

CITY OF UNION CITY
COUNTY OF HUDSON, STATE OF NEW JERSEY

ORDINANCE

**AN ORDINANCE AMENDING CHAPTER 155 ENTITLED "FEES" OF THE
CODE OF THE CITY OF UNION CITY CREATING SECTION 19
ENTITLED "WAIVER OF CERTAIN FEES"**

WHEREAS, Chapter 155 of the Code of the City of Union City ("Code") regulates enforcing agency fees and other fees associated with zoning, land development, and construction within the City of Union City ("City"); and

WHEREAS, the City wishes to provide for a waiver of enforcing agency fees and certain other charges for certain tax exempt corporations; and

WHEREAS, the City finds that it is in its best interest to amend Chapter 155 to permit for the waiver of application, construction and other fees for certain tax exempt corporations.

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey that Chapter 155 entitled "Fees" of the Code of the City of Union City shall be amended to create a Section 19, which shall be entitled "Waiver of Certain Fees" and shall read as follows:

SECTION ONE

Waiver of Certain Fees.

1. Exemption for tax-exempt organizations. All charitable, philanthropic, fraternal and religious nonprofit organizations, holding a tax exempt status under the Federal Internal Revenue Code of 1954 [26 U.S.C. § 501(c)], shall be exempt from the payment of fees as required in Chapter 155, pertaining to any application for land development, construction or building permit filed for or on behalf of the charitable, philanthropic, fraternal or religious nonprofit organization.
2. Definitions. As used in this article, the following terms shall have the meanings indicated:
 - (a) Tax exempt organizations. Refers only to any charitable, philanthropic, fraternal or religious nonprofit organization, recognized as holding a tax exempt status under the Federal Internal Revenue Code, 26 U.S.C. § 501(c)3.
 - (b) Application fees, Construction Fees and Other Charges. Refers to charges normally charged by the City of Union City to an applicant for the review of an application for development under Chapter 155-12 "Uniform Construction Code Fees," Chapter

155-13 "Fire Code Fees," and Chapter 155-14 "Land Development" of the Code of the City of Union City.

3. Procedure for waiver request. The applicant shall request a waiver of fees under this article as follows:
 - (a) A qualified tax exempt organization seeking an exemption from payment of any fee shall request such exemption in writing to the Municipal Clerk with copies to the Planning and Zoning Board Secretary and Construction Code Official.
 - (b) Any written application for exemption under this article shall include, if a tax exempt organization, a copy of the tax exemption organization's current federal tax exemption certificate.
 - (c) The applicant shall provide verification from the City Tax Collector that all municipal taxes and assessments on the property in question are current as of the date of application for waiver of fees.
 - (d) The Municipal Clerk shall forward the written request and documentation to the Public Safety Director for final consideration and approval of the exemption.
4. Separate application for each development project. A separate written fee waiver application shall be required for each separate project or development.

SECTION TWO

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION THREE

Repealer. All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION FOUR

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

Meeting date: April 18, 2017

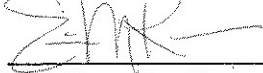
Commissioners	Yea	Nay	Abstain/Present	Absent
Lucio P. Fernandez	X			
Tilo E. Rivas	X			
Celin J. Valdivia	X			
Maryury A. Martinetti	X			
Mayor Brian P. Stack	X			

I HEREBY CERTIFY this to be a true and correct Ordinance of the City of Union City Board of Commissioners, introduced on April 4, 2017 and will be further considered after a Public Hearing held on April 18, 2017 at the William V. Musto Cultural Center, 420 15th Street, Union City, New Jersey.

INTRODUCED: April 4, 2017

ADOPTED: April 18, 2017

ATTEST:



Erin Knoedler, Deputy City Clerk

April 18, 2017

DATE

APPROVED AS TO FORM:

Krystle Nova, Esq.
Corporation Counsel

Summary of Ordinance

This purpose of this ordinance is to waive application fees, construction fees and other related charges for 501(c)3 tax-exempt organizations.