

**ORDINANCE 2011-7 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 16 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "MUNICIPAL FEES"**

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**WHEREAS**, Chapter 16 of the Code of the Township of Berlin ("Township") sets forth the fees which may be charged by the Township; and

**WHEREAS**, P.L. 2009, c.320, effective January 18, 2010, revised various statutes concerning sale of tax and other municipal liens; and

**WHEREAS**, amendments to N.J.S.A. 54:5-26, 54:5-54 and 54:5-97.1 concern the cost of mailing a Notice of Tax Sale and the calculation by the Tax Collector of the amount needed to redeem a tax sale certificate, referred to as the redemption amount; and

**WHEREAS**, N.J.S.A. 54:5-26 was amended to clarify that the cost of mailing a Notice of Tax Sale by either regular or certified mail to each interested party may not exceed \$25.00 for each notice, or mailing for a particular party which said cost of mailing shall be added to the cost of the tax sale in addition to those provided in N.J.S.A. 54:5-38; and

**WHEREAS**, N.J.S.A. 54:5-54 was amended to add the following language: "The Tax Collector shall provide to the party entitled to redeem a certificate pursuant to this section the calculations of the amount required for redemption within a calendar year at no cost. The governing body of a municipality may, by Ordinance, require a fee not to exceed \$50.00 for each subsequent calculation requested of the Tax Collector. A request for a redemption calculation shall be made in writing to the Tax Collector;" and

**WHEREAS**, N.J.S.A. 54:5-97.1 was amended to add the following language: "A municipality, by Ordinance, may authorize the Tax Collector to charge to a lien holder a fee, not to exceed \$50.00, for the calculation of the amount due to redeem the tax lien required to be provided pursuant to this section. Any request for a redemption calculation shall specify the date to be used for the calculation, which shall be the date of the notice. Neither the Tax Collector nor the municipality shall be liable for an incorrect calculation. The fee paid to the municipality shall not become part of the lien and shall not be passed on to any party entitled to redeem pursuant to R.S. 54:5-54;" and

**WHEREAS**, as a result of the aforementioned revisions to the tax lien laws, it is necessary to amend Chapter 16 of the Township Code.

**NOW THEREFORE**, be it Ordained by the Mayor and Township Council of the Township of Berlin, County of Camden, State of New Jersey, as follows:

**SECTION 1:** Chapter 16 of the Code of the Township of Berlin, is hereby amended, revised and supplemented by adding a new Article VI, entitled "Fees for Tax Sale Notices and Redemption Calculations" which shall read as follows:

## **Article VI- Fees for Tax Sale Notices and Redemption Calculations**

### **§16-18. Notice of Sale of Tax Sale Certificate.**

The Tax Collector of the Township shall mail notice of tax sale to each interested party by regular or certified mail. The mailing shall be in lieu of any two publications of the notice. The cost for the mailing shall not exceed twenty-five (\$25.00) dollars for each notice or mailing for a particular property. The cost of mailing provided herein shall be added to the cost of the tax sale in addition to those provided in N.J.S.A. 54:5-38.

### **§16-19. Lien Redemption Calculation: Request by Lien Holder.**

A. The Tax Collector shall charge a lien holder of a tax lien fifty (\$50.00) dollars, pursuant to N.J.S.A. 54:5-97.1, for the calculation of the amount due to redeem a tax lien.

B. Any request for a redemption calculation shall be submitted in writing to the Tax Collector and must specify the date to be used for the calculation, which shall be the date of the notice.

C. The fee paid to the municipality shall not become part of the lien and shall not be passed onto any party entitled to redeem pursuant to R.S. 54:5-54.

D. Neither the Tax Collector nor the municipality shall be liable for an incorrect calculation.

### **§16-20. Lien Redemption Calculation: Request by Any Other Party.**

A. The Tax Collector shall provide to any party entitled to redeem a certificate pursuant to N.J.S.A. 54:5-54 two calculations of the amount required for redemption within a calendar year at no cost. For each subsequent calculation requested of the Tax Collector by the same party, the Tax Collector shall charge a fee of fifty (\$50.00) dollars pursuant to N.J.S.A. 54:5-54.

B. Any request for redemption calculation shall be submitted in writing to the Tax Collector and must specify the date to be used for the calculation which shall be the date of the notice.

C. The fee paid to the municipality shall not become part of the lien and shall not be passed on to any party entitled to redeem pursuant to R.S. 54:5-54.

D. Neither the Tax Collector nor the municipality shall be liable for any incorrect calculation.

**SECTION 2:** The Table of Contents of Chapter 16 shall be amended to add “Article VI- Fees for Tax Sale Notices and Redemption Calculations.”

**SECTION 3:** Except as set forth in Sections 1 and 2 above, the balance of Chapter 16 shall not be affected by this Ordinance.

**SECTION 4:** All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 5:** If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

**SECTION 6:** This Ordinance shall take effect upon final passage and publication according to law.

Notice is hereby given that the foregoing Ordinance was introduced and passed upon first reading at a meeting of the Mayor and Council of the Township of Berlin, Camden County, New Jersey on March 21, 2011 and the same was ordered published pursuant to statute. Said ordinance will be further considered for final adoption at a meeting of the Mayor and Council of the Township of Berlin on April 11, 2011 at 5:00 p.m. at the Berlin Township Municipal Hall, 135 Route 73 South, West Berlin, NJ.

Catherine Underwood  
Township Clerk