

Bond Case Briefs

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MUNICIPAL ORDINANCE - NEW JERSEY

Roseff v. Byram Tp.

Superior Court of New Jersey, Appellate Division - July 10, 2013 - A.3d - 2013 WL 3849886

Residents brought action against township seeking an order directing the township to accept their referendum petition and either repeal budget ordinance or hold a referendum in accordance with the Faulkner Act.

The Superior Court, Appellate Division held that budget ordinance was not subject to a referendum under the Faulkner Act.

Township had the burden of proving that the Legislature intended to carve out from Faulkner Act ordinances adopted pursuant to statute allowing municipality to increase its budget by as much as, but no more than, 3.5% in any year in which the cost-of-living adjustment was equal to or less than 2.5%. Township satisfied that burden.