

ORDINANCE 2016-12

ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY CREATING A MUNICIPAL SERVICE FEE AND ESTABLISHING PROCEDURES FOR DETERMINING THE AMOUNT OF FEE AND COLLECTION OF FEE IN ACCORDANCE WITH N.J.S.A. 54:4-1.6, *ET SEQ.*

NOW, THEREFORE, BE IT ORDAINED BY the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey as follows:

SECTION 1. The Code of the Township of Barnegat is hereby amended by this Ordinance for the purposes of creating a Municipal Service Fee and determining the amount of said fee and the collection of said fee as is provided for in accordance with and pursuant to N.J.S.A. 54:4-1.6.

SECTION 2. MUNICIPAL SERVICE FEE.

Pursuant to N.J.S.A. 54:4-1.3, there shall be an annual Municipal Service Fee imposed upon manufactured homes installed in a mobile home park as provided for in the Manufactured Home Taxation Act, N.J.S.A. 54:4-1.2. The purpose of the Municipal Service Fee is to pay the Township a reasonable payment for services rendered to the owners of the manufactured homes.

SECTION 3. DEFINITIONS.

The terms “Manufactured Homes”, “Mobile Home Park” and “Municipal Service Fee” shall be precisely as they appear and are defined in N.J.S.A. 54:4-1.4.

SECTION 4. LIMITED APPLICABILITY – ASSUMPTIONS.

A. This Ordinance is not intended to nor shall it apply to manufactured homes in mobile home parks which are not in communities operated as “Housing for Older Persons”.

B. The following assumptions are factually presumed in the enactment of this Ordinance.

(1.) This Ordinance only applies to manufactured home communities operated as “Housing for Older Persons” under and as defined in Federal and State Law;

(2.) Projects and/or developments to which this Ordinance applies shall not have children residents nor shall they provide domicile or residency to any individual who shall be attending any of the local public grade schools and/or high schools.

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- (3.) The formula set forth herein below presumes that the owner of any development to which this Ordinance applies shall not make application for or demand reimbursement from the municipality as is set forth in N.J.S.A. 40:67-23.3, *et seq.*
- (4.) While this Ordinance is applicable only to senior citizen restricted developments, the formula set forth herein below presumes that the senior citizen owners/tenants located in a development subject to this Ordinance shall not make application for or demand of a tax deduction as is defined in N.J.S.A. 54:4-8.41, either as a senior citizen or as a permanently and totally disable person.
- (5.) That the construction and maintenance of streets, lighting on streets and other common areas, garbage removal and snow removal shall be the responsibility of the mobile home park owner and not the Township.

Should any of the aforesaid assumptions be determined to be inappropriate, illegal, invalid or incorrect then and in that event, the Township will on an annual basis revise the formula set forth herein below to take into consideration any or all of the presumptions deemed to be invalid, unenforceable or incorrect.

SECTION 5. METHOD OF COLLECTION AND ASSESSMENT.

A. The Municipal Service Fee shall be collected from each owner of a manufactured home on a monthly basis by the owner of the mobile home park in which the home is situated. The mobile home park owner shall transmit the fees billed to the Tax Collector on a quarterly basis. Each payment shall be due in satisfaction of the annual Municipal Service Fee as follows:

First Quarter payment due:	April 1 st
Second Quarter payment due:	July 1 st
Third Quarter payment due:	October 1 st
Fourth Quarter payment due:	December 1 st

There will be a thirty (30) day grace period for each of the payments so that the payment will be due no later than thirty (30) days after the aforementioned due date.

B. In the event that the quarterly payments set forth above are not timely paid or not paid, interest shall accrue on the delinquent payment at an annual interest rate of eighteen (18%) percent from the date at which the Municipal Service Fee was due and payable. The delinquent amount and the interest thereupon shall be charged to the delinquent resident and not to the park owner.

C. The Tax Collector shall collect and maintain records of the Municipal Service Fee paid by the mobile home park owner.

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D. The Tax Collector shall notify the mobile home park owner of the amount of annual Municipal Service Fee no later than August 31st.

E. The mobile home park owner shall annually, no later than October 31st of the pre-tax year, advise each manufactured homeowner of his/her pro-rated share of the Municipal Service Fee payable during the subsequent year.

SECTION 6. DETERMINATION OF NUMBER OF UNITS.

The quarterly payment as provided herein shall be based upon the number of units for which a Temporary Certificate of Occupancy (“TCO”) or a Certificate of Occupancy (“CO”) has been issued in the previous quarter, or an existing pad site.

