

# **BOROUGH OF ROSELLE**



## **ORDINANCE NUMBER 2524-15**

### **AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ROSELLE CREATING A BOROUGH OF ROSELLE IDENTIFICATION CARD PROGRAM FOR RESIDENTS OF THE BOROUGH OF ROSELLE**

**WHEREAS**, the Mayor and Borough Council recognize that many residents within the Borough of Roselle often times do not have access to various forms of identification and thus have difficulty obtaining services such as banking accounts, access to health care services, as well as public/government buildings; and

**WHEREAS**, there are also many undocumented immigrant residents who are unable to produce acceptable documentation and thus, as a result thereof, have great difficulty in obtaining services; and

**WHEREAS**, it has also been documented in New Haven, Connecticut, that there was a dramatic decrease in robberies/armed robberies against undocumented immigrant workers after the implementation of city identification cards in New Haven, Connecticut; and

**WHEREAS**, the availability of Borough identification cards will be helpful to displaced youth in addition to many residents and immigrants; and

**WHEREAS**, the Mayor in conjunction with the Municipal Council of the Borough of Roselle believe the availability of Borough identification cards will be positive and productive for so many residents of the Borough of Roselle.

**NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF ROSELLE, NEW JERSEY, THAT:**

**Section 1.** The Revised General Ordinances of the Borough of Roselle, New Jersey, as amended and supplemented, shall include the following:

Borough of Roselle Identification Card Program.

The Borough of Roselle hereby establishes a Borough of Roselle Identification Card Program, which shall be issued to individuals who can prove their identity and residency, in accordance with the terms of this ordinance, which shall be liberally interpreted.

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#### **I. Administering Department**

- a. The Roselle Borough Library (hereafter referred to as the Administering Department) shall be designated as the department to administer the Borough of Roselle Identification Card Program.
- b. The Borough's Administration Department shall issue such policies and procedures necessary to effectuate the purposes of this ordinance; including, the designation of access sites where applications for such cards shall be made available for pick-up and submission. The Department of Administration shall also make the applications available online.

#### **II. Definitions**

**"Borough of Roselle Municipal Identification (I.D.) Card" or "Roselle Identification Card"** shall mean an identification card issued by the Borough of Roselle that shall, at a minimum, display the card holder's photograph, name, date of birth, address, signature, issuance and expiration date. Such card shall also, at the cardholder's option; display the cardholder's self-designated gender. Such identification card shall be designed in a manner to deter fraud.

**"Administrator"** shall mean the Borough Administrator or his designee.

**"Department of Administration"** shall mean the Borough's Department of Administration, including the Borough Administrator or designee and the Assistant Borough Administrator or designee.

**"Resident"** shall mean a person who can establish that he or she is a current resident of the Borough of Roselle.

**"Borough"** unless otherwise identified shall solely mean Borough of Roselle.

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**"Care of Organization"** shall mean a Borough Agency, hospital, private or public shelter, non-profit organization, or religious institution in Roselle, New Jersey serving homeless individuals or survivors of domestic violence.

**"Care Address"** shall mean the authorized use of address by Borough Agency, hospital, private or public shelter, or religious institution in Roselle, New Jersey serving homeless individuals or survivors of domestic violence.

**"Care Address Letter"** A letter from a Borough Agency, hospital or non-profit organization, private or public shelter, or religious institution in Roselle, New Jersey authorizing use of address. Letter must indicate applicant has received services from the entity for the past fifteen (15) days and may use entity's address for mailing purposes (dated within fifteen (15) days). Address on card will be "Care Of" the organization.

#### **III. Issuance of Roselle Identification Cards; Display; Term; Fee**

a) The Borough of Roselle Identification Card shall be available to any resident of the Borough of Roselle regardless of his or her race, color, creed, age, national origin, alienage, or citizenship status, gender, sexual orientation, disability, marital status, partnership status, any lawful source of income, housing status, status as a victim of domestic violence or status as a victim of sex offenses or stalking, or conviction or arrest record, provided that such resident is able to meet the requirements for establishing his or her identity and residency as set forth in this ordinance and of any applicable policies and procedures established by the Department of Administration.

b) The Roselle Identification Card shall display at minimum the applicant's full name, photograph, address, date of birth, signature, card issue and expiration dates. The administering agency shall, through policy and procedure it establishes as required by this ordinance, create guidelines to protect the addresses of victims of domestic violence or alternate requirements for applicants who lack a permanent address. Such card shall also, at the cardholder's option; display the cardholder's self-designated gender. Such identification card shall be designed in a manner to deter fraud which may include: bar codes, serial numbers, watermarks, Borough Seal, and other security protections to deter fraud.

