

TOWNSHIP OF FRANKLIN

0-11-26

**AMENDING TOWNSHIP CODE CHAPTER 253 TO REQUIRE
CORPORATION, INDIVIDUAL, OR ANY OTHER ENTITY THAT IS NOT A
“PUBLIC ENTITY” COMPLY WITH THE PUBLIC NOTICE REQUIREMENTS
UNDER NEW JERSEY N.J. S.A. § 35:3-1 ET SEQ.**

WHEREAS, the Township of Franklin has adopted ordinances codified in Chapter 253 of the Township Code, including § 253-9 and 253-10 governing Notice of public hearing before the planning board; and

WHEREAS, The Township Committee finds that Chapter 253 presently establishes procedures for notice of hearings on applications for development and for adoption, revision, or amendment of the Master Plan. Chapter 253, Article I, §§ 253-9 and 253-10 prescribe, among other things, public notice by publication in the official newspaper, mailed notice to property owners within 200 feet, notice to adjoining municipalities and certain public bodies, affidavit of service filing, and publication of decisions

WHEREAS, on June 30, 2025, the State of New Jersey enacted L. 2025, c.72 (commonly known as the “Public Notice Law 2025” N.J.S.A. § 35:3-1 et seq), which updates legal notice publication requirements and becomes operative for public entities on March 1, 2026; L. 2025, c.72 was signed into law on June 30, 2025, with website publication requirements for public entities effective after March 1, 2026.

WHEREAS, the N.J. S.A. § 35:3-1 et seq provides that, after March 1, 2026, whenever a public entity is required by law to publish or advertise a legal notice, the public entity shall make the complete text of the legal notice publicly accessible on its official Internet website free of charge and maintain such notices on a dedicated legal notices webpage for at least one week or such longer period as otherwise required by law, with a conspicuous homepage link; After March 1, 2026, public entities must publish the complete text of legal notices on their official websites on a dedicated legal notices webpage, free of charge, for at least one week or longer if required, with a conspicuous homepage link.

WHEREAS, the N.J. S.A. § 35:3-1 et seq further provides that, after March 1, 2026, whenever a private individual or entity is required to publish or advertise a legal notice (including land use applications), such notice must be placed in an eligible online news publication meeting statutory criteria; After March 1, 2026, private individuals or entities required to publish legal notices, including land use applications, must place the notice in an eligible online news publication.

WHEREAS, in order to enable the Township to comply with the N.J. S.A. § 35:3-1 et seq’s website publication mandate for public entity legal notices, it is necessary that applicants provide a copy of their Planning Board hearing notice to the Township Clerk for posting on the Township’s official website, in addition to any other notice required by § 253-9 and 253-10; Public entities must make legal notices available on their official websites, necessitating procedures to receive and post such notices.

WHEREAS, the Township further desires to align the timing of applicant transmittal to the Township Clerk with the N.J. S.A. § 35:3-1 et seq’s minimum online posting duration by requiring that the Clerk receive the applicant’s notice sufficiently in advance of the hearing to permit at least twelve (12) days of website posting prior to the hearing date;

WHEREAS, the Township Committee finds it in the public interest to amend §253 to add these requirements so that Planning Board public hearing notices are timely furnished for Township website advertisement consistent with the N.J. S.A. § 35:3-1 et seq, c.72, effective March 1, 2026; L. 2025, c.72's operative web posting requirements for public entities begin after March 1, 2026.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey, that:

Section 1. Amendment of § 253-3 (Definitions) — New and Revised Definitions

Section 253-3 is amended to add the following definitions for purposes of §§ 253-9 and 253-10. All other definitions remain in full force and effect.

