

2-71 REIMBURSEMENT FOR THE LIGHTING OF STREETS.

2-71.1 Definitions.

As used in this section:

Condominium shall mean the form of real property ownership provided for under the "Condominium Act," P.L. 1969, c.257 (C.46:8B-1 et seq.).

Cooperative shall mean a housing corporation or association wherein the holder of a share or membership interest in the corporation or association is entitled to possess and occupy, for dwelling purposes, a house, apartment, or other unit of housing owned by the corporation or association, or to purchase a unit of housing constructed or erected by the corporation or association.

Fee simple community shall mean a private community which consists of individually owned lots or units and provides for common or shared elements or interests in real property.

Horizontal property regime shall mean the form of real property ownership provided for under the "Horizontal Property Act," P.L. 1963, c.168 (C46:8A-1 et seq.).

Qualified private community shall mean a residential condominium, cooperative, fee simple community, or horizontal property regime, the residents of which do not receive any tax abatement or tax exemption related to its construction, comprised of a community trust or other trust device, condominium association, homeowners' association, or council of co-owners, wherein the cost of maintaining roads and streets and providing essential services is paid for by a not-for-profit entity consisting exclusively of unit owners within the community.

(Ord. No. **1230-93** § 1)

2-71.2 Eligibility for Reimbursement.

As hereinafter provided the Township of West Orange shall reimburse a qualified private community located within the Township for its cost of providing electricity for the lighting of roads and streets within the qualified private community or, in the alternative, shall provide that electricity within a qualified private community in the same manner as the Township provides electricity for the lighting of public road and streets. In no event shall such services by the Township include the cost of installation or maintenance of lamps, standards, wiring or other equipment. (Ord. No. **1230-93** § 2)

2-71.3 Procedure for Reimbursement.

- a. If a qualified private community wishes to be reimbursed for the cost of electricity required to light its roads and streets it must enter into a written reimbursement agreement with the Township of West Orange in a form prepared by the Township Attorney's office.
- b. All requests to enter into a written reimbursement agreement must be made in writing to the Business Administrator on a form provided by the Township.
- c. A written reimbursement agreement shall be prepared and properly executed by the Mayor on behalf of the Township and by the duly authorized representatives of the qualified private community no later than thirty (30) days from the date the Township receives a written request to enter into a reimbursement agreement.

(Ord. No. **1230-93** § 3)

2-71.4 Formula for Reimbursement.

- a. Reimbursement of a qualified private community for its cost of providing electricity for the lighting of roads and streets shall be at the rate of one hundred (100%) percent of the total cost.
- b. The total cost shall be computed as the actual cost to the qualified private community of providing electricity for the lighting of its streets and roadways but shall not exceed the cost which the Township would have incurred had it directly provided electricity for that purpose to the qualified private community.
- c. A yearly audit and analysis of the total cost, as defined in paragraph b. above, shall be conducted for the Township by the Chief Financial Officer and the Director of Engineering and Public Works and the qualified private community shall provide to the Township any and all records it deems relevant to its inquiry.

(Ord. No. 1230-93 § 4)

2-71.5 Funding.

- a. The Township shall provide funding for the provisions of this section in its yearly operating budget.
- b. All payments to a qualified private community pursuant to a reimbursement agreement shall be made as set forth in the written reimbursement agreement executed with the Township.

(Ord. No. 1230-93 § 5)