

**BOROUGH OF ALLENTOWN
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

ORDINANCE NO. 8-2024

**AN ORDINANCE AMENDING CHAPTER 9: "SCHEDULE OF FEES " OF
THE BOROUGH'S REVISED GENERAL ORDINANCES TO ADD NEW
SECTION 9-2: "LIEN REDEMPTION CALCULATION FEES" AS
AUTHORIZED BY N.J.S.A. 54:5-54 AND N.J.S.A. 54:5-97.1.**

WHEREAS, amendments to N.J.S.A. 54:5-54 and 54:5-97.1 concern the calculation by the tax collector of the amount needed to redeem the tax sale certificate, referred to as the redemption amount; and

WHEREAS, N.J.S.A. 54:5-54 provides that "[t]he tax collector shall provide to any party entitled to redeem a certificate pursuant to this section two calculations of the amount required for redemption within a calendar year at no cost ... [t]he governing body of a municipality may, by ordinance, require a fee not to exceed \$50 for each subsequent calculation requested of the tax collector [and] [a] request for a redemption calculation shall be made in writing to the tax collector"; and

WHEREAS, N.J.S.A 54:5-97.1 provides that "[a] municipality, by ordinance, may authorize the tax collector to charge to a lienholder a fee not to exceed \$50 for the calculation of the amount due to redeem the tax lien required to be provided pursuant to this section [and] [a]ny request for a redemption calculation shall specify the date to be used for the calculation, which shall be the date of the notice."; and

WHEREAS, N.J.S.A 54:5-97.1 provides that "[n]either the tax collector or the municipality shall be liable for an incorrect calculation [and] [t]he fee paid to the municipality shall not become part of the lien and shall not be passed on to any party entitled to redeem."; and

WHEREAS, the Borough of Allentown desires to assess said fees when applicable in accordance with N.J.S.A. 54:5-54 and N.J.S.A 54:5-97.1;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Allentown, County of Monmouth, State of New Jersey, that Chapter 9: "Schedule of Fees" of the Borough's Revised General Ordinances is hereby augmented to include *new* Section 9-2: "Lien Redemption Calculation Fees" as follows:

CHAPTER 9: "SCHEDULE OF FEES"

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§ 9-2 LIEN REDEMPTION CALCULATION FEES.

9-2.1 Lien Redemption Calculation; Request by Lienholder.

- a. The Tax Collector shall charge a lienholder of a tax lien the maximum fee permitted by N.J.S.A. 54:5-97.1 for the calculation of the amount due to redeem the tax lien.
- b. Any request for a redemption calculation shall be submitted in writing to the Tax Collector and must specify the date to be used for the calculation, which shall be the date of the notice.
- c. The fee paid to the municipality shall not become part of the lien and shall not be passed on to any party entitled to redeem pursuant to N.J.S.A. 54:5-54.

9-2.2 Lien Redemption Calculation; Request by Any Other Party.

- a. The tax collector shall provide to any party entitled to redeem a certificate pursuant N.J.S.A. 54:5-54 two calculations of the amount required for redemption within a calendar year at no cost. For each subsequent calculation requested of the Tax Collector by the same party, the Tax Collector shall charge the maximum fee permitted by N.J.S.A. 54:5-54.
- b. Any request for a redemption calculation shall be submitted in writing to the Tax Collector and must specify the date to be used for the calculation, which shall be the date of the notice.
- c. The fee paid to the municipality shall not become part of the lien and shall not be passed on to any party entitled to redeem pursuant to N.J.S.A. 54:5-54.

9-2.3 Liability.

Neither the Tax Collector, nor the Borough, shall be liable for an incorrect calculation.

9-2.4 Deposit.

All fees collected shall be deposited into the municipal treasury.

BE IT FURTHER ORDAINED that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

BE IT FURTHER ORDAINED by Mayor and Council that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

BE IT FURTHER ORDAINED by Mayor and Council that this ordinance shall be in full force and take effect after final passage and publication according to law.

Councilwoman Johnson Moved, Councilwoman Darling seconded, Council President DeKranes absent, Councilman Elder absent, Councilman Drennan Yea, Councilwoman Johnson Yea, Councilman Payson Yea, Councilwoman Darling Yea

ATTEST:

THOMAS FRITTS, Mayor

LAURIE A. ROTH, MAS, RMC, CMR
Municipal Clerk

DATED: _____

DATED: _____

Introduced: May 14, 2024
Adopted: June 11, 2024