The Municipal Service Fee shall be pro-rated as necessary in order to account for vacancies in the mobile home park. It shall be the obligation of the mobile home park owner to notify the Collector of any vacancies in writing. The removal of any property from its obligation to pay a Municipal Service Fee shall become effective in the following quarter after the written notice of vacancy is received by the Collector. It will be the obligation of the mobile home park owner to turn over all Fees collected from tenants. The mobile home park owner shall not be responsible for any Municipal Service Fees which he is unable, despite utilizing reasonable efforts, to obtain from the tenants.

SECTION 7. AMOUNT OF MUNICIPAL SERVICE FEE – FORMULA.

A. Purpose.

The intent and purpose of the creation of the Municipal Service Fee is consistent with and pursuant to N.J.S.A. 54:4-1.2, *et seq.* The formula establishing the fee is intended to create an amount paid to the municipality which fairly represents the cost the municipality provides in services to the mobile home park and reduces there from the extent to which taxes are assessed and levied pursuant to Title 54 of the New Jersey Statutes against the land and improvements thereto.

B. The Formula.

The Municipal Service Fee shall be computed by allocating on a per pad site basis, the following services as they are provided by the Township:

1. Solid waste collection;
2. Recycling collection;
3. Snow plowing;
4. Leaf collection;
5. Landfill tipping Fees;
6. Street sweeping

C. 2016 Establishment of Amount of Municipal Service Fee.

Beginning July 1, 2016, the Municipal Service Fee per qualifying unit in accordance with and pursuant to this Ordinance shall be \$269.03 per year or \$22.42 per month

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|----|-----------------------------------|----------|
| 1. | Solid waste collection (per unit) | \$132.08 |
| 2. | Recycling collection (per unit) | \$ 27.18 |
| 3. | Snow plowing | \$ 15.02 |
| 4. | Leaf collection (per unit) | \$ 13.08 |
| 5. | Landfill tipping Fees | \$ 79.70 |
| 6. | Street sweeping | \$ 1.97 |

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D. Annual Review and Adjustment.

The Municipal Service Fee shall be reviewed and adjusted annually, if necessary and appropriate by applying the above formula. The Committee may establish the adjusted annual municipal service fee by a Resolution approved by a majority of the Committee with a quorum present. The adjusted Municipal Service Fee shall be established and the Collector shall notify any qualified mobile home park of the adjusted amount in accordance with the terms and provisions hereinabove stated.

SECTION 8. RESPONSIBILITY OF PARK OWNER.

In the event the owner of a mobile home park fails to remit the Municipal Service Fee collected from the owners of a mobile home park, such owner of the mobile home park shall be liable to the Township for the Municipal Service Fee, together with the interest thereon, together with all necessary and reasonable costs incurred by the Township to collect the Municipal Service Fee including, without limitation, title search fees, attorney's fees, administrative costs and filing fees.

SECTION 9. EQUAL ALLOCATION OF FEE.

The Municipal Service Fee established for each mobile home park shall be allocated equally among all owners of the manufactured homes located in such park.

SECTION 10. PARK OWNER TO ADVISE HOMEOWNER OF FEE.

The mobile home park owner shall annually, no later than October 31st of the pre-tax year, advise each manufactured homeowner of his/her pro-rated share of the Municipal Service Fee, payable during the subsequent year.

SECTION 11. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 12. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 13. This Ordinance shall take effect upon publication in an official newspaper of the Township, as required by and in conformance with law.

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NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on the first reading by the Township Committee of Barnegat, County of Ocean, State of New Jersey on **May 3, 2016 at 6:30 p.m.**, at the Barnegat Township Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey. The Ordinance will be considered for second and final reading at a meeting of the Township Committee on **June 14, 2016, at 6:30 p.m.**, or as soon thereafter as the matter may be reached and considered, at the Barnegat Township Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey. At that time the public is invited to ask questions, raise objections or provide public comment with regard to the proposed adoption of this Ordinance.

MICHELE RIVERS, RMC, Township Clerk

CERTIFICATION

I, Michele Rivers, Municipal Clerk of the Township of Barnegat, County of Ocean State of New Jersey do hereby certify that the foregoing Ordinance was duly adopted on second reading by the Barnegat Township Committee at their meeting held on the 14th day of June 2016.

Michele Rivers, RMC
Township Clerk

Prepared by:

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