

**AN ORDINANCE REQUIRING CONTRIBUTION DISCLOSURE
STATEMENTS IN
PLANNING AND ZONING APPLICATIONS**

Be it Ordained by the Mayor and Council of the Borough of Hillsdale, County of Bergen as follows:

WHEREAS, municipal Master Plans include well thought out, long-term decisions about the development capacity of a community and the Master Plan of the Borough of Hillsdale is no exception; and

WHEREAS, municipal Master Plans, including that of the Borough of Hillsdale 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:D-70(d) provide opportunities for significant financial gain; and

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;

NOW THEREFORE, it is accordingly found and determined that the paramount public interest in enhancing the Borough's commitment to openness in government, in providing further guarantees for 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 zoning variances as follows.

Section 1. Short Title:

Contribution Disclosure Ordinance.

Section 2. Purpose: to enhance openness in government by providing further guarantees for a fair and impartial variance application process, by requiring via the municipal application checklist for applicants to list specified political contributions made by property owners, developers and the professionals who service they use in applications for zoning applications.

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.

- (a) 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 a proprietary interest in such land
- (a) Professional. The term "professional" means any person or entity whose principals are required to be licenses 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.
- (a) Contribution. The term "contribution" shall mean every loan, gift, subscription, advance or transfer of money or other things 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 of their time on behalf of a candidate, committee or organization, made to or on behalf of any candidate, candidate committee, joint candidates committees, political committee, continuing political committee or political party committee and any pledge, promise of 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.
- (a) 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 or political party committee of or pertaining to this municipality, made up to four years prior to filing the variance application and/or during the pendency of the application process, and required to be report pursuant to N.J.S.A. 19:44-1et seq.

Section 4. General Provisions:

- (a) Disclosure requirements.

1. Any applicant for all types of variances, except for applications affecting a single family dwelling and/or in the event the contribution has

been made in the amount equal to or less than four hundred (\$400.00) dollars, shall include in the application Contribution Disclosure Statement 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 40:44D-48.2; and all Professional who apply for or provide testimony, plans, or reports in support of said variance and who have an enforceable proprietary 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.

2. During the pendency of the application process until final site plan approval is granted, any applicant for a variance shall amend its Contribution Disclosure Statements to include continuing disclosure of all contributions within the scope of disclosure requirements of the above paragraph.

(b) Inclusion of contribution disclosure Statements as an Element of the Application Checklist.

2. A Contribution Disclosure Statement shall be submitted by the applicant for each and every variance application, except for applications affecting a single family dwelling and/or in the event the contribution has been made in an amount equal to or less than four hundred (\$400.00) dollars.
2. The Planning Board and Zoning Board shall amend their respective application forms and checklists for variances to include the Contribution Disclosure Statement as specific in to include the Contribution Disclosure Statement as specified in this Ordinance.
2. An application shall not be deemed complete by any administrative official or accepted for public hearing by the municipal agency or board to which such application is made until the required Contribution Disclosure Statements are submitted.
2. It shall be a condition of approval for each variance, except for applications affecting a single family dwelling and/or in the event the contribution has been made in an amount equal to or less than four hundred (\$400.00) dollars, granted that the applicant certifies that the Contribution Disclosure Statement submitted at the outset of the application is complete and up to date.

(c) Availability of the Disclosure Statement

All Contribution disclosure Statements shall be available in the office of the Borough Clerk 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 ordinances 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 take effect after publication thereof after final passage in accordance with the provision of law.