

19-02
ORDINANCE OF THE BOROUGH OF
MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF
NEW JERSEY AMENDING CHAPTER 77, TAXATION, OF
THE CODE OF THE BOROUGH OF MERCHANTVILLE

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey that Chapter 77, Taxation, is hereby amended in the Code of the Borough of Merchantville, as follows:

ARTICLE I. SECTION 77-1 Procedures.

The following procedures shall govern agreements for tax abatements and exemptions entered into by the Borough Council of the Borough of Merchantville and property owners and developers:

A. Application process.

(1) All improvements, as defined in N.J.S.A. 40A:21-3n, shall be exempt from local real property taxes, if approved by the Tax Assessor as to the completeness, and then approved by Borough Council. Application shall be upon the form approved by the Borough Council and the Borough Tax Assessor.

(2) Applicants shall be encouraged to apply for tax exemption on improvements prior to the commencement of construction of the improvement, provided that the applicant must file a proper application with the Tax Assessor within 30 days of the completion of the improvement in order to be eligible for tax exemption thereon.

(3) Every properly completed application for exemption on a single-family residential property, having one or more improvements, which is filed within 30 days of the completion of the improvement shall be approved and allowed or disapproved by the Assessor within 60 days of its filing.

B. Applications. Applications for tax abatement and/or exemption on projects shall be provided to the Borough Council through the Borough Assessor, setting forth:

(1) A general description of the project for which abatement is sought.\

(2) A legal description of all real estate necessary for the project.

(3) Plans, drawings and other documents as may be required by the Borough Council to demonstrate the structure and design of the project.

(4) A description of the number, classes and types of employees to be employed at the project site within two years of completion of the project.

(5) A statement of the reasons for seeking tax abatement and/or exemption on the project and a description of the benefits to be realized by the applicant if tax abatement is granted.

(6) Estimates of the cost of completing such project.

(7) A statement showing:

(a) The real property taxes currently being assessed at the project site.

(b) The estimated tax payments that would be made annually by the applicant on the project during the period of the agreement.

(c) The estimated tax payments that would be made by the applicant on the project during the first full year following the termination of the tax agreement.

(8) If the project is a commercial or industrial building, a description of any lease agreements between the applicant and proposed users of the project and a history and description of the user's business.

(9) If the project is a multiple dwelling, a description of the number and types of dwelling units to be provided, a description of the common elements or general common elements, and a statement of the proposed initial rentals or sales prices of the dwelling units according to type and of any rental or resale restrictions to apply to the dwelling units respecting low- or moderate-income housing.

(10) Such other pertinent information as the Borough Council may require.

C. Exemptions and abatements on residential dwellings.

(1) Exemptions. With regard to the exemption from taxation of improvements to dwellings, in determining the value of real property, the Borough shall regard the first \$25,000 in Assessor's full and true value of improvements for each dwelling unit primarily and directly affected by the improvement in any dwelling more

than 20 years old, as not increasing the value of the property for a period of five years, notwithstanding that the value of the property to which the improvements are made is increased thereby. During the exemption period, the assessment on the property shall not be less than the assessment thereon existing immediately prior to the improvements, unless an abatement is granted pursuant to Subsection C(2) of this section, or there is damage to the dwelling through action of the elements sufficient to warrant a reduction.

(2) Abatements for improvements. The Borough Council may abate some portion of the assessed value of property receiving the abatement as it existed immediately prior to the improvement. An abatement for a dwelling may be granted with respect to that property for a total of up to five years, but the annual amount of the abatement granted to any single property shall not exceed 30% of the annual amount of the abatement granted under this article. The abatement period and the annual percentage of the abatement to be granted shall be set forth in the specific ordinance which may include a schedule providing for a different percentage of abatement up to 30% for each year of the abatement period.

