

AN ORDINANCE AMENDING CHAPTER II, THE ADMINISTRATIVE CODE OF THE TOWNSHIP OF WEST ORANGE, ARTICLE IX, ADMINISTRATIVE POLICIES AND PROCEDURES, TO INCLUDE PREVIOUSLY RESERVED SECTION 83 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE CREATING AN IDENTIFICATION CARD PROGRAM FOR RESIDENTS OF THE TOWNSHIP OF WEST ORANGE

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter II, the Administrative Code of the Township of West Orange, Article IX, Administrative Policies and Procedures, all part of the Revised General Ordinances of the Township of West Orange, be and hereby is supplemented and amended to include Section 83, previously reserved, entitled Township Identification Card Program as follows:

I. Purpose

The purpose of this section is to provide residents within the Township of West Orange (the "Township") the opportunity to obtain Township identification cards. The Township recognizes that many residents within the Township do not have access to verifiable forms of identification and have difficulty obtaining services requiring such identification, including, but not limited to, banking accounts, health care services, public transportation, and entry into public/ government buildings. To assist those who have difficulty obtaining effective identification by other means, the Township hereby establishes a Township Identification Card Program, which shall issue Township Identification Cards to individuals who can prove their identity and residency, in accordance with the terms of this section, which shall be liberally interpreted.

II. Administering Department

A. The West Orange Township Clerk (hereafter referred to as the "Administering Department") shall be designated as the department to administer the Township Identification Card Program.

B. The Township's Administering Department shall issue such policies and procedures necessary to effectuate the purposes of this section; including the designation of access sites where applications for such cards shall be made available for pick-up and submission. The Administering Department shall also make the applications available online.

III. Definitions

For the purpose of this section, the following terms, phrases, words and their derivations shall have the meaning stated herein unless their use in the text of this section clearly demonstrates different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number shall include the singular number, and words used in the singular number include the plural number.

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The word "shall" is always mandatory and not merely directory.

"Township of West Orange Municipal Identification (I.D.) Card" or "West Orange Identification Card" shall mean an identification card issued by the Township that shall display the card holder's photograph, name, date of birth, address, signature, self-described gender (m for male, f for female, or u for undeclared), height, eye color, issuance and expiration date. Such identification card shall be designed in a manner to deter fraud.

"Administrator" shall mean the West Orange Township Clerk.

"Resident" shall mean a person who can establish that he or she is a current resident of the Township of West Orange.

"Township" unless otherwise identified shall solely mean Township of West Orange.

IV. Issuance of West Orange Identification Cards; Display; Term; Fee

A. The West Orange Identification Card shall be available to any resident of the Township of West Orange 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 section and of any applicable policies and procedures established by the Administering Department.

B. The West Orange Identification Card shall display the resident's full name, photograph, home address, date of birth, signature, gender, height, eye color, card issue and expiration dates. The Administering Department shall, through policy and procedures it establishes as required by this section, create guidelines to protect the addresses of victims of domestic violence, and alternate requirements for applicants who lack a permanent address. Such identification card shall be designed in a manner to deter fraud, which may include: bar codes, serial numbers, watermarks, Township Seal, and other security protections.

C. The West Orange Identification Card shall be valid for three (3) years from date of issuance. Residents age fourteen (14) or over may apply for a card. Relocation out of the Township invalidates the West Orange Identification Card and shall be returned to the Township for destruction.

D. The fee for the issuance of the West Orange Identification Card shall be \$20.00 (the "Fee"). Renewal of cards shall be \$20.00 and change of information shall be \$20.00. The Fee shall be subject to change by adoption of resolution by the Township

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V. Proof of Residency and Identity

In order to obtain a West Orange Identification Card, an applicant must establish his or her identity and residency within the Township of West Orange as follows.

A. **Proof of Identity.** In order to establish identity, an applicant shall be required to produce one of the following expired or unexpired 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.~~ In addition to the documents in the preceding list, the Administering Department ~~deems may designate alternative documentation~~ 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.

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B. **Proof of Residency.** In order to establish residency, an applicant shall be required to produce the following items depending upon whether or not they are a homeowner or a renter.

Proof of Residency for a homeowner requires the applicant to provide one document to establish proof of ownership and two documents to establish proof of address. Documents which establish proof of ownership are as follows: a deed; a municipal tax bill; or a mortgage bill; or any other documentation that the administering agency deems acceptable. Documents which establish proof of address are as follows: a utility bill; a water bill; a cable or satellite bill; a home or cell phone bill; a bank or insurance statement; or a pay stub with the applicant's name and address; or any other documentation that the Administering Department deems acceptable.

