

TOWNSHIP OF WALL

ORDINANCE NO. 7-2013

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 140 LAND USE AND DEVELOPMENT REGULATIONS

WHEREAS, the Township of Wall regulates land use and development and the fees associated therewith by and through Chapter 140 of the Code of the Township of Wall; and

WHEREAS, the Township of Wall wishes to amend and supplement Chapter 140, Section 57 so as to waive zoning permit fees for senior citizens and certain disabled persons and their relatives; and

WHEREAS, the Township Committee of the Township of Wall finds that it is in its best interest to amend Chapter 140, Section 57 to permit the waiver of zoning permit fees for certain individuals.

BE IT ORDAINED by the Township Committee of the Township of Wall, in the County of Monmouth, in the State of New Jersey, as follows:

NOTE: All additions are shown in **bold italics with underlines**. The deletions are shown as **strikeovers in bold italics**. Sections of Chapter 140, Section 57 that will remain unchanged are shown in normal type.

Section 1. Chapter 140, Section 57 shall be amended and retitled “**Exemption for tax-exempt organizations and certain individuals.**”

Section 2. Chapter 140, Section 57 shall be amended to add an additional section, Section 57.1, which shall read as follows:

140-57.1: Fee Exemption for disabled person or parent or sibling of disabled person.

A. No person shall be charged a zoning permit fee for any construction, reconstruction, alteration or improvement designed and undertaken solely to promote accessibility by the disabled to an existing public or private structure or any facilities contained therein.

B. A disabled person, or parent, sibling or adult child of a disabled person, shall not be required to pay any township zoning permit fee or charge in order to secure zoning permit for any construction, reconstruction, alteration or improvement which promotes accessibility to a disabled person’s own living unit.

C. For the purposes of this chapter, “disabled person” means a person who has the total and permanent inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, including blindness. The definition of “disabled person” shall include but not be limited to, any resident of this State who is disabled pursuant to the Federal Social Security Act (42 U.S.C. 416) or federal Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq) or is rated as having a 60%

disability or higher pursuant to any federal law administered by the United States Veterans Act. For purposes of this Chapter, "blindness" means central visual acuity of 20/200 or less in the better eye with the use of a corrective lens. An eye which is accompanied by a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered as having a central visual acuity of 20/200 or less. Proof of disability acceptable to the township shall be required for a fee exemption.

Section 3. Chapter 140, Section 57 shall be amended to add an additional section, Section 57.2, which shall read as follows:

140-57.2: Fee Exemption for senior citizen.

A. The township shall exempt the first \$250.00 in zoning permit fees unless approvals are required from the township Planning Board or Board of Adjustment. Exemptions shall only be granted in connection with a residential property. The total sum waived hereunder shall not exceed \$250.00 for any given property in any twelve (12) month period.

B. All exemptions as described herein shall be in conformance with the following.

(1) A person applying for a fee exemption shall be 62 years old or older at the time of the application. A valid driver's license, valid passport, or birth or baptismal certificate shall be provided as proof of age.

(2) All exemption requests as noted herein shall be made at the time of a zoning permit application.

(3) An exemption applicant must be 62 years or older, a current resident of the township for at least one (1) year and be at least a 50% owner/occupant of the property for which an exemption is requested. All claims of ownership for the purpose of exemption qualification shall match the deed on file in the township Tax Assessor's office. The property must also be the primary residence of the applicant seeking an exemption as evidenced by the address on a valid driver's license, current utility bill or current bank statement. The word "current" as used above shall mean within three (3) months of the exemption request.

(4) All applications for a fee exemption shall be made by the individual owner(s) of the residential property and no corporations, partnerships, estates or other forms of ownership shall be eligible for an exemption herein.

(5) No exemption shall be issued unless all real property taxes of the applicant are current and all other outstanding amounts due to the township, including but not limited to fines, fees, and utility bills, are paid in full.

(6) Should any property owner receive an exemption hereunder and convey the subject property to any other party, regardless of age, within one (1) year of the exemption, the conveyer shall reimburse the township the full amount of the exemption prior to the release of a Fire Prevention Bureau smoke detector/carbon monoxide certificate. Such reimbursement shall not be required when the sale or transfer of the property is the result of the death of the qualifying property owner.

(7) Nothing herein shall create any other exemption whatsoever in relation to a township Planning Board or Board of Adjustment application. Any exemption as noted herein shall not include a exemption for any other monetary amount including but not limited to any rate, fee, fine, bond, penalty enforcement amount, or surety bond guaranteeing faithful performance/payment as may be required and/or due the township or any other law.

Section 4. All Ordinances, or parts thereof, inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of such inconsistency.

Section 5. Should any section, paragraph clause or any other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

Section 6. This Ordinance shall take effect upon its passage and publication according to law.

Introduced on:

Adopted:

Attest:

Lorraine Kubacz
Township Clerk

TOWNSHIP OF WALL
NOTICE AND SUMMARY OF
ORDINANCE NO. 7-2013

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 140 LAND USE AND DEVELOPMENT REGULATIONS

The purpose of this Ordinance is to waive zoning permit fees for senior citizens and certain disabled persons and their relatives.

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on February 27, 2013, and further be considered for final passage and adoption at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey, on March 27, 2013 at 7:30 p.m., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in the Township of Wall, Town Hall, to members of the general public who shall request the same or on our website www.wallnj.com under Legal Notices.

LORRAINE KUBACZ

Township Clerk