

**BOROUGH OF HAMPTON
HUNTERDON COUNTY, NEW JERSEY**

ORDINANCE # 05 - 2025

**AN ORDINANCE TO ADOPT LAND USE REGULATIONS TO ENSURE PRIVATE
AND PROPER MAINTENANCE OF COMMON AREAS CREATED AS A RESULT OF
SUBDIVISION AND/OR SITE PLAN APPROVALS IN THE CODE OF THE
BOROUGH OF HAMPTON**

WHEREAS, the Borough of Hampton desires to bolster the land use regulations to ensure private and proper maintenance of common areas created as a result of subdivision and/or site plan approvals; and

WHEREAS, the Borough's 2020 Master Plan Re-Examination Report recommends the Borough "adopt requirements for the homeowners' associations' management of open spaces and recreation areas."; and

(See Exhibit A- Letter from Borough of Hampton Planning Board/Board of Adjustment dated 3/3/25)

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Hampton, Hunterdon County, State of New Jersey, as follows:

SECTION I: PART II: GENERAL LEGISLATIONS.CHAPTER157 LAND DEVELOPMENT. ARTICLE I GENERAL PROVISIONS IS AMENDED AS FOLLOWS (additions shown as thus: Deletions shown as thus):

§157-8.1 Homeowner's Association:

A. A Homeowner's Association shall be established which shall own open spaces, common areas and recreational open space areas and facilities for the purposes of owning and maintaining such areas designed within the development, provided that the Planning Board and the Mayor and Council of the Borough are satisfied that the homeowner's association will have a sufficient number of property owners to reasonably expect a perpetuation of the association in a manner enabling the association to meet its obligations and responsibilities. The homeowner's association shall incorporate the following provisions:

- (1) Membership in the homeowner's association by all property owners shall be mandatory. Required membership and the responsibilities upon the members shall be in writing between the association and each property owner in the form of a covenant, with each agreeing to liability for his prorata share of the association's costs.

- (2) The association shall be responsible for liability insurance, taxes, maintenance and any other obligations assumed by the association and shall hold the Borough harmless from any liability.
- (3) The assessment levied by the association upon each property owner shall become a lien on each owner's property in accordance with N.J.S.A.46:8B-21. The association shall be allowed to adjust the assessment to meet the changing needs, and any deeded lands may only be sold, donated or conveyed to the Borough for public purposes only if the Borough agrees to same.
- (4) The association shall clearly describe in its bylaws all of the rights and obligations of each tenant and property owner, including a copy of the covenant, model deeds and articles of incorporation of the association and the fact that every tenant and property owner shall have the right to use all common properties. Drafts of the covenants, model deeds, by laws and articles of incorporation of the association shall be submitted to the Planning Board for initial review when the applicant is seeking preliminary approvals of its application from the Planning Board. Approval by the Planning Board of the final form of all covenants, model deeds, by laws and articles of incorporation of the association shall be a condition of the granting of any final approvals by the Planning Board of any application submitted to it.
- (5) The association shall maintain the common property and all facilities thereon and, in case of a default by the association, the Borough shall have the power to maintain the common property, open spaces, recreational open space areas and facilities in accordance with the provisions of N.J.S.A.40:55 D-43.
- (6) The articles of incorporation, covenants, by laws, model deeds and other legal instruments shall ensure that control of the homeowner's association shall be transferred to the property owners based on a percentage of the dwelling units sold and/or occupied and shall clearly indicate that the Borough may perform such maintenance and repair work that may be required in the public interest where the association has not performed, with the costs being levied upon each property owner according to the prorate share in the association and which may become a lien on the property not only owned by the association but prorate upon each property owner's dwelling unit.

