Township of Delaware
Ordinance No. 2026-10

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF DELAWARE, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, BY ADDING A NEW CHAPTER 338, TO BE ENTITLED FIREARM FEES, TO CREATE A REFUNDING MECHANISM FOR CERTAIN APPLICATION FEES RELATED TO THE ISSUANCE OF CONCEALED CARRY PERMITS

WHEREAS, pursuant to N.J.S.A. 2C:58-4, applicants for permits to carry a handgun are required to pay an application fee in the amount of $200, of which $150 is paid to the municipality and $50 is paid directly to the Superintendent of the State Police; and

WHEREAS, the Township of Delaware recognizes that the statutory fee structure imposes financial burdens on applicants and wishes to ease that burden for residents by offering a refund of Township of Delaware's portion of application fee; and

WHEREAS, the Township of Delaware recognizes that the United States Supreme Court has long held that taxes on fundamental rights are unconstitutional and that the statutory fee prescribed by N.J.S.A. 2C:58-4 is in excess of a mere processing fee and is therefore a tax on a core constitutional right; and

WHEREAS, the Township of Delaware has determined that it is in the public interest to establish an administrative process for refunding a portion of the $150 municipal portion of the application fee upon appropriate documentation.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Delaware as follows:

Section 1.

There is hereby established in Part II "General Legislation" a Chapter 338 entitled "Firearm Fees."

§338-1 Establishment and Purpose

The Township of Delaware has determined that it is in the public interest to establish a refunding mechanism for the municipal portion of the handgun licensing fee established by the State of New Jersey pursuant to N.J.S.A. 2C:58-4.

§338-2 Refund Authorization

Any applicant who has paid the $150 municipal application fee for a handgun carry permit on or after June 9, 2026, and who submits a valid receipt showing payment, may apply to the Township of Delaware's Chief Financial Officer (CFO) for a refund of $75, representing a portion of the statutory fee paid to Township of Delaware under N.J.S.A 2C:58-4 after administrative processing fees.

§338-3 Procedure for Refund

Refunds shall be issued upon applicant's submission to the CFO of (a) proof of payment, and (b) confirmation that the application was processed through the Township of Delaware and (c) execution of a completed Purchase Order. All refunds must be processed within twelve (12) months from the date of payment.

The Township of Delaware CFO is hereby authorized to administer this refund program and to require any reasonable documentation necessary to confirm eligibility.

§338-4 Limitation on Refund

This refund policy applies only to the municipal portion of the fee and does not apply to any amounts remitted by the applicant directly to the State of New Jersey or other agencies. Refunds shall be available only for payments made on or after June 9, 2026.

Section 2.

All ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3.

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to this section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section 4.

This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law.

ATTEST:

Diana Rumage
Township Clerk

James Waltman
Mayor

Introduction: May 11, 2026
Published: May 12, 2026

Ordinance 2026-10 Introduction – Roll Call Vote						
Township Committee	Motion	Second	Yes	No	Abstain	Absent
Chad Bower		X	X			
Luke Hanson			X			
Charles Herman	X		X			
Susan Lockwood			X			
James Waltman			X			

Public Hearing/Adoption: June 8, 2026
Published: June 9, 2026

Ordinance 2026-10 Adoption – Roll Call Vote						
Township Committee	Motion	Second	Yes	No	Abstain	Absent
Chad Bower						X
Luke Hanson	X		X			
Charles Herman		X	X			
Susan Lockwood			X			
James Waltman			X			

I hereby certify that the attached ordinance is a true and correct copy of an ordinance entitled **AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF DELAWARE, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, BY ADDING A NEW CHAPTER 338, TO BE ENTITLED FIREARM FEES, TO CREATE A REFUNDING MECHANISM FOR CERTAIN APPLICATION FEES RELATED TO THE ISSUANCE OF CONCEALED CARRY PERMITS** which was introduced at the meeting of the Township of Delaware Township Committee on May 11, 2026 and adopted at the meeting of the Township of Delaware Township Committee on June 8, 2026.

Diana Rumage
Township Clerk