

20-25

AN ORDINANCE AMENDING CHAPTER 94 ENTITLED “FEES” SECTION 94-3 ENTITLED “WAIVER OF FEES” TO INCLUDE CONDITIONS REGARDING WAIVING FEES FOR 501 (c) (3) AND 501 (c) (4) NONPROFIT ORGANIZATIONS WITHIN THE TOWNSHIP OF BRIDGEWATER.

WHEREAS, the Township of Bridgewater currently regulates fees for nonprofit organizations in Chapter 94 by allowing the Township Council to adopt a resolution waiving certain fees; and

WHEREAS, the Township Council of the Township of Bridgewater seeks to amend and revise the Township’s current ordinance to add conditions to granting a waiver of fees for nonprofit organizations; and

BE IT ORDAINED, by the Township Council of the Township of Bridgewater in the County of Somerset and State of New Jersey that Chapter 94 of the Municipal Code of the Township of Bridgewater, County of Somerset, State of New Jersey be and are hereby amended as follows:

Section I

Chapter 94, Section 94-3 is hereby amended as follows (strikethrough text is to be deleted and bold underlined text is to be added as new text):

§ 94-3 Waiver of fees.

A. In the case of federal, state and local governments and Boards of Education, no fees shall be charged, except that the permittee shall still be responsible for any costs incurred by the Township for third-party services.

B. In the case of nonprofit, charitable or religious organizations, the Township Council may by resolution waive any fees, except that the permittee shall still be responsible for any costs incurred by the Township for third-party services, **pursuant to the following conditions:**

(1) Only organizations having a Section 501(c)(3) designation under the Internal Revenue Code and designated as a nonprofit under New Jersey law shall be eligible to receive a fee waiver. Organizations designated under Section 501(c)(4) shall be ineligible for fee waivers.

(2) The organization must perform nonprofit services within the Township or perform nonprofit services directly benefitting the Township. An organization that merely utilizes a facility within the Township but does not provide services within or benefitting the Township shall not be eligible for a fee waiver.

(3) Any organization charging an admission or promoting a fundraising activity shall not be eligible for a fee waiver.

(4) Notwithstanding these conditions, the Township Council reserves the right to waive fees upon a showing of unique circumstances.

C. The provisions of this § 94-3 shall also apply to fees imposed in accordance with the other chapters of the Code of the Township of Bridgewater, except that the permittee shall still be responsible for any costs incurred by the Township for third-party services.

D. No person shall be charged a construction permit surcharge fee or enforcing agency fee for any construction, reconstruction, alteration or improvement designed and undertaken solely to promote accessibility by disabled persons to an existing private residential structure or any of the facilities contained therein.

E. A disabled person, or a parent or sibling of a disabled person, shall not be required to pay any municipal fee or charge in order to secure a construction permit for any construction, reconstruction, alteration or improvement which promotes accessibility to his or her own living unit.

F. "Disabled person" means a person who has an inability to engage in any substantial activity by reason of any medically determinable physical or mental impairment, including blindness, and shall include, but not be limited to, any resident of this state who is disabled pursuant to the Federal Social Security Act (42 U.S.C. § 416), or the Federal Railroad Retirement Act of 1974 (45 U.S.C. § 231 et seq.) or is rated as having a disability of 60% or higher pursuant to any federal law administered by the United States Veterans Act. For purposes of this subsection, "blindness" means central visual acuity of 20/200 or less in the better eye with the use of a corrective lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends to an angle no greater than 20 degrees shall be considered as having a central visual acuity of 20/200 or less.

G. Members of volunteer organizations.

(1) Definitions. As used in this subsection, the following terms shall have the meanings indicated:

ACTIVE MEMBERS

Individuals residing in the Township of Bridgewater who are members of a volunteer organization and are defined as either active or exempt members by the volunteer organization's bylaws.

FAMILY MEMBERS OF ACTIVE MEMBER

Includes husband, wife, child or children, father, mother, grandparents and grandchildren, including any sibling, stepchild or legally adopted child living in the same household.

FEEES

Those charges for recreation programs, plumbing and fire permits and building subcode, fire subcode, electrical subcode and plumbing subcode inspections made by or through the Township Construction Department in connection with the construction of a member or family members personal residence. Specifically excluded from the waiver of fees are any fees collected by the Township on behalf of another entity (except for third-party independent vendors retained by the Township to perform building, fire, electrical and/or plumbing subcode inspections pursuant to the Uniform Construction Code), including but not limited to the state, the county and/or such fees not directly related to the member's or family member's primary residence.

RECREATION PROGRAMS

Any programs sponsored by the Township Park and Recreation Board.

VOLUNTEER ORGANIZATIONS

This includes the fire departments and first aid and rescue squads located in or serving the Township.

(2) The Township shall waive fees to active members and family members of volunteer organizations for the following:

- (a) Township recreation programs.
- (b) Fees associated with municipal plumbing and fire permits for their personal residence.
- (c) Planning Board application fees for their personal residence.
- (d) Board of Adjustment application fees for their personal residence.

(e) Fees for building subcode, fire subcode, electrical subcode and/or plumbing subcode inspections through the Township Construction Department in connection with the construction of their personal residence, whether such inspections are made by Township subcode officials, themselves, or by independent third-party vendors contractually retained for that purpose by the Township.

Section II

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

Section III

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to this section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section IV

This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law but, in no event, less than 20 days after its final passage by the Township Council and approval by the Mayor, where such approval is required pursuant to N.J.S.A. 40:69A-181(b).

Adopted: December 21, 2020
Effective: January 11, 2021