

AN ORDINANCE 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.

BE IT ORDAINED by the Township Committee for the Township of Hamilton, County of Atlantic and State of New Jersey, as follows:

Section 1. The Code of the Township of Hamilton 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", "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 and the terms and conditions contained herein apply only to manufactured homes in a mobile home park which are restricted to senior citizens. This Ordinance is not intended to, nor shall it apply, to manufactured homes in mobile parks which are not deed restricted and limited to senior citizens.

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

- (i) This Ordinance only applies to senior citizen restricted manufactured homes;
- (ii) 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.

- (iii) 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. al.
- (iv) 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 disabled persons.
- (v) 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 collected 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:	March 31
Second Quarter Payment due:	June 30
Third Quarter Payment due:	September 30
Fourth Quarter Payment due:	December 31

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 mobile park owner and shall constitute a lien on that real estate in the same manner as unpaid real estate taxes would in accordance with N.J.S.A. 54:4-67 and N.J.S.A. 54:5-6.

C. The Tax Collector shall collect and maintain records of the municipal service fee paid by the mobile home park owner.

D. The Tax Collector shall notify the mobile home park owner of the amount of annual municipal service fee no later than June 30.

E. The mobile home park owner shall annually no later than July 30 of the pre-tax year advise each manufactured home owner 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.

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.

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 therefrom 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 applying the "amount to be raised by taxes" formula. Generally, the formula would be based upon the amount of the municipal budget to be raised by property taxes. The formula is as follows:

$$\text{Amount to be Raised by Taxes/Township Population} = \text{Per Capita Costs}$$

$$\text{Per Capita Costs} \times \text{Projected Population/Number of Units} - \text{Project Property Taxes} = \text{Cost of Municipal Services}$$

C. 1999 Establishment of Amount of Municipal Service Fee.

For the year 1999, the municipal service fee per qualified unit in accordance with and

pursuant to this Ordinance shall be \$312.00.

1.	Amount to be raised by taxes:	\$3,926,488
2.	Township Population - (Estimated)	18,000
3.	Per Capita Costs of Municipal Services (divide #1 above by #2 above)	\$ 218
4.	Project Population:	930 ¹
5.	Estimated Property Taxes:	\$ 57,827
6.	Number of Units at Build Out:	465
7.	Costs of Municipal Services Per Unit:	\$ 312

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 manufactured home located in the 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, administration 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 July 30 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.

¹This is based upon the only presently applicable community, being Mays Landing Country Club with estimated project build out at 930 individuals and 465 manufactured homes.

Section 11. REPEALER.

All Ordinances or parts of Ordinances which are inconsistent with the provisions of this Ordinance are to the extent of such inconsistency hereby repealed.

Section 12. SEVERABILITY.

If any section, sentence or any other part of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of the ordinance but shall be confined in its effect to the section, sentence or other part of this ordinance directly involved in the controversy in which such judgment shall have been rendered.

Section 13. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon publication as required by law.

TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF HAMILTON, COUNTY
OF ATLANTIC

STANLEY KALSKY, MAYOR

ATTEST:

JOAN I. ANDERSON, R.M.C.
TOWNSHIP CLERK

ROLL CALL: MANGELS
PRITCHARD
SACCHINELLI
SMITH
KALSKY

ORDINANCE # _____ -98 INTRODUCED AND PASSED FIRST READING
_____, 1998 AND ADOPTED _____, 1998.