- (7) The homeowner's association shall comply in all respects with all other requirements of any federal, state or Borough law, regulation or ordinance.
- (8) The homeowner's association shall not be dissolved and shall not dispose of any common areas, open spaces, recreational open space areas and facilities by sale, conveyance or otherwise, except to an organization conceived and established to own and maintain the open spaces, common areas, recreational open space areas and facilities for the benefit of such development, and there after such organization shall not be dissolved or disposed of any of its common areas, open spaces, recreational open space areas and facilities without first offering to dedicate the same to the Borough; provided, however, that the Borough agrees to accept such.
- (9) The association shall nominate and designate a member of the association who shall be the person to whom all official notices, excluding municipal tax bills for each townhouse dwelling unit, shall be directed from the Borough with respect to compliance with the terms and provisions of this section and the provisions of N.J.S.A.40:55D-43, which shall be deemed to be hereby included and Incorporated into the terms and provisions of this section.
- (10) The association shall be responsible and shall pay for all municipal taxes assessed and levied against the common properties owned by the association, including but not limited to common areas, open spaces and recreational open space areas and facilities.

Section II. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

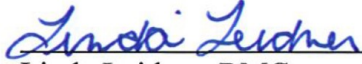
Section III. Effective Date:

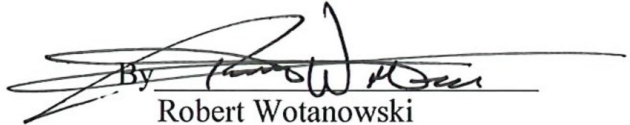
This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

ALL OF WHICH IS ADOPTED THIS 19th day of May, 2025 by the by the Mayor and Council of the Borough of Hampton, Hunterdon County, State of New Jersey.

BOROUGH OF HAMPTON

ATTEST:


Linda Leidner, RMC
Borough Clerk

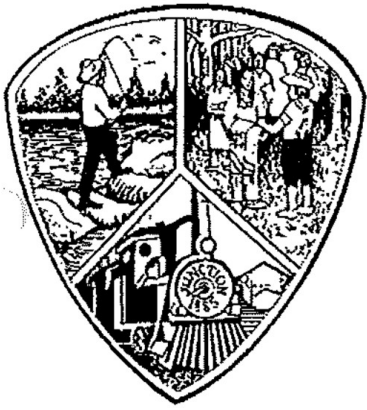
By 
Robert Wotanowski
Council President

introduced: April 21, 2025

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Published: May 21, 2025



BOROUGH OF HAMPTON
PLANNING BOARD / BOARD OF ADJUSTMENT

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March 3, 2025

HAMPTON BOROUGH
REQUIREMENTS FOR HOMEOWNER ASSOCIATION
MANAGEMENT & FEES (OPEN SPACES & RECREATION)
ORDINANCE

On Monday, March 3, 2025, at our regularly scheduled Planning Board Meeting held at 7:30 pm, the Planning Board, after reviewing the information provided to the Hampton Borough Planning Board from the Planning Board Planner, Beth McManus, Kyle & McManus Associates, pertaining to a Land Development Ordinance known as "Requirements for Homeowner Association Management & Fees (Open Spaces & Recreation)" Ordinance and Amendment to Municipal Land Use Law, agreed with the recommendations made to said Land Development Ordinances as prepared by our Hampton Borough Professionals. The Planning Board has no further comments, recommendations or adjustments that need to be made to said document, as it is consistent with the current Hampton Borough Master Plan. Therefore, a Motion was made by Andrew Hurley and seconded by Rob Celentano to forward said Ordinance onto the Hampton Borough Council to approve and hereby recommend the Adoption of the Land Development Ordinance pertaining to "Requirements for Homeowner Association Management & Fees (Open Spaces & Recreation)" Ordinance and Amendment to Municipal Land Use Law as prepared by the Hampton Borough Planning Board Planner.

Roll Call Vote – 1 No Vote – Chad Nathanson. 8 Yes Votes. Yes, Votes were made by Pam Bailey, Heather Burd, Rob Celentano, Karen Cunningham, Andrew Hurley, Jeff Minchin, Steven Pikna and Todd Shaner.

Respectfully Submitted,

Sherry Minchin
Planning Board Secretary