1. **PUBLIC ENTITY** — The Township of Franklin; any New Jersey state, county, or municipal department, board, commission, agency, or authority; any school district; or any body corporate and politic exercising governmental functions.
2. **NON-PUBLIC ENTITY** — Any Person that is not a Public Entity, including an Individual, Corporation, or Other Entity, when required or authorized to provide Public Notice under this chapter.
3. **INDIVIDUAL** — A natural person acting in an individual capacity and not on behalf of a Public Entity.
4. **CORPORATION** — A corporation organized under the laws of any state or the United States, including for-profit, nonprofit, and professional corporations.
5. **OTHER ENTITY** — A partnership, limited liability company, limited liability partnership, joint venture, association, trust, or any legal entity other than an Individual, Corporation, or Public Entity.
6. **PUBLIC NOTICE** — A notice required or authorized by this chapter or N.J.S.A. 40:55D-14 to be provided to the public concerning a hearing, application, adoption, revision, or amendment under §§ 253-9 and 253-10, using the methods, timing, and content specified by N.J. S.A. § 35:3-1 et seq, as incorporated herein.
7. **OFFICIAL NEWSPAPER** — The official newspaper of the Township of Franklin designated by the Township Committee for legal notices, or such alternative publication medium as may be required or permitted by N.J. S.A. § 35:3-1 et seq.
8. **"ONLINE NEWS PUBLICATION"** means a news publication in electronic format that contains news on matters of public concern and has published news predominantly in the English language at least once per week for at least one year continuously.
9. **PROOF OF PUBLICATION** — An affidavit, certification, or receipt demonstrating compliance with publication/posting requirements under this ordinance and N.J. S.A. § 35:3-1 et seq.

Section 2. Amendment of § 253-9 (Notice of hearing on applications)

Section 253-9 is amended as follows (additions indicated; existing subsections retained unless modified below):

- A. Public notice; exceptions; publication medium; timing.

1) Public notice of a hearing on an application for development shall be given, except for the existing exceptions in § 253-9(A) for conventional site plan review, minor subdivisions, and final approval unless relief is requested; public notice shall be given by publication in the official newspaper of the Township ; and, for Non-Public Entities, by any additional or alternative method(s) mandated by N.J. S.A. § 35:3-1 et seq, which may include publication via an Online News Publication, statewide public notice portal, or other authorized medium. Publication shall occur at least ten (10) days prior to the hearing date, consistent with N.J. S.A. § 35:3-1 et seq. The applicant shall be responsible for arranging such publication and for all associated costs.

2) Transmittal to Township Clerk for website posting. In addition to the foregoing, the applicant shall provide the complete text of the public hearing notice and any required attachments to the Township Clerk for posting on the Township's official website legal notices webpage in accordance with N.J.S.A. § 35:3-1 et seq, as may be amended. Such transmittal shall be received by the Township Clerk no later than twelve (12) days prior to the date of the hearing to allow at least twelve (12) days of online posting in advance of the hearing date. Acceptable delivery methods are: (A) email to Clerk@franklingtownship.com; (B) mail delivery to Township Clerk, Township of Franklin , 1571 Delsea Drive, Franklinville, NJ 08322; or (C) hand delivery to the same address during normal business hours. The applicant shall provide proof of transmittal to the Township Clerk to the Planning Board prior to or at the hearing.

B. Mailed notice to owners within 200 feet. 1) Notice of a hearing requiring public notice pursuant to Subsection A shall be given to the owners of all real property, as shown on the current tax duplicate, located within 200 feet in all directions of the subject property, by personal service or certified mail to the address on the current tax duplicate, with partnership and corporate service as stated . In addition, Non-Public Entities shall comply with any supplemental mailed, electronic, or other recipient-specific notice methods required by N.J. S.A. § 35:3-1 et seq, if applicable.

C. Certified list of property owners. 1) Upon written request and payment of the prescribed fee, the Secretary of the Township Planning or Zoning Board shall request from the County Tax Assessor the certified list of owners to whom the applicant is required to give notice under Subsection B and shall provide it to applicant within seven days; the applicant may rely on such list; and failure to notify an owner not on the list shall not invalidate the proceeding.

