

ORDINANCE NO. 2016-06

AN ORDINANCE AMENDING CHAPTER 183, SECTION 183-8 OF THE LOPATCONG TOWNSHIP ORDINANCES ENTITLED "BASE AND USE CHARGES" TO PROVIDE A TEN PERCENT REDUCTION IN RESIDENTIAL SEWER USER FEES TO QUALIFIED SENIOR CITIZENS AND DISABLED PERSONS

WHEREAS, pursuant to the Municipal and County Sewerage Act, N.J.S.A. 40A:26A-1 et seq., (the "Act") local units "may prescribe and, from time to time, alter rates or rentals to be charges to users of sewerage services" subject to certain conditions to recover costs for the operation of the same together with establishing "a surplus in an amount sufficient to provide for the reasonable anticipation of any contingency that may affect the operating of the sewerage facility . . ." N.J.S.A. 40A:26A-10.; and

WHEREAS, the Act permits the Township Council to provide a reduction in sewer user fees for residential sewer account holders that are least 65 years of age and provided that their total income does not exceed certain restrictions under the Act; and

WHEREAS, the Act permits the Township Council to provide a reduction in sewer user fees for residential sewer account holders that are less than 65 years of age and disabled, provided that their total income does not exceed certain restrictions under the Act; and

WHEREAS, the Township Council desires to provide a ten percent (10%) reduction in sewer user fees for residential sewer account holders that are at least 65 years of age that would qualify under the Act and a ten percent (10%) reduction in sewer user fees to residential sewer account holders that are less than 65 years of age and disabled and qualify under the Act.

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by the Township Council of the Township of Lopatcong, County of Warren, State of New Jersey that Chapter 183, Section 183-8 be revised and amended to include new paragraph 183-8F. which shall read as follows:

- F. Sewer Rate Discount for eligible account holders.
1. *Discounted rates.* There shall be a discount available to residential sewer account holders, who are 65 or more years of age, provided they meet the qualifications pursuant to subsection 183-8 F. 2(a). There shall be a discount available to residential sewer account holders, who are less than 65 of age and are disabled, provided they meet the qualifications pursuant to subsection 183-8 F. 2(b). A residential sewer account holder who meets all of the qualifications under either subsection shall receive a ten percent (10%) deduction in the cost of his/her sewer bills. Only one of the two discounts (i.e., either the age 65 or over discount or the disabled person discount) will be applied per account holder and/or dwelling unit.

2. Qualifications and eligibility for discounted service:

(a) *Age 65 or over.* In order to qualify for a discounted sewer user fee, an age-qualified user must apply to the Township Clerk for the discount and must meet all of the following requirements:

(1) Attain the age of 65 or more by the first day of the billing quarter for which a discount is claimed when applying. Proof of age shall be required, i.e., driver's license or birth certificate, shall be deemed sufficient. No discount shall apply retroactively for a preceding quarter.

(2) The sewer account must be in the name of the claimant, the account must be for a residential unit, and all charges must be current at the time of application.

(3) The property must be owned by the account holder or jointly owned with his or her spouse or domestic partner. It shall be the applicant's primary residence.

(4) The user must meet the eligibility requirements of the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program or if the applicant does not meet the eligibility requirements of the PAAD program, must have a total income not in excess of \$10,000 during the year preceding the application, exclusive of any one of the following types of benefits: (a) social security benefits (b) federal benefits received by persons excluded from social security coverage including benefits under the Federal Railroad Retirement Act and other federal pensions, disability and retirement programs or (c) pension, disability or retirement programs of any state or its political subdivisions, or agencies thereof, for persons not covered under the Federal Social Security Act. Proof of income eligibility in the form of a tax return for the preceding year must be filed with the Township Clerk at the time of application and each year thereafter by April 20. If the user fails to meet the income requirement or does not file a copy with the Township Clerk of their last year's federal income tax return, the discount will be removed, effective April 1 of each year. If the user does not meet the Internal Revenue Service requirements to file a federal income tax return, the township will accept a sworn statement as to income.

(5) Rental units owned by the applicant are not eligible for this

discounted rate.

(b) *Disabled person.* In order to qualify for a discounted sewer user fee, a disabled person must apply to the Township Clerk for the discount and meet all of the following requirements:

- (1) The applicant must be disabled as of the first day of the billing quarter for which a discount is claimed when applying. Disability must total and permanent in accordance with the provisions of the federal Social Security Act, 42 U.S.C. sec. 301 et seq., or disabled under any federal law administered by the United States Department of Veterans Affairs if the disability is rated as 60% or higher. No discount shall apply retroactively for a preceding quarter.
- (2) The sewer account must be in the name of the claimant, the account must be for a residential unit, and all charges must be current at the time of application.
- (3) The property must be owned by the account holder or jointly owned with his or her spouse or domestic partner. It shall be the applicant's primary residence.
- (4) The user must meet the eligibility requirements of the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program or if the applicant does not meet the eligibility requirements of the PAAD program, must have a total income not in excess of \$10,000 during the year preceding the application, exclusive of any one of the following types of benefits: (a) social security benefits (b) federal benefits received by persons excluded from social security coverage including benefits under the Federal Railroad Retirement Act and other federal pensions, disability and retirement programs or (c) pension, disability or retirement programs of any state or its political subdivisions, or agencies thereof, for persons not covered under the Federal Social Security Act. Proof of income eligibility in the form of a tax return for the preceding year must be filed with the Township Clerk at the time of application and each year thereafter by April 20. If the user fails to meet the income requirement or does not file a copy with the Township Clerk of their last year's federal income tax return, the discount will be removed, effective April 1 of each year. If the user does not meet the Internal Revenue Service requirements to file a federal income tax

return, the township will accept a sworn statement to as to income.

(5) Rental units owned by the applicant are not eligible for this discounted rate.

BE IT FURTHER ORDAINED that all Ordinances or parts of Ordinances that are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistency.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon proper passage and publication in accordance with law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced on first reading at a regular meeting of the Lopatcong Township Council held on March 2, 2016 and will be considered for adoption upon second and final reading on April 6, 2016 at 7:30 P.M. at the Lopatcong Township Municipal Building, 232 S. Third Street, Phillipsburg, New Jersey, when all persons interested shall be given an opportunity to be heard concerning the same.

Margaret B. Dilts

Ordinance No. 2016-06

SECOND NOTICE OF AN ORDINANCE

NOTICE is hereby given that a regular meeting of the Township Council of the Township of Lopatcong, County of Warren and State of New Jersey, held on Wednesday, April 6, 2016 at the Municipal Building, 232 South Third Street, Phillipsburg, New Jersey, the following Ordinance was presented and passed on the final reading. The Ordinance was then ordered to be published according to law by title only.

AN ORDINANCE AMENDING CHAPTER 183, SECTION 183-8 OF THE LOPATCONG TOWNSHIP ORDINANCES ENTITLED "BASE AND USE CHARGES" TO PROVIDE A TEN PERCENT REDUCTION IN RESIDENTIAL SEWER USER FEES TO QUALIFIED SENIOR CITIZENS AND DISABLED PERSONS

Said Ordinance may be read and inspected at any time at the Office of the Municipal Clerk, Lopatcong Township Municipal Building, 232 S. Third Street, Phillipsburg, New Jersey Monday through Friday 9:00 am to 4:30 pm.

Margaret B. Dilts, CMC