

ORDINANCE 20-2020

ORDINANCE OF THE BOROUGH OF MADISON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, CREATING THE "BOROUGH OF MADISON IDENTIFICATION CARD PROGRAM"

WHEREAS, there is a recognition that many residents within the Borough of Madison 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. This barrier leaves many individuals, including immigrants, homeless people, formerly incarcerated people, transgender people, senior citizens, and young people without access to critical services, benefits, and cultural, educational, and civic opportunities; and

WHEREAS, it is the intent of the Borough of Madison to build Madison's standing as a welcoming and inclusive center for all residents, without regard to a person's race, national origin, religion, sex, sexual orientation, gender identity, disability, or immigration, housing, or financial status. Further, it is the intent of the Council that the municipal identification card should affirm the identity and resident status of all Borough residents; and

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

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Madison, County of Morris, State of New Jersey, being the governing body thereof as follows that:

SECTION 1. Borough of Madison Identification Card Program.

The Borough of Madison hereby establishes a Borough of Madison Identification Card Program which shall be issued to individuals who can prove their identity and residency, in accordance with the terms of this Ordinance. The Borough Clerk's Office (hereinafter referred to as the "Administering Department") shall be designated as the department to administer the Borough of Madison Identification Card Program.

The Administering 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 Administering Department shall also make the applications available online.

SECTION II. Definitions.

"Borough of Madison Municipal Identification ("MBID") Card" or "Madison Borough Identification Card" shall mean an identification card issued by the Borough of Madison that shall, at a minimum, display the card holder's photograph name, date of birth, address, signature, issuance and an expiration date. Such card shall also, at the cardholder's option; display the cardholder's self-designated gender. Such identification card

shall be designated in a manner to deter fraud.

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

"Borough" unless otherwise identified shall solely mean Borough of Madison.

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

"Care Address" Authorized use of address by Borough Agency, hospital, private or public shelter, non-profit organization or religious institution in Borough serving homeless individuals or survivors of domestic violence.

"Care Address Letter" A letter from a Borough Agency, hospital, non-profit organization, private or public shelter, non-profit organization, or religious institution in Madison, 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.

SECTION III. Issuance of Borough Identification Cards; Display; Term; Fee

- a. The Borough of Madison Identification Card shall be available to any resident of the Borough of Madison 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 provide 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 Administering Department.
- b. The Borough of Madison Identification Card shall display at minimum the applicant's full name, photograph, address, date of birth, signature, card issue and expiration dates.
 1. The Administering Department shall, through policy and procedure establish as required by this Ordinance, guidelines to protect the address 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.
 11. 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 measures to deter fraud.
- c. The Borough of Madison 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 Madison Identification Card and shall be returned to the Borough for destruction.

d. The fee for the issuance of the Borough of Madison Identification Card shall be \$15.00 for adults and \$7.00 for children, veterans, the disabled and senior citizens. Renewal of card shall be \$15.00 and change of information shall be \$7.00. The Administering Department may adopt rules and permit 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 Administrating Department may in full or in part waive the fee for the Borough of Madison Identification Card, if an applicant can establish a hardship exemption. Applicants 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:

1. Applicant has recently reported domestic violence; or
2. Applicant has proof of substantial debt caused by medical expenses within the last twelve (12) months; or
3. Applicant is currently unemployed; or
4. Applicant has filed for bankruptcy within the last six (6) months; or
5. Applicant currently receives one of the following:

Supplemental Nutrition Assistance Program, or SSI, or TANF, or Food Stamps; or 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.

6. Applicant's current household income is at or below 15% of the federal poverty level.

SECTION IV. Proof of Residency and Identity.

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

i. Proof of Identity. The Borough of Madison Identification Card Program will use a point system to determine if applicants are able to prove identity and residency in Madison, New Jersey. In order to establish identity, an applicant shall be required to produce one or more of the following **expired or unexpired** documents (**expired documents must contain a profile picture**) with a **valid Borough of Madison address**: a U.S. or foreign passport; a U.S. driver's license; a U.S. boater's license; a voter registration card; a valid U.S. state-corrections identification Gard i- a formerly incarcerated release form; 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; Social Security card; a national identification card with photo, name, address, date of birth, and expiration date; a valid foreign driver's license;

a U.S. or foreign military identification card; a current visa issued by a government agency; a current U.S. work permit; 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 Department shall, through the policy and procedure it establishes, create a point system to ensure uniformity and non-biased requirements by which individuals may establish identity and residency. The Administering Department 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 an applicant produce more than one document to establish identity.

