

TOWNSHIP OF HAMILTON  
ORDINANCE NO. 1847—2017

AMENDING ARTICLES II AND IV OF CHAPTER 269, REGARDING FIVE-YEAR TAX EXEMPTIONS IN THE INDUSTRIAL BUSINESS PARK ZONE, AND HISTORIC DISTRICT, AND CREATING ARTICLE VI REGARDING FIVE-YEAR TAX EXEMPTIONS AND ABATEMENTS IN THE TUNNEY PROPERTY AREA IN NEED OF REHABILITATION.

**WHEREAS**, Article 8, Section 1, Paragraph 6 of the New Jersey Constitution authorizes the State Legislature to enact general laws under which municipalities may adopt ordinances granting exemptions or abatements from taxation on buildings and structures and the land on which they are situate in areas declared in need of rehabilitation.

**WHEREAS**, The State Legislature has adopted the “Five-Year Exemption and Abatement Law”, N.J.S.A. 40A:21-1 et seq., under said constitutional authority for the purpose of providing municipalities the greatest flexibility possible within the constitutional limitations to address problems of deterioration and decay while preserving the salient features of existing tax exemption and abatement programs.

**WHEREAS**, There is a need to amend the list of lots in the Hamilton Township Business Park found in §269-10.A. to correct numbers that were transposed during the designation of the Business Park area in need of rehabilitation.

**WHEREAS**, Pursuant to the “Local Redevelopment and Housing Law”, N.J.S.A. 40A:12A-1 et seq., by Resolution dated April 18, 2016, the Township of Hamilton amended the area included in the Mays Landing Historic District area in need of rehabilitation to include Lots 13, 14 & 15 of Block 733.

**WHEREAS**, Pursuant to the “Local Redevelopment and Housing Law”. By Resolution dated August 1, 2016, the Township of Hamilton determined that the “Tunney Property” consisting of Lots 3, 4.02, 6 & 7 of Block 735 to be an area in need of rehabilitation.

**WHEREAS**, Subject to the requirement of review for each individual project, the Township of Hamilton finds and declares that the investments incentivized will be of such a nature that they will have both short-term and long-term substantial, positive impacts on the local economy.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Hamilton, County of Atlantic and State of New Jersey, that:

**SECTION I. AMENDMENT OF CODE SECTION 269-10**

(a) Subsection “A” shall be amended to read as follows:

A. Lots in the Hamilton Township Business Park:

<b>Block</b>	<b>Lot(s)</b>
987	5, 5.01
987.01	5.02
991	1-3, 3.01, 16.01, 16.02, 17-19, 19.01, 20.01, 20.02, 21, 22.01, 22.02, 28, 33-39
992	1
993	1
994	1-10, 11.01, 12-18, 19.01, 31- 46, 47-50, 58.01, 58.02, 58.05, 58.07, 58.12, 58.23
994.01	1, 6-10
994.02	1-4
994.03	1-10
997.04	1-10
994.05	20-30
995	1.01, 1.02, 1.03, 2

**SECTION II. AMENDMENT OF CODE SECTION 269-25**

(a) Amended as follows:

The Lots specified in Article II of this Chapter 269 shall comprise the “area in need of rehabilitation” pursuant to N.J.S.A. 40A:21-3, the Township’s Resolution of April 20, 2015, and Ordinance No 1847-2017 providing for same and shall be the only Lots subject to the provisions of this Article.

**SECTION III. AMENDMENT OF CODE SECTION 269-38**

(a) Amend §269-38 to read as follows:

§269-38 Lots for which exemptions and abatements are available.

The following lots shall comprise the ‘area in need of rehabilitation’ pursuant to N.J.S.A. 40A:21-3 and the Township’s resolutions of November 9, 2015 and April 18, 2016, providing for the same and shall be the only lots subject to the provisions of this article:

<b>Block</b>	<b>Lot(s)</b>
730	1-19
732	49-65; 66-82
733	1-28
741	1-8; 15
742	1-20
743	1-16; 17.0
744	1-14
745	1-17
747	1-10
748	1-23

749	1-14 (ADD'L Lots 13, 14)
750	1.01-15
751	1-11
752	1-4
753	1-21 (ADD'L Lot 16)
754	1-3
755	4-10
756	1-6
757	1-20 (ADD'L Lot 3)
758	1-8
759	1-5
800	1-5
801	1-5; 14, 15
807	1-6
808	1-3
809	1-5, 103
979	1-5, 5
980	1
1985	1-3
986	1, 2.02-9
987	2
988	1-3

**SECTION IV. CREATION OF ARTICLE VI OF CHAPTER 269**

Article VII of Chapter 269 of the Township Code is hereby created and shall be as follows:

Article VII. Five-Year Exemption Program for Construction and Improvement of Commercial and Industrial Structures in the Tunney Property.

§ 269-58 Legislative Authority

This Article is authorized in the manner described in Article II of this Chapter 269.