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c) The Borough of Roselle Identification Card is valid for two (2) years from date of issuance. Residents age fourteen (14) or over may apply for a card. Relocation out of the Borough invalidates the Borough of Roselle Identification Card and shall be returned to the Borough for destruction.

d) The fee for the issuance of the Borough of Roselle Identification Card shall be \$15.00 for adults and \$7.00 for children, veterans, disabled and senior citizens. Renewal of cards shall be \$15.00 and change of information shall be \$7.00. The Borough Administrator may adopt rules permitting residents who cannot afford to pay such fee(s) to make a hardship application and to be granted a full or partial waiver of the fee. The Borough Administrator may file for a hardship exception waiver during application's intake process. In order for an applicant to be granted a hardship waiver, the applicant must demonstrate and have proof of one of the following circumstances:

- i. Applicant is currently homeless; or
- ii. Applicant has proof of eviction within the last three (3) months; or
- iii. Applicant has recently experienced reported domestic violence; or
- iv. Applicant has proof of substantial debt caused by medical expenses within the last twelve (12) months; or
- v. Applicant is currently unemployed; or
- vi. Applicant has filed for bankruptcy within the last six (6) months; or
- vii. Applicant currently receives one of the following: Supplemental Nutrition Assistance Program, or SSI, or TANF, or food stamps. The applicant should provide proof in the form of a letter, notice or other official document containing the name of the agency granting the benefit, the name of the recipient of the benefit and the name of the benefit received; or
- viii. Applicant's current household income is at or below 150% of the federal poverty level.

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#### **IV. Proof of Residency and Identity**

In order to obtain a Borough of Roselle Identification Card an applicant must establish their identity and residency within the Borough of Roselle as follows:

a) **Proof Of Identity.** The Roselle Identification Card Program will use a point system to determine if applicants are able to prove identity and residency in Roselle, New Jersey. In order to establish identity, an applicant shall be required to produce one or more of the following documents: a U.S. or foreign passport, a U.S. driver's license; a U.S. state identification card; a U.S. permanent resident card; a consular identification card; a photo identification card with name, address, date of birth, and expiration date issued by another country to its citizens or nationals as an alternative to a passport for re-entry to the issuing country; a certified copy of U.S. or foreign birth certificate; a Social Security Card; a national identification card with photo, name, address, date of birth, and expiration date; a foreign driver's license; a U.S. or foreign military I.D. card; a current visa issued by a government agency; a U.S. Individual Taxpayer Identification Number (ITIN) authorization letter; an Electronic Benefit Transfer (EBT) card; or any other documentation that the (administering agency) deems acceptable. If the individual is a minor, proof must be furnished on behalf of said minor by the individual's parents or legal guardian or by a court of competent jurisdiction. The administering agency shall, through the policy and procedure established, create a point system to ensure uniformity and non-biased requirements by which individuals may establish identity and residency. The Department of Administration, through its policies and procedures, shall determine the weight to be given to each type of document provided in this paragraph, and require that at a minimum applicant produce more than one document to establish identity.

b) **Proof of Residency.** In order to establish residency, an applicant must present one of more of the following items showing both the applicant's name and residential address located within the Borough; a utility bill; a local property tax statement or mortgage payment receipt; a bank account statement; proof that the applicant has a minor child currently enrolled in a school located within the Borough; an employment pay stub; a jury summons or court order issued by a

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state or federal court; a federal or state income tax or refund statement; an insurance bill (homeowner's, renter's, health, life or automobile insurance); written Care Address Letter confirming residency; and any other document the Department of Administration determines is acceptable which shall be set forth in the policies and procedures it promulgates. The Department of Administration shall create through its policies and procedures alternative methods to establish residency, notwithstanding the lack of fixed address. The Administrator may consider a care address acceptable for the homeless and domestic violence applicants.

