

**TOWNSHIP OF WANTAGE  
ORDINANCE #2014-04**

**AN ORDINANCE AUTHORIZING SPECIAL TAX ASSESSMENT FOR LAKE  
NEEPAULIN DAM RECONSTRUCTION**

***WHEREAS***, the dam on Lake Neepaulin had deteriorated to the point where the State of New Jersey required the Friends of Lake Neepaulin, Inc. (“FOLN”) to repair the Dam; and

***WHEREAS***, FOLN did repair the Dam in order to prevent the draining of the lake which the Wantage Township Committee believed would have been detrimental to property values in Lake Neepaulin; and

***WHEREAS***, the FOLN by-laws do not provide for strong enforcement authority over its members, and therefore FOLN cannot institute its own assessment for this work; and

***WHEREAS***, FOLN has requested that the Township of Wantage assist FOLN by instituting a Special Tax Assessment to pay for the repairing of the Lake Neepaulin Dam; and

***WHEREAS***, the Township is willing to assist FOLN in accomplishing this goal for the betterment of the residents of the Lake Neepaulin community; and

***WHEREAS***, the Township is authorized under N.J.S.A. 40:56-1 and 58:4-12, to institute Special Tax Assessments for the maintenance and upkeep of private dams; and

***WHEREAS***, FOLN has received, from the State of New Jersey, a low cost Dam Restoration Loan; and

***WHEREAS***, the Township agreed to support this loan by signing as a co-applicant; and

***WHEREAS***, the final costs for repair work to the Lake Neepaulin Dam are \$1,200,825.00; and

***WHEREAS***, pursuant to the Special Tax Assessment statute, “project costs” include principle, interest, associated costs, legal fees, and/or penalties on loans.

***NOW, THEREFORE, BE IT ORDAINED*** by the Township Committee of the Township of Wantage as follows:

**Section 1.** The “project costs” as defined above, expended for the completion of the Lake Neepaulin Dam Reconstruction Project (“the Project”) to the satisfaction of the NJDEP shall be assessed against properties within the Lake Neepaulin community.

**Section 2.** The Township will not contribute to the payment of the project costs.

**Section 3.** The Special Assessment assessed against each impacted property shall constitute a first and paramount lien as provided for under N.J.S.A. 40:56-33.

**Section 4.** All Ordinances or parts of Ordinances which are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 5. Severability.** If any provision of this ordinance or the application of this ordinance to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected and shall remain in full force and effect.

**Section 6. Repealer.** All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this ordinance are hereby repealed in their entirety.

**Section 7. Effective Date.** This ordinance shall take effect after publication and passage according to law.

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William DeBoer, Mayor

ATTEST:

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James Doherty, Administrator/Clerk

**NOTICE**

TAKE NOTICE that the above entitled ordinance was introduced at a regular meeting of the Mayor and Township Committee of the Township of Wantage, County of Sussex, New Jersey, held on February 20, 2014, and will be considered for final passage after public hearing at a regular meeting of the Mayor and Township Committee to be held on March 6, 2014 at 7:00 p.m. in the Municipal Building, Route 23, Wantage, New Jersey. During the preceding week, copies of the ordinance will be made available at the Clerk's office in the Municipal Building to members of the general public.

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James Doherty, Administrator Clerk