(3) Abatement for new construction and/or conversions. The Borough Council may abate some portion of the assessed valuation of construction of new dwellings or of conversions of other buildings and structures, including unutilized public buildings, to dwelling use, or both. In determining the value of real property, the municipality shall regard a percentage, not to exceed 30% of the Assessor's full and true value of the dwelling constructed, or conversion alterations made, as not increasing the value of the property for a total up to five years, notwithstanding that the value of the property upon which the construction or conversion occurs is increased thereby. The abatement period and the annual percentage of the abatement to be granted shall be set forth in the specific ordinance, which may include a schedule providing for a different percentage of abatement, up to 30%, for each year of the abatement period.

(4) Joint abatement and exemption. A project-specific ordinance providing for exemption may also provide for the abatement of some portion of the assessed value of property receiving the abatement of 30% as it existed immediately prior to the improvement or conversion alteration. The annual amount of the abatement

shall not exceed 30% of the total cost of the improvement or conversion alteration, and the total amount of abatement and exemption granted to any single property shall not exceed the total cost of the improvement or conversion alteration. The abatement period and the annual percentage of the abatement to be granted shall be set forth in the specific ordinance which may include a schedule providing for a different percentage or abatement, up to 30%, for each year of the abatement period.

D. Exemptions and abatements on commercial and industrial structures.

(1) With regard to the exemption from taxation of improvements to commercial or industrial structures in determining the value of real property, the municipality shall regard up to the Assessor's full and true value of the improvements as not increasing the value of the property for a period of five years, notwithstanding that the value of the property to which the improvements are made is increased thereby. During the exemption period, the assessment on the property shall not be less than the assessment thereon existing immediately prior to the improvements, unless there is damage to the structure through action of the elements sufficient to warrant a reduction.

(2) With regard to exemptions and/or abatements for any improvements other than single-family residential property, the Borough shall authorize exemption for improvements on an individual basis after review, evaluation and approval of each application by the Borough Council.

ARTICLE II.

SECTION 77-2

**Additional improvements, conversion
and/or construction; eligibility for
exemption and abatement.**

An additional improvement, conversion or construction completed on a property granted a previous exemption or abatement pursuant to this article during the period in which such previous exemption or abatement is in effect shall be qualified for an exemption, or exemption and abatement, just as if such property had not received a previous exemption or abatement. In such a case, the additional improvement, conversion or construction shall be considered as separate for the purposes of calculating exemptions and abatements pursuant to this article, except that the assessed value of any previous improvement, conversion or construction shall be added to the assessed valuation as it was prior to that improvement, conversion, alteration or construction for the purpose of determining the assessed valuation of the property

from which any additional abatement is to be subtracted.

ARTICLE III. SECTION 77-3 Long-term tax exemption.

Upon approval of a specific ordinance authorizing an agreement for tax exemption for a particular project, the Borough Council shall enter into a written agreement with the applicant for the exemption of full real property taxes. The agreement shall provide for the applicant to pay to the Borough of Merchantville, in lieu of full property tax payments, an amount annually in accordance with N.J.S.A. 40A:20-1 et seq.

ARTICLE IV. SECTION 77-4 Ineligibility of property for which property taxes or penalties are due.

No exemption or abatement shall be granted, or tax agreement entered into, pursuant to this article with respect to any property for which property taxes are delinquent or remain unpaid or for which penalties for nonpayment of taxes are due.

ARTICLE V.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE VI.

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

THE BOROUGH OF MERCHANTVILLE

BY: _____

EDWARD F. BRENNAN, MAYOR

ATTEST:

DENISE BROUSE, BOROUGH CLERK

The foregoing ordinance was introduced by Mayor and Council at the regular meeting held on February 25, 2019. This Ordinance will be considered for adoption on final reading and public hearing to be held on March 25, 2019 at 7:30 p.m. in the Council Meeting Room, Merchantville Borough Hall, 1 West Maple Avenue, Merchantville, New Jersey.

The purpose of this Ordinance is to readopt the Ordinance permitting Tax Abatements and Exemptions for certain properties in the Borough of Merchantville. A copy of this Ordinance is available at no charge to the general public between the hours of 8:30 AM to 4:30 PM, Monday through Friday (Legal Holidays excluded), at the Office of the Borough Clerk, Merchantville Borough Hall, 1 West Maple Avenue, Merchantville, New Jersey.