

MONROE TOWNSHIP, MIDDLESEX COUNTY

ORDINANCE NO.: _____

**ORDINANCE OF THE MONROE TOWNSHIP COUNCIL
AMENDING AND SUPPLEMENTING
CHAPTER 105 OF THE CODE OF THE TOWNSHIP OF MONROE
ENTITLED, "STREETS AND SIDEWALKS", SPECIFICALLY ARTICLE VI
ENTITLED, "REIMBURSEMENT TO HOMEOWNERS' ASSOCIATION FOR
STREET LIGHTING, SNOW REMOVAL, RECYCLING,
AND ROADS MAINTENANCE"**

BE IT ORDAINED by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey that the Code of the Township of Monroe, Chapter 105 entitled, "Streets and Sidewalks" be amended and supplemented as follows:

ARTICLE VI

**Reimbursement to Homeowners' Associations
For Street Lighting, Snow Removal, Recycling,
Roads Maintenance and Stormwater Basin Maintenance**

SECTION 1.

§ 105-35. APPLICABILITY

Qualified private communities and Homeowners' Associations, as defined herein, shall be reimbursed for their provision of snow removal, street lighting, recycling, and roads maintenance in accordance with the requirements and formulae established herein.

SECTION 2.

§ 105-36. DEFINITIONS

As used in this Article, the following terms shall have the meanings indicated below:

- a. **"ASSOCIATION"** – A condominium, homeowners' or property owners' association that privately contracts for snow removal, existing street lighting, recycling and roads maintenance.
- b. **"QUALIFIED PRIVATE COMMUNITY"** – An organization as defined by N.J.S.A. 40:67-23.2.e. that private contracts for snow removal, existing street lighting, recycling and roads maintenance.
- c. **"RECYCLING REIMBURSEMENT"** – The reimbursement to qualified private community association based upon the per-unit cost of Township recycling programs, which the Township may conduct or subscribe to.
- d. **"REIMBURSEMENT PERCENTAGE"** – The reimbursement to the association based upon the total linear miles of the streets under the jurisdiction of the association as calculated by the Township of Monroe.

SECTION 3.

§ 105-37. STREET LIGHTING REIMBURSEMENT PROCEDURE

- A. The Township shall reimburse all qualified private communities for the lighting of roads and streets, to the extent of payment for the electricity required, but not including the installation or maintenance of lamps, standards, wiring or other equipment.
- B. The amount of the annual reimbursement to each qualified private community for street lighting shall be predicated upon submission by that qualified private community of paid utility invoices **prior to March 31st of the year following payment to the utility company.** The Township shall pay the actual cost incurred by each individual qualified private community for street lighting electricity charges.
- C. The reimbursement funds received from the Township by the qualified private communities shall either be distributed to individual members of the respective qualified private communities in accordance with procedures established by the qualified private community, or credited and applied against present and future community expenditures.

SECTION 4.

§ 105-38. SNOW REMOVAL REIMBURSEMENT FORMULA

- A. The Township shall provide annually a snow removal reimbursement at a specified rate for the year 2015, **based upon actual costs for the year 2013**, per actual **road mile with final surface course** within the private community. The reimbursement amount, payable in March of each year, is adjusted annually in accordance with the lower of the consumer price index or the tax levy cap rate of 2%. The reimbursement rate shall take into consideration the costs of the following: (1) Employee Salaries; (2) Employee Benefits; (3) Outside Contractor Salaries; (4) Materials Cost (salt, sand, calcium chloride, etc.); (5) Equipment Per Hour Operated; (6) Outside contractors and their equipment; and (7) Rented Equipment Costs.
- B. The Township shall not provide snow removal services in lieu of reimbursement.**

SECTION 5.

§ 105-39. RECYCLING REIMBURSEMENT FORMULA

The Township shall reimburse each individual qualified private community for recycling in accordance with the per-unit cost of Township recycling programs. Such programs may be conducted by the Township or may be performed on the Township's behalf on a subscription basis, at the Township's discretion. Such reimbursement shall be based on the formula: Annual recycling reimbursement equals annual cost per unit multiplied by the number of occupied units in a qualified private community. As an example, if the Township conducts, or subscribes to a recycling program that costs \$1 per annum per dwelling unit, the Township shall reimburse a qualified private community with 100 dwelling units \$100 dollars per annum.

SECTION 6.

§ 105-40. ROADS MAINTENANCE REIMBURSEMENT FORMULA

- A. The Township shall provide annually a roads maintenance reimbursement of **\$2,267.93** per mile of actual road miles, as calculated by the Township Engineer **for year 2014**, to be distributed to qualified private communities **as a base rate for 2014, with the rate increasing each year at the lower of the consumer price index or the tax levy cap rate of 2.0%.**
- B. Roads maintenance reimbursement shall not be extended to communities, unless such communities can be certified as being qualified private communities for a period of not less than ten (10) years **from the date of the issuance of the last certificate of occupancy.**
- C. **Qualified private communities shall be reimbursed only for actual costs incurred for road maintenance activities, up to the maximum reimbursement allowed by Chapter 105-40.A. Accordingly, a qualified private community seeking reimbursement shall submit proof of such costs to the Township Engineer for certification. The Township Engineer shall certify to the Business Administrator satisfactory completion of the work for which reimbursement is being sought and appropriateness of costs incurred therefore.**
- D. The Township shall not provide road maintenance services in lieu of reimbursement.

SECTION 7.

§ 105-41. STORMWATER WET BASIN MAINTENANCE REIMBURSEMENT FORMULA

- A. The Township shall provide annually a stormwater wet basin maintenance reimbursement of \$0.2033454 per square yard of basin area, as calculated by the Township Engineer **based upon the square yardage of wet basin area within each qualified private community**, to be distributed to qualified private communities.
- B. Stormwater wet basin maintenance reimbursement shall not be extended to communities, unless such communities can be certified as being qualified private communities for a period of not less than ten (10) years **from the date of the issuance of the last certificate of occupancy.**
- C. Qualified private communities shall be reimbursed only for actual costs incurred **within the prior 12 month calendar period** for stormwater basin maintenance activities, up to the maximum reimbursement allowed by Chapter 105-40.A. Accordingly, a qualified private community seeking reimbursement shall submit proof of such costs to the Township Engineer for certification. The Township Engineer shall certify to the Business Administrator satisfactory completion of the work for which reimbursement is being sought and appropriateness of costs incurred therefore.
- D. The Township shall not provide stormwater wet basin maintenance services in lieu of reimbursement.

SECTION 8.

§ 105-42. SEVERABILITY

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

SECTION 9. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance shall be and the same are hereby repealed.

SECTION 10. If any section, paragraph, subdivision, clause or provisions of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION 11. This ordinance shall take effect upon final passage and publication as provided by law.

GERALD W. TAMBURRO, Council President

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Monroe Township Council held on October 6, 2014. Said Ordinance will again be read and considered for final passage at a meeting of the Monroe Township Council to be held on November 5, 2014 at 7:00 p.m. at the Monroe Township Municipal Building, 1 Municipal Plaza, Monroe Township, New Jersey. At said time and place, all persons having an interest in the foregoing Ordinance will be granted an opportunity to be heard concerning same prior to consideration for final passage.

SHARON DOERFFLER, Township Clerk

MAYORAL APPROVAL

By virtue of the Optional Municipal Charter Law of 1950 and Section 3-19 of the code of the Township of Monroe, my approval of this Ordinance is effected by the affixing of my signature hereto.

RICHARD PUCCI, Mayor

Date Signed: _____