

ORDINANCE NO. 2024-1466

ORDINANCE AMENDING CHAPTER 24 "OPEN SPACE CONSERVATION" SECTION 24-1 "MUNICIPAL OPEN SPACE, RECREATION AND FARMLAND PRESERVATION TRUST FUND", SUBSECTION 24-1.2 "FUND ESTABLISHED" OF THE MUNICIPAL CODE OF THE TOWNSHIP OF BRANCBURG, COUNTY OF SOMERSET, NEW JERSEY TO AMEND THE USE OF OPEN SPACE FUNDS

WHEREAS, N.J.S.A. 40:12-15.7 authorizes the expenditure of open space funds for, among other purposes, the acquisition, development, and maintenance of lands acquired for recreation and conservation purposes; and

WHEREAS, the Township Committee wishes to amend the wording in Subsection 24-1.2 to be consistent with the N.J.S.A. 40:12-15.7.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Branchburg, County of Somerset, State of New Jersey, that the Municipal Code is hereby amended as follows: **New language is underlined thus, and deletions are indicated with strikethroughs ~~thus~~.**

Section 1. Chapter 24 "Open Space Conservation", Section 24-1 "Municipal Open Space, Recreation and Farmland Preservation Trust Fund", Subsection 24-1.2 "Fund Established" is hereby amended as follows:

§ 24-1.2 Fund Established.

- a. There is hereby established a reserve in the General Capital Fund which shall be noted and designated as the "Municipal Open Space Recreation and Farmland Preservation Trust Fund." A separate bank account shall be established and maintained for the fund entitled "Branchburg Township Open Space Recreation and Farmland Preservation Trust Fund Account." As directed by the township committee, monies from the fund shall be utilized for the following purposes:
 1. Acquisition of lands for recreation and conservation;
 2. Development of lands acquired or held ~~in whole or part with monies from the fund~~ for recreation and conservation;
 3. Maintenance of lands acquired or held ~~in whole or part with monies from the fund~~ for recreation and conservation;
 4. Acquisition of farmland for farmland preservation;
 5. Payment of debt service on indebtedness issued or incurred by the township for any of the purposes set forth above.
- b. In addition, the township committee may authorize the disbursement of monies from the fund to assist the County of Somerset in acquiring lands located within the township for the purposes stated in this subsection, provided that suitable arrangements are made to assure that: such lands are made subject to restrictions substantially similar to those imposed by this

chapter; and if such lands are sold, the net proceeds of the disposition will be paid over to the fund in the same proportion that the township's contribution bore to the original purchase price.

Section 2. This Ordinance shall be construed so as not to conflict with any provision of New Jersey or Federal law. In the event of any inconsistencies or conflicts between this Ordinance and existing ordinances of the Township, the provisions of this Ordinance shall apply.

Section 3. If any provisions of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions, which shall be deemed severable therefrom.

Section 4. This Ordinance shall take effect immediately upon its adoption, passage, and publication according to law.

INTRODUCED/PASSED ON FIRST READING: *February 12, 2024*

ROLL CALL VOTE				
COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
SCHWORN	✓			
BEATRICE	✓			
OWENS	✓			
YOUNG	✓			
COLUMBUS	✓			

PUBLISHED: *February 19, 2024*

ADOPTED: *February 26, 2024*

ROLL CALL VOTE				
COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
SCHWORN	✓			
BEATRICE	✓			
OWENS	✓			
YOUNG	✓			
COLUMBUS	✓			

ATTEST:



Maggie Schmitt, RMC
Township Clerk



Anna Columbus
Mayor