

TOWNSHIP OF EDGEWATER PARK
ORDINANCE NO. 2008-8

Tax Abatement for Commercial or Industrial Structures

WHEREAS, the Township Committee of the Township of Edgewater Park has determined that there is a need to establish exemptions and phase-in tax abatements for commercial, industrial, and/or light industrial structures, to include improvements to commercial or industrial structures, abatements for new construction of commercial or industrial structures, and tax agreements for particular project(s), provisions and phase-in options, as is permissible under N.J.S.A.40A:21.1 et seq.; and

WHEREAS, the Township Committee of the Township of Edgewater Park recognizes the benefits to society, in general, and to the residents of the Township of granting exemptions or phase-in abatements from taxation, which extend for no more than five years, as an effective tool in promoting the construction and rehabilitation of commercial and industrial structures, and to assist economic development within the Township, maintain or increase the tax base of the Township, and maintain or diversify and expand commerce within the Township.

NOW, THEREFORE, BE IT ORDAINED BY the Township Committee of the Township Of Edgewater Park, County Of Burlington, State of New Jersey this Ordinance shall establish Section 3.13 of the Edgewater Park Township Code, Entitled "*Tax Abatement for Commercial and/or Industrial Structure*" as follows:

SECTION ONE:

3.13.010 Abatements granted; conditions

The Township Committee may enter into agreements with developers and/or owners for the granting of tax abatements and/or exemptions for the construction of certain types of commercial or industrial structures throughout the township pursuant to the provisions of P.L. 1991, c. 441, See N.J.S.A. 40A:21-1 et seq. subject to the following conditions;

- A. All of the definitions set forth in Section 3 of the Act (See N.J.S.A. 40A:21-3) are incorporated herein as if set forth separately.
- B. All projects subject to tax agreement as provided herein shall be subject to all applicable federal, state and local laws and regulations on pollution control, worker safety, discrimination in employment, housing provision, zoning, planning and building code requirements.

3.13.020 Application

- A. Applicants for tax abatement and/or exemption for construction of commercial or industrial structures shall provide the Township Committee with an application setting forth the following:
 - 1. A general description of a project for which abatement and/or exemption 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 governing body to demonstrate the structure and design of the project.
 4. A description of the number, classes and type of employees to be employed at the project site within two (2) 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 a tax agreement 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. Estimated tax payments that would be made annually by the applicant on the project during the period of the agreement; and
 - c. 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. A description of any lease agreements between the applicant and the proposed users of the project and a history and description of the users' businesses.
 9. Such other pertinent information as the governing body may require.
- B. Applicants shall be encouraged to apply for tax abatement and/or exemption on construction of commercial or industrial structures prior to commencement of construction (allowing, however, for preparatory site work undertaken prior to commencement of construction).
- C. Upon receipt of a completed application as set forth above, the Township Committee shall review the same to determine whether it wishes to grant any particular project a tax abatement and/or exemption. If the Township Committee approves the application and wishes to enter into a written agreement with the applicant for the abatement and/or exemption of local real property taxes, the Township Committee shall adopt such an authorizing ordinance. Any agreement so authorized shall provide for the applicant to pay the municipality in lieu of full property tax payments an amount annually to be computed by one (1), but in no case a combination, of the following formulae set forth in Section 10 of the Act See N.J.S.A. 40A:21-10.: cost basis, gross revenue basis or tax phase-in basis.
- D. All tax agreements hereunder shall be in effect for a period of no more than five (5) full years next following the date of completion of the project. All tax agreements shall be applied for and granted on an individual project basis.

- E. No abatement and/or exemption 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.
- F. No abatement and/or exemption shall be granted pursuant to this Article except upon written application therefore filed with and approved by the Assessor and the Township Committee of the taxing district wherein the construction is made.
- G. Every application shall be on a form prescribed by the Director of the Division of Taxation in the Department of the Treasury and provided for the use of claimants by the governing body of the municipality constituting the taxing district and shall be filed with the Assessor within three (3) days, including Saturdays and Sundays, following the completion of the construction. Every application for abatement and/or exemption which is filed within the time specified shall be reviewed by the Assessor and Township Committee and considered for the abatement/exemption program. All applications shall be considered by the Assessor and the Township Committee to the degree that the application is consistent with the provisions of the adopting ordinance or the tax agreement, provided that the project for which the application is made qualifies as construction pursuant to the provisions of this Article and the tax agreement, if any.

3.13.030 Record

The granting of an abatement and/or exemption or tax agreement shall be recorded and made a permanent part of the official tax records of the taxing district, which record shall contain a notice of the termination date thereof.

3.13.040 Applicability

The abatement and/or exemption of real property taxes provided hereunder shall apply to property taxes levied for municipal purposes, school purposes and county government purposes.

SECTION TWO. Implementation

This Ordinance shall take effect September 8, 2008 and shall be effective on that date upon passage and publication according to law.

SECTION THREE. All other provisions of Title 3, Revenue and Finance, of the Edgewater Park Township Code are ratified and affirmed. All ordinances or part of ordinances inconsistent herewith are repealed to the extent of their inconsistency.

Township of Edgewater Park

Judith Hall, Mayor

NOTICE

The foregoing was introduced by the Edgewater Park Township Committee at its meeting held on August 5, 2008. This ordinance will be consider for adoption of final reading and public

hearing to be held on September 2, 2008 at 7:30 PM, or shortly thereafter, and place to which such meeting may be adjourned, in the Municipal Building, 400 Delanco Road, Edgewater Park, New Jersey. At which time and place all persons interested will be given an opportunity to be heard concerning said Ordinance. 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 to the members of the general public who shall request the same.

Linda M. Dougherty, R.M.C.
Municipal Clerk/Administrator