

ORDINANCE O-11-48

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF HOWELL PROHIBITING APPROVAL OF
APPLICATIONS WITHIN HOWELL TOWNSHIP THAT
REQUIRE TOWNSHIP GOVERNMENT APPROVAL WHICH
ARE IN VIOLATION OF FEDERAL LAW**

WHEREAS, the United States government has elected to adopt various laws which govern the conduct of persons and/or businesses within the United States by declaring matters to be concordance with or in violation of Federal law; and,

WHEREAS, the State of New Jersey has also elected to adopt various laws which govern the conduct of persons and/or businesses within the State of New Jersey by declaring matters to be in concordance with or in violation of State law; and,

WHEREAS, there are instances in which Federal law and State law on an issue are in direct contravention of each other. However, where the actions of the State government that are in contravention of Federal law do not open the State to civil and/or criminal liability from the United States government, they do open said civil and/or criminal liability upon subordinate aspects of State government, such as counties and municipalities; and,

WHEREAS, a criteria for approval by the Township of Howell Zoning Official, Construction Official, other applicable Township employee, Zoning Board of Adjustment, Board of Health and Planning Board, an applicant seeking any approval from said entities, must comply with all Federal laws or otherwise the application will be deemed non-compliant.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Howell, County of Monmouth, State of New Jersey that the Township Council of Howell Township does hereby prohibit the actions/ activities and shall not support or sanction any actions/activities within the geographic boundaries of Howell Township of any person or persons, businesses, non profit or entity or any other group which require any decision, action and/or inaction of the Township which is in violation of Federal law. Township shall be defined herein as either the Township Council and any and/or all of its members, any official, officer and/or employee of the Township (whether they be full-time or part-time), the Township Planning Board and any and/or all of its members; and, the Township Zoning Board of Adjustment and any and/or all of its members if any and/or all of them, jointly and/or severally, are acting within the scope of their elected and/or appointed positions and/or employment with Howell Township.

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

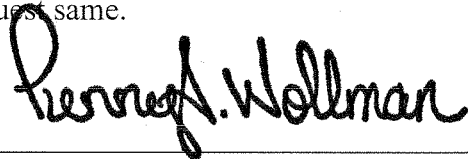
(1) All ordinances or parts of ordinances which are inconsistent with or in conflict with this Ordinance or any part hereof are hereby repealed as to the extent of such inconsistencies only.

(2) If any provision of any section, subsection, paragraph, subdivision or clause of this Ordinance shall be adjudged by a court of competent jurisdiction as invalid, such order or judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Ordinance or any other ordinance which is referred to herein by reference and, to this end, the provisions of this section, subsection, paragraph, subdivision or clause of this Ordinance are hereby declared to be severable.

(3) This Ordinance shall take effect immediately upon its final passage and publication according to law.

NOTICE

The Ordinance published herewith was introduced and passed on first reading by the Township Council of the Township of Howell on December 13, 2011 and will be further considered for final passage and adoption at the Township Municipal Building on Preventorium Road, Howell, New Jersey on January 3, 2012 at 7:30 p.m. or as soon thereafter as the matter can be reached on the Agenda, at which time and place all persons interested therein shall be given an opportunity to be heard and during the week prior thereto, and up to, and including, the date of such meeting, copies of said Ordinance will be available at the Clerk's Office in the Township of Howell Municipal Building to the members of the general public who shall request same.



PENNY A. WOLLMAN, Township Clerk

This is to certify that the foregoing Ordinance was adopted by the Township Council at a regular meeting of the Township of Howell held on _____.

PENNY A. WOLLMAN, Township Clerk