V. All Borough of Roselle departments shall accept the Roselle Municipal Identification Card as proof of identity and residence for access to Borough services and benefits unless such acceptance is prohibited by federal or state law or unless the department or authority has reason to suspect fraud by the purported cardholder. The Borough of Roselle shall take reasonable efforts to promote the acceptance of the card by banks and other public and private institutions located within the Borough and publicize the benefits associated with the Roselle Identification Cards.

#### **VI. Confidentiality**

The records relating to the application and issuance of the Borough of Roselle Identification Cards shall be maintained in accordance with law. The Borough of Roselle shall make best efforts to protect the confidentiality of all municipal card applicants to the maximum extent allowable by federal and state law. The Borough of Roselle shall not disclose personal information obtained from an applicant for a Roselle Municipal Identification Card to any individual, public or private entity, unless required by a court of competent jurisdiction, or authorized in writing by the individual to whom such information pertains, or when such individual is a legal minor or is otherwise not legally competent, by such individual's parent or legal guardian; when so ordered by a court of competent jurisdiction; to a requesting Borough Department for the limited purpose of administering the program determining or facilitating the applicant's eligibility for additional benefits or services or care and provided that such disclosure is made in accordance with all applicable federal and state privacy laws and regulations.

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The Borough of Roselle administering agency shall not retain original or copies of documents provided by an applicant to prove identity or residency when applying for a Roselle Municipal Identification Card.

#### **VII. Disclaimer**

The Borough of Roselle is providing the Roselle Identification Card for identification and access to services provided by the Borough of Roselle. The Borough does not act as guarantor or warrantor of either of the information provided by the applicant for the Roselle Identification Card or of/against acts, criminal or otherwise committed by the individual(s) while possessing or using the Roselle Identification Card. The Borough does not waive any of its protections afforded under Federal, state or local laws, including but not limited to the immunities under the New Jersey Torts Claims Act, N.J.S.A. 59:1-1 et seq., by processing or issuing the Roselle Identification Card.

#### **VIII. Reporting**

The Administering Department shall submit a report to the Mayor and the Borough of Roselle Municipal Council on the status of the Roselle Identification Card Program on a quarterly basis or at the request of the Mayor and/or Municipal Council.

#### **IX. Violations and Penalties**

Altering or intentionally damaging the Roselle Municipal Identification Card, using another person's Roselle Municipal Identification Card, or allowing the cardholder's Roselle Municipal Identification Card to be used by another person may result in confiscation of the card and is in violation of N.J.S.A. 2C: 28-7. Submission of false documents to obtain a Roselle Municipal Identification Card is a violation of N.J.S.A. 2C:21-2.1(c) and making false statements to obtain a Roselle Municipal Identification Card is a violation of N.J.S.A. 2C:21-4 and punishable by law.

Except as otherwise expressly provided for Section 1, Part IX, any person who violates any provision of this ordinance shall, upon conviction thereof, be punished

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by one or more of the following penalties: (1) a fine not exceeding \$1,000.00; (2) imprisonment for any term not exceeding ninety (90) days; or (3) a period of community services not exceeding ninety (90) days. Separate offenses shall be deemed committed on each day during or on which a violation occurs or continues.


**Section 2.** If any portion of this ordinance shall be deemed unenforceable by a court of competent jurisdiction, the remainder of the ordinance shall remain in full force and effect.

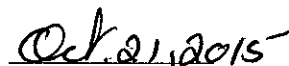
**Section 3.** This Ordinance shall take effect in the manner prescribed by law.

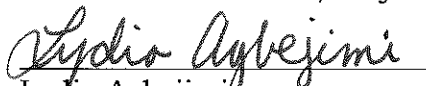
#### **Recorded Vote on Second Reading Ordinance No. 2524-15**


	Motion	Second	Ayes	Nays	Abstain	Absent
Councilman Atkins	x		x			
Councilwoman Shaw			x			
Councilwoman Staten			x			
Councilman Hayman			x			
Councilman Bishop			x			
Councilman Aubourg		x	x			

☒ Approved on Second Reading and Final Adoption

  
Christine Dansereau, Mayor

  
Date

  
Lydia Agbejimi  
Deputy Municipal Clerk

  
Date