

ORDINANCE 48-2014

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING
CHAPTER 195 OF THE BOROUGH CODE, LAND DEVELOPMENT
ORDINANCE, REGARDING WAIVER OF BUILDING PERMIT FEES**

WHEREAS, the Borough Administrator has recommended amending Chapter 195 of the Borough Code, the Madison Land Development Ordinance, in regard to the waiver of construction fees for work done to promote accessibility by disabled persons; and

WHEREAS, the Borough Council has considered the proposed amendment to the Madison Land Development Ordinance and wishes to amend the Code as recommended.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that Chapter 195 of the Borough Code entitled "Madison Land Development Ordinance" shall be amended as follows:

SECTION 1: Section 195-12, entitled "Fees" shall have the following added to it:

§ 195-12. Waiver of building permits fees.

A.

No person shall be charged a construction permit surcharge fee or enforcing agency fee for any construction, reconstruction, alteration or improvement designed and undertaken solely to promote accessibility by disabled persons to an existing public or private structure or any of the facilities contained therein.

B.

A disabled person, or a parent or a sibling of a disabled person, shall not be required to pay any municipal fee or charge in order to secure a construction permit for any construction, reconstruction, alteration or improvement which promotes accessibility to his/her own living unit.

C.

For the purposes of this section, "disabled person" means a person who has the total and permanent inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, including blindness, and shall include, but not be limited to, any resident of this state who is disabled pursuant to the federal Social Security Act (42 U.S.C. § 416) or the federal Railroad Retirement Act of 1974 (45 U.S.C. § 231 et seq.) or is rated as having a 60% disability or higher pursuant to any federal law administered by the United States Veterans' Act. For purposes of this subsection, "blindness" means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20° shall be considered as having a central visual acuity of 20/200 or less.

SECTION 2: This Ordinance shall take effect as provided by law.

ADOPTED AND APPROVED
September 22, 2014

ROBERT H. CONLEY, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk

Introduced and passed: September 8, 2014

Published, Madison Eagle: September 11, 2014

Hearing and consideration for final adoption: September 22, 2014

Published upon final adoption, Madison Eagle: September 25, 2014