§ 269-59 Findings and Purpose

- A. Pursuant to the “Local Redevelopment and Housing Law”, N.J.S.A. 40A:12A-1 et seq., by Resolution dated August 1, 2016, the Township of Hamilton determined that the Tunney Property (Block 735 Lots 3, 4.02, 6 & 7) is an area in need of rehabilitation.
- B. The Township of Hamilton finds and declares that a tax exemption and abatement program to the fullest extent authorized by N.J.S.A. 40A:21-1, et seq., for commercial

or industrial structures will promote rehabilitation in the areas designated herein by incentivizing investment.

- C. Subject to the requirement of review for each individual project, except as explicitly stated in this Chapter, the Township of Hamilton finds and declares that the investments incentivized will be of such a nature that they will have both short-term and long-term substantial, positive impacts on the local economy.

§ 269-60 Definitions

As used in this Article, the definitions provided for in Article II of this Chapter 269 shall apply.

§ 269-61 Lots for Which Exemptions & Abatements are Available

The following Lots shall comprise the “area in need of rehabilitation” pursuant to N.J.S.A. 40A:21-3 and the Township’s Resolution of August 1, 2016, providing for same and shall be the only Lots subject to the provisions of this Article:

Block	Lot(s)
735	3, 4.02, 6, 7

§ 269-62 Exemptions and Abatements for Commercial and Industrial Construction Projects

The Owner or Owners of a lot identified in § 269-61 shall be entitled a tax exemption for the Construction of a Commercial or Industrial Structure under the terms and conditions established by Article II of Chapter 269.

§ 269-63 Exemptions for Commercial and Industrial Improvement Projects

The Owner or Owners of a lot identified in § 269-61 shall be entitled a tax exemption for the Improvement of a Commercial or Industrial Structure under the terms and conditions established by Article III of Chapter 269.

§ 269-64 Recording and Reporting Requirements

- A. The grant of an exemption pursuant this Article shall be recorded and made a permanent part of the official tax record of the Township, which record shall contain a notice of the termination date thereof.
- B. The Township Committee shall meet its reporting obligations under this Article by filing a report as required by §269-20 of this Chapter 269.

§ 269-65      Effect of Amendment to Article; Automatic Expiration and Required Reauthorization

- A.      This Article may be amended from time to time.
- B.      An amendment to this Article, or the adoption of an Ordinance otherwise affecting this Article, shall not affect any exemption and Tax Agreement in force prior to the adoption of the amendment.
- C.      No exemption, abatement, or Tax Agreement authorized by this Article shall be applied for, entered into, or take initial effect in the eleventh tax year after this Article is first adopted or in any year thereafter. Except as provided in sub-part D of this section, any such application or Tax Agreement, exemption, or abatement shall be void *ab initio* where it is apparent on the face of the application or Tax Agreement that the exemption, abatement, or Tax Agreement would not take effect until such a year. Except as provided in sub-part D of this section, where it is not apparent on the face of the application and Tax Agreement, but the completion of the Construction or Improvement is delayed such that the exemption, abatement, or Tax Agreement will not take effect until the eleventh tax year after this Article is first adopted or thereafter, the exemption, abatement, or Tax Agreement shall be void on January 1<sup>st</sup> of said eleventh year.
- D.      The provisions of this Article may be readopted by ordinance at any time during or after the tenth tax year after this Article is initially adopted. Exemptions, abatements, and Tax Agreements which on their face will not take effect until the eleventh year after this Article is first adopted, or thereafter, shall not be void *ab initio* if the application for such exemption, abatement, or Tax Agreement is filed after the adoption of an ordinance readopting this Article. Exemptions, abatements, or and Tax Agreements which, by virtue of delayed completion of the Construction or Improvement, do not take effect until the eleventh tax year after this Article is first adopted or thereafter, shall not be void if this Article is readopted during the tenth year after this Article is initially adopted.
- E.      Notwithstanding anything in this Article to the contrary, under no circumstances may an application be filed or approved for an exemption, abatement or a Tax Agreement that, on its face, would not take effect until the eleventh tax year after the application is filed.

**SECTION V. SEVERABILITY and REPEALER**

- a.      If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
- b.      Any Ordinance inconsistent with the terms of this Ordinance is hereby repealed to the extent of such inconsistency.

**SECTION VI. EFFECTIVE DATE.**

This Ordinance shall take effect upon its final passage and publication as provided by law.

ATTEST:

TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF HAMILTON,  
COUNTY OF ATLANTIC, NJ

\_\_\_\_\_  
RITA MARTINO, R.M.C.  
TOWNSHIP CLERK

\_\_\_\_\_  
JOHN KURTZ, MAYOR

<b>COMMITTEE MEMBER</b>	<b>MOTION</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
GUISHARD					
LINK					
SCHENKER					
SILVA					
KURTZ					

ORDINANCE # 1847-2017 INTRODUCED AND PASSED FIRST READING April 17, 2017.  
ORDINANCE # \_\_\_\_-2017 ADOPTED \_\_\_\_\_