

ORDINANCE 1 -2016

ORDINANCE OF THE BOROUGH OF MADISON AMENDING AND SUPPLEMENTING ARTICLE 75-14 OF THE BOROUGH CODE TO PROVIDE FURTHER FOR THE “WAIVER OF FEES FOR CONSTRUCTION TO PROMOTE THE RENOVATION OF EXISTING VACANT COMMERCIAL STRUCTURES”

WHEREAS, the Borough Council has determined that Madison has a number of vacant commercial properties, including vacant commercial storefronts throughout the Borough; and

WHEREAS, the Borough Council believes it is appropriate to encourage property owners and tenants to rehabilitate existing commercial structures and storefronts that are currently vacant and to return such properties to active commercial use; and

WHEREAS, the Borough Council believes it is appropriate for the Borough Code to provide for the waiver of enforcing agency fees for all such projects undertaken throughout the Borough to renovate and restore such properties; and

WHEREAS, by providing for the waiver of fees for constructing projects undertaken to renovate existing vacant commercial properties, the Borough Council is seeking to encourage private property owners and their tenants, to undertake such projects to promote business and development within the Borough of Madison;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Madison, County of Morris, and State of New Jersey, as follows:

SECTION 1: Article 75-14 of the Madison Borough Code is hereby amended and supplemented so as to adopt a new section entitled “WAIVER OF FEES FOR CONSTRUCTION TO PROMOTE RENOVATION OF EXISTING VACANT COMMERCIAL STRUCTURES”.

SECTION 2: New 75-14 (A)(15) Waiver of fees for construction to promote renovation of existing vacant commercial structures.

- A. No person or entity shall be charged a Borough construction fee or enforcing agency fee for any construction, alternation and improvement designed and undertaken solely to renovate a previously occupied and currently vacant commercial structure or currently vacant unit within an existing commercial structure for the purpose of obtaining a certificate of occupancy. The waiver of fees shall not include Uniform Construction Code Surcharge Fees as applicable.

- B. For purposes of this ordinance, the structure or the unit within a structure which is being renovated shall be required to be vacant for 12 months or more prior to the permit application in order to be eligible for the waiver of fees. The applicant shall be required to establish that the structure or the unit within the structure has been vacant. A waiver shall be limited to a renovation or alteration of unit of less than 5,000 square feet. For purposes of calculating square footage, a vacant unit of 5,000 square feet or less shall qualify for the waiver of fees if the unit existing prior to and after renovations is equal to or less than 5,000 square feet, regardless of the total size of the structure. Units which exceed 5,000 square feet prior to or after renovation shall not qualify for the waiver of fees.
- C. For purposes of this ordinance, no waiver of fee shall be provided to any commercial structure or unit within a structure if the commercial property has outstanding property taxes or outstanding property maintenance violations.

SECTION 3: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4: All other rules, regulations and fees of th Borough including, but not limited to Planning, Zoning, and/ or historic district requirements shall remain in full force and effect.

SECTION 5: This Ordinance shall take effect after second reading and publication as required by law. It shall expire on January 1, 2018 unless specifically extended by action of the Borough Council.