11. Proof of Residency. In order to establish residency, an applicant must present one or 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 within one (1) year of the date it is submitted; 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 State or Federal court; a Federal or State income tax or refund statement; an insurance bill (homeowner's, health, life or automobile insurance); Care Address Letter confirming residency; and any other document the Administering Department determines is acceptable which shall be set forth in its policies and procedures it promulgates.

- b. All Borough of Madison departments shall accept the Borough of Madison 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 Madison shall take reasonable efforts to promote the acceptance of the card by banks and other public and private institutions and publicize the benefits associated with the Borough of Madison Identification Cards.

SECTION V. Confidentiality

The records relating to the application and issuance of the Borough of Madison identification cards shall be maintained in accordance with law.

- a. The Borough of Madison 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 Madison shall not disclose personal information obtained from an applicant for a Borough of Madison 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 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 or 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.

- b. The Administering Department shall not retain original or copies of documents provided by an applicant to prove identity or residency when applying for a Borough of Madison Borough Identification Card. Any documentation provided by the applicant during the application process shall be immediately returned to the applicant after the Borough of Madison Identification Card is printed.

SECTION VI. Access to Services

- a. All municipal agencies and offices, and all municipal employees, including law enforcement officers, shall accept such card as proof of identity and residency.
- b. The Borough of Madison shall seek to expand the benefits associated with the Borough of Madison Identification Card, including encouraging eligible persons to apply for the card and promoting the acceptance of the municipal identity card by banks and other public and private institutions.
- c. The Borough of Madison agencies and officers shall not require the possession of a Borough of Madison Identification Card where identification is not already required to obtain city services. Provided, however the agencies may require the possession of a Municipal Identification Card to obtain benefits or privileges offered exclusively to those who possess a Municipal Identification Card as an incentive to apply for a Municipal Identification Card. No Borough of Madison agencies or officers shall discriminate against or draw any inference about an individual's national origin, race, language proficiency, immigration status, religion, sexual orientation, disability, housing status, financial status, marital status, status as a victim of domestic violence, criminal history, or gender identity (although an inference about an individual's gender identity is permissible of the cardholder has elected to designate a gender on the card), based upon the fact that the individual holds or presents a municipal identity card issued under this ordinance.

SECTION VII. Disclaimer

- a. The Borough of Madison is providing the Borough of Madison Identification Card for identification and access to services provided by the Borough of Madison. The Borough does not act as guarantor or warrantor either of the information provided by the applicant for the Borough of Madison Identification Card or against any acts, criminal or otherwise committed by the individual(s) while possessing or using the Borough of Madison 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 Borough of Madison Identification Card.
- b. The Administering Department shall submit a report to the Mayor and the Borough of Madison Council on the status of the Borough of Madison Identification Card Program on a yearly basis or at the request of the Mayor and/or Borough Council.

SECTION VIII. Community Outreach.

The Borough of Madison shall, consistent with all federal, state and local laws, provide language assistance to applicants for the municipal identity cards to facilitate access thereto. The Borough of Madison shall identify and implement measures, including but not limited to staff training, community outreach, and language assistance tools, to address the needs of limited English proficient individuals seeking to participate in the Borough of Madison Identification Card program.

SECTION IX. Violations and Penalties

It shall be a violation of the Borough of Madison Municipal Code under this section for any person or entity to undertake any of the following acts:

1. To knowingly present false information in the course of applying for a Borough of Madison Identification Card
2. To alter, copy, or replicate the Borough of Madison Identification Card; or,;
3. To use the Borough of Madison Identification Card issued to another person, with the intent to cause a third person or entity to believe the holder of the Card is the person to whom the card was issued.

- Except as otherwise expressly provided for in this section, any person who violates any provisions of this Ordinance shall, upon conviction thereof, be punished by one or more of the following penalties: (1) a fine not exceeding one thousand dollars (\$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 X. Reporting Requirement

The Administering Department shall report monthly to the Business Administrator and the Borough Council data outlining how many ID Cards have been dispensed by the Borough. The report shall only include information pertinent to determine the effectiveness of the overall program.

SECTION XI. REPEAL OF PREVIOUS ORDINANCE

All ordinances or part of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION XII. SEVERABILITY

The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or phrase hereof shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION XIII. EFFECTIVE DATE

This Ordinance shall take effect August 1, 2020, upon passage, publication and approval according to law.

ADOPTED AND APPROVED
July 13, 2020

ROBERT H. CONLEY, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk
Introduced and passed: June 22, 2020
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