

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 13-2005

**AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN
AMENDING MUNICIPAL CODE CHAPTER 164
“TAX ABATEMENTS FOR DWELLING IMPROVEMENTS”**

WHEREAS, Chapter 164 of the Municipal Code of the Township of Moorestown expired in 2004, and

WHEREAS, the Township Council has determined that it remains in the best interest of the residents of the Township of Moorestown to encourage dwelling improvements by granting five-year tax abatements to properties which are more than twenty (20) years old.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Moorestown, County of Burlington and State of New Jersey as follows:

Section 1. Section 164-1 “Definitions” is hereby amended as follows:

164-1. Definitions.

a. “Abatement” means that portion of the assessed value of the property as it existed prior to construction, improvement or conversion of a building or structure thereon, which is exempted from taxation pursuant to *N.J.S.A.* 40A:21-1 et seq.

b. “Dwelling” means a building or part of a building used, to be used or held for use as a home or residence including accessory buildings located on the same premises, together with land upon which such building or buildings are erected and which may be necessary for fair enjoyment thereof, but shall not be any building or part of a building, defined as a “multiple dwelling” pursuant to *N.J.S.A.* 55:13A-1 et seq. A dwelling shall include, as they are separately conveyed to individual owners, individual residences within a horizontal property regime or a condominium, but shall not include “general common elements” or “common elements” of such horizontal regime or condominium.

c. “Improvement” means a modernization, rehabilitation, renovation, alteration or repair which produces a physical change in the existing building or structure that improves the safety, sanitation, decency or attractiveness of the building or structure as a place for human habitation or work, and which does not change its permitted use. In no case shall it include the repair of fire or other damage to a property for which payment of a claim was received by any person from an insurance company at any time during the three year period immediately preceding the filing of an application.

Section 2. Section 164-2 is hereby amended as follows:

164-2. Exemption of certain improvements; duration.

The Tax Assessor, upon the timely receipt of the property application for a property more than twenty (20) years old, and verification of the information contained therein, shall, in determining the value of the real property, regard the first twenty-five thousand dollars (\$25,000) of true value of the improvements as not increasing the taxable value of the property for a period of five (5) years.

Section 3. Section 164-3 is hereby amended as follows:

164-3. Assessment Regulations.

During said exemption period, the assessment on the property shall not be less than the assessment which existed immediately prior to the improvements, unless there is damage to the dwelling through the action of the elements sufficient to warrant a reduction, or an abatement is granted under this chapter.

Section 4. Section 164-4 is hereby amended as follows:

164-4. Abatement of Assessed Value.

The Tax Assessor shall also provide an abatement of the assessed value of the property receiving the improvement, as it existed immediately prior to the improvement. Said abatement shall not exceed thirty percent (30%) of the amount of the exemption for five (5) years.

Section 5. Section 164-5 is hereby amended as follows:

164-5. Applications, when effective.

Applications filed pursuant to this chapter shall, if approved, take initial effect for the first full tax year after the application is filed.

Section 6. Repealer. Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistencies.

Section 7. Severability. In the event that any section or paragraph, clause, phrase, term, provision, or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not effect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision, or part thereof directly involved in the controversy in such judgment, shall be rendered.

Section 8. Effective Date. This ordinance shall take effect upon proper publication and in accordance with law.

Section 9. Short Title. This Ordinance shall be known as Ordinance 13-2005.

NOTICE AND CERTIFICATION

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, held on April 18, 2005. This ordinance will be further considered for final passage by the Township Council at a meeting to be held in the Council Chambers of Moorestown Township, 111 West Second Street, Moorestown, NJ on May 9, 2005 at 8pm or at any time and place to which such meeting may be adjourned. All persons interested will be given the opportunity to be heard concerning such ordinance. During the week prior to and including the date of such further consideration, copies will be made available at the Municipal Clerk's Office in said Municipal Building to any member of the general public who shall request such copies.

PATRICIA L. HUNT, RMC
Township Clerk