D.–H. Intergovernmental notices (*unchanged; harmonized timing*). 1) Notice by personal service or certified mail shall be given to: (i) the Clerk of an adjoining municipality for property within 200 feet of the municipal boundary; (ii) the County Planning Board for specified county-adjacent conditions; (iii) the Commissioner of Transportation for property adjacent to a state highway; (iv) the State Planning Commission for applications exceeding 150 acres or 500 dwelling units (including required copies); and (v) registered utilities pursuant to N.J.S.A. 40:55D-12.1, by service or certified mail to the registered person . For Non-Public Entities, the timing of such notices shall be at least Ten (10) days before the hearing as required by N.J. S.A. § 35:3-1 et seq, but not less than the periods prescribed in this chapter.

I. Affidavit of service; proof of publication. 1) The applicant shall file an affidavit of proof of service with the municipal agency when the applicant is required to give notice under this section . In addition, Non-Public Entities shall file Proof of Publication consistent with N.J. S.A. § 35:3-1 et seq, including: (a) publisher’s affidavit, certificate of posting, or electronic confirmation from an Online News Publication; (b) a copy of the published or posted notice; and (c) the date and medium of publication/posting.

J. Dependency of ancillary intergovernmental notice. 1) Notices under Subsections D, E, F, G, and H shall not be deemed required unless public notice under Subsection A and notice under Subsection B are required .

K. Content of notice. 1) The content of public notice by Non-Public Entities shall conform to § 253-8 and N.J. S.A. § 35:3-1 et seq, and include, at a minimum: (a) caption identifying the type of notice and the issuing Non-Public Entity; (b) date, time, and place of the hearing; (c) nature of matters to be considered; (d) property identification per § 253-8; (e) location and times where application materials may be reviewed;.

L. Methods for Non-Public Entities under N.J. S.A. § 35:3-1 et seq. 1) When the N.J. S.A. § 35:3-1 et seq requires or permits specific methods for Non-Public Entities, the applicant shall comply by: (a) publishing in the Official Newspaper; (b) posting to an Online News Publication or statewide notice portal; (c) providing supplemental electronic notice to designated recipients, if mandated; and (d) posting physical notice at the subject property or municipal bulletin board, if required. Where multiple methods are required, each must be completed within the statutory timing.

M. Timing rules; computation. 1) Notices by Non-Public Entities under this section must be completed not later than two (2) business days prior to the hearing, measured and deemed complete according to N.J. S.A. § 35:3-1 et seq. Any notice made by certified mail under §§ 253-9 and 253-10 shall be deemed complete upon mailing .

N. Curative provision. 1) Substantial compliance with the content and method requirements of N.J. S.A. § 35:3-1 et seq, coupled with the good-faith use of the certified 200-foot list and timely filing of affidavits and Proof of Publication, shall constitute prima facie compliance for Non-Public Entities, absent material prejudice.

O. Clerk assistance; forms. 1) The Administrative Officer is authorized to promulgate forms and guidance to assist Non-Public Entities in satisfying N.J. S.A. § 35:3-1 et seq and this section, including optional templates for: (a) notice content; (b) affidavit of service; and (c) Proof of Publication.

2. Severability.

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and 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.

3. Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

4. When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law. Attest:

Township of Franklin

BARBARA FREIJOMIL, CLERK

JOHN BRUNO, MAYOR

CERTIFICATION

I, Barb Freijomil, Clerk of the Township of Franklin, County of Gloucester, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the Township of Franklin held on June 9, 2026 and thereafter duly advertised in the legal newspaper of the Township at least seven (7) days prior to it being considered for final passage and adoption at a subsequent meeting to be held on July 14, 2026, at which time any person interested therein will be given an opportunity to be heard.

Barbara Freijomil, Clerk

Introduced June 9, 2026

Name	Motion	Second	Yes	No	Abstain	Absent
Bruno						
Doyle						
Fiorella						
Keen						
Marsh						

Adopted July 14, 2026

Name	Motion	Second	Yes	No	Abstain	Absent
Bruno						
Doyle						
Fiorella						

Keen						
Marsh						