

**ORDINANCE 2026-04 (1289)**

**AN ORDINANCE OF THE BOROUGH OF LAVALLETTE AMENDING CHAPTER 90 (ZONING) OF THE CODE OF THE BOROUGH OF LAVALLETTE TO ADD ARTICLE XIV, PROVIDING FOR A MUNICIPAL EXEMPTION FROM ZONING AND PLANNING RESTRICTIONS FOR BOROUGH-OWNED PROPERTY AND MUNICIPAL GOVERNMENTAL FUNCTIONS**

**WHEREAS**, the Borough of Lavallette (“Borough”) is a body politic and corporate constituting a political subdivision of the state of New Jersey and as such is a municipal corporation duly organized and existing under the laws of the State of New Jersey; and

**WHEREAS**, the Borough owns and operates various parcels of real property and municipal facilities necessary for the health, safety, welfare, and efficient governance of its residents; and

**WHEREAS**, the Mayor and Council of the Borough of Lavallette (the “Governing Body”) find it necessary and appropriate, from time to time, to construct, alter, improve, expand, or otherwise develop Borough-owned property and municipal facilities in furtherance of essential governmental functions; and

**WHEREAS**, the Governing Body finds that requiring the Borough to comply with the same zoning and land use restrictions imposed upon private property owners may hinder or delay the timely provision of essential public services; and

**WHEREAS**, it is the intention of the Governing Body to exercise its inherent governmental authority to exempt Borough-owned lands and municipal governmental activities from the zoning and planning restrictions set forth in Chapter 90 (Zoning), Chapter 37 (Land Use Procedures), and Chapter 57 (Subdivision of Land) of the Code of the Borough of Lavallette; and

**WHEREAS**, the Governing Body finds that this Ordinance is in the public interest and serves the general welfare of the residents of the Borough of Lavallette;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Lavallette, Ocean County, New Jersey, as follows:

**SECTION 1.** Amendment to Chapter 90 — Addition of Article XIV

Chapter 90 (Zoning) of the Code of the Borough of Lavallette is hereby amended by adding a new **Article XIV**, to be entitled “Municipal Exemption,” which shall read as follows:

## **ARTICLE XIV Municipal Exemption**

### **§ 90-100. Purpose.**

The purpose of this Article is to recognize the inherent authority of the Borough of Lavallette, as a governmental entity, to undertake land use and development activities necessary for the exercise of its essential governmental functions, free from the restrictions otherwise imposed upon private parties by this chapter and the related land use ordinances of the Borough.

### **§ 90-101. Exemption from Zoning and Planning Restrictions.**

**A. General Exemption.** Notwithstanding any provision to the contrary contained in Chapter 90 (Zoning), Chapter 37 (Land Use Procedures), Chapter 57 (Subdivision of Land), or any other land use or planning regulation of the Code of the Borough of Lavallette, the Borough of Lavallette and its Governing Body shall be exempt from all zoning and planning restrictions when undertaking essential governmental functions on Borough-owned property or on property acquired or utilized for a public purpose.

**B. Scope of Exemption.** The exemption established by this Article shall apply to, but shall not be limited to, the following:

- (1) The construction, reconstruction, alteration, enlargement, repair, or demolition of any building, structure, or improvement on Borough-owned property;
- (2) The establishment or change of any use on Borough-owned property;
- (3) Setback, height, lot coverage, yard, and bulk requirements as set forth in Chapter 90 and the Schedule of Area, Yard and Building Requirements annexed thereto;
- (4) Site plan review requirements under the Site Plan Review Ordinance (2006) of the Borough of Lavallette, as may be amended;
- (5) Subdivision and land development requirements under Chapter 57 (Subdivision of Land);
- (6) Land use application and approval procedures under Chapter 37 (Land Use Procedures);
- (7) Zoning permit requirements under § 90-97 of Chapter 90, Article XII (Administration and Enforcement); and
- (8) Any other restriction, requirement, or condition imposed by the Zoning Ordinance or related land use ordinances of the Borough.

**C. Applicable Properties and Activities.** This exemption shall apply to all lands owned by the Borough of Lavallette and to all activities undertaken by the Governing Body or its authorized agents, officers, employees, or contractors in furtherance of a governmental purpose.

**§ 90-102. Construction of Exemption.**

This Article shall be construed broadly in favor of the Borough of Lavallette to facilitate the timely, efficient, and cost-effective delivery of public services and governmental functions. Nothing herein shall be construed to exempt the Borough from compliance with applicable State or Federal laws, including but not limited to the New Jersey Uniform Construction Code (N.J.A.C. 5:23), flood hazard area regulations under Chapter 31 of the Borough Code and N.J.A.C. 7:13, or environmental laws of the State of New Jersey or the United States.

**§ 90-103. Effect on Other Provisions.**

All other provisions of Chapter 90 (Zoning) and the related land use ordinances of the Borough of Lavallette shall remain in full force and effect as applied to private property owners and non-governmental entities.

**SECTION 2. Severability.**

If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged invalid by a court of competent jurisdiction, such adjudication shall not affect the validity of any other section, paragraph, subsection, clause, or provision hereof.

**SECTION 3. Repealer.**

All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4. Effective Date.**

This Ordinance shall take effect immediately upon final passage and publication as required by law.

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**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting held on March 23, 2026. It was further considered for second (2<sup>nd</sup>) reading and final passage at a meeting of the Borough Council held on May 4, 2026 at 7:00 pm at which time and place persons desiring to be heard upon the same were given the opportunity to be heard.

Said Ordinance was duly adopted on the 4<sup>th</sup> day of May 2026 and shall take effect upon publication as required by law.

(SEAL)

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DONNELLY AMICO, RMC  
Municipal Clerk

APPROVED:

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WALTER G. LACICERO  
Mayor