Proof of Residency for a renter, requires the applicant to provide one document to establish proof of tenancy and two documents to establish proof of address. Documents which establish proof of tenancy are as follows: a current lease; a current signed and addressed rent receipt; a letter signed and notarized by a relative/friend, stating that the parent/guardian and/or minor is living in his/her home, and are not responsible for rent and bills for the home; or any other documentation that the Administering Department deems acceptable. If a letter is submitted, the letter must be accompanied by proof of ownership or tenancy of the relative/friend. Documents which establish proof of address are as follows: a utility bill; a water bill; a cable or satellite bill; a home or cell phone bill; a bank or insurance statement; a pay stub with the applicant's name and address; or any

other documentation that the Administering Department deems acceptable.

C. All Township departments including the West Orange Police Department, ~~but excluding the West Orange Board of Education,~~ shall accept the West Orange Identification Card as proof of identity and residence for access to Township 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.~~ Cardholders shall not be subjected to any heightened scrutiny by the Township or any Township department including the West Orange Police Department, ~~but excluding the West Orange Board of Education,~~ as a result of using a West Orange Identification Card unless.

D. The Township shall seek to expand the benefits associated with the department or authority has reason to suspect fraud by municipal identity card, including encouraging eligible persons to apply for the purported cardholder card and promoting the acceptance of the West Orange Identification Card by banks and other public and private institutions.

VI. Confidentiality

Upon receipt and review of the Resident's application, the Township shall return all documents to the Resident. The pertinent information for the West Orange Identification Card shall be transmitted to the Township's vendor for production of the West Orange Identification Card and the information shall not be retained by the Township. The Township will not maintain any records relating to the West Orange Identification Card, applicants, or recipients. Further, the Township vendor shall not maintain any records relating to the West Orange Identification Card, applicants, or recipients and shall delete any such information upon printing of the West Orange Identification Card.

~~The Township shall make best efforts to protect the confidentiality of all municipal card applicants to the maximum extent allowable by federal and state law. The Township shall not disclose any information about West Orange Identification Card applicants to any public or private entity or individual, including federal, state, or city immigration or law enforcement entities. In the event of litigation or other request for such information, the Township shall defend against the disclosure of such information to the maximum extent possible under the law. These protections shall extend to the West Orange Identification Card application forms, information contained on those forms or obtained through the West Orange Identification Card application process, to the lists of individuals who hold or have applied for a West Orange Identification Card, and to the fact of any individual's application to or participation in the West Orange Identification Card program.~~

The Township shall, consistent with all federal, state and local laws, provide language assistance to applicants for the West Orange Identification Card to facilitate access thereto. The Administering Department shall identify and implement measures, including but not limited to staff training, community outreach, and language assistance

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tools, to address the needs of limited English proficient individuals in the administration of the West Orange Identification Card program.

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VII. Disclaimer

The Township is providing the West Orange Identification Card for identification and access to services provided by the Township of West Orange. The Township does not act as guarantor or warrantor of any of the information provided by the applicant for the West Orange Identification Card or of/against acts, criminal or otherwise committed by the individual(s) while possessing or using the West Orange Identification Card. The Township 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 Township Identification Card.

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VIII. Violations and Penalties

Any person who violates any provision of this section shall, upon conviction thereof, be punished in accordance with section 1-5.1 of the Township's Revised General Ordinances.

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IX. Severability

Each subsection, sentence, clause and phrase of this section is declared to be an independent subsection, sentence, clause and phrase. If any portion of this section or its application to any person or circumstances, shall be adjudged or otherwise determined to be invalid, unconstitutional, void, or ineffective for any clause or reason, such determination shall not affect the remaining provisions of this section, and the application of such remaining provisions shall not be affected thereby and shall remain in full force and effect, and to this end, the provisions of this section are severable.

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X. Repealer

All ordinances or parts of ordinances contrary to or inconsistent with the provisions of this section are hereby repealed to the extent of such conflict or inconsistency.

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Honorable Joe Krakoviak
Council President

Honorable Robert D. Parisi
Mayor

Introduced:
Adopted:

Approved as to form on the basis of the facts provided:

Richard D. Trenk
Township Attorney

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