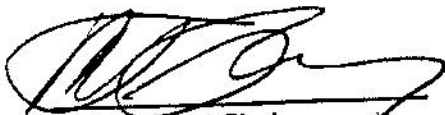
Section 5. Severability and Effectiveness Clause:

If any sentence, paragraph or section of this ordinance, or the application thereof to any persons or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph or section of this ordinance shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this ordinance.

Section 6. Effective Date:

This ordinance shall become effective on December 28, 1998.


Mayor John J. DeLaney, Jr


Municipal Clerk
William M. Chambers

Introduced: **Matthew K. Stechauner**
Adopted: **Deputy Town Clerk**
Veto or Approval:
Final Publication: