

**BOROUGH OF FRANKLIN LAKES
ORDINANCE NO. 1915**

**AN ORDINANCE AUTHORIZING A REFERENDUM PURSUANT TO
N.J.S.A. 40:12-15.7 PLACING ON THE BALLOT AT THE
GENERAL ELECTION ON NOVEMBER 7, 2023 A QUESTION
RELATED TO THE LEVY UPON THE TAXPAYERS OF A TAX
FOR OPEN SPACE ACQUISITION AND MAINTENANCE**

WHEREAS, it is the desire of the Mayor and Council of the Borough of Franklin Lakes to preserve within Franklin Lakes remaining open space, and maintain Franklin Lakes as one of the most desirable communities in the State of New Jersey; and,

WHEREAS, the Mayor and Council believe it is in the best interests of Franklin Lakes and its residents to continue to preserve, maintain, and obtain, when available, practicable, and appropriate, open space for passive and recreational use by residents of Franklin Lakes; and,

WHEREAS, N.J.S.A. 40:12-15.7 permits the Governing Body to impose an annual levy on the taxpayers of the Borough of Franklin Lakes for the acquisition of lands; and,

WHEREAS, the State will provide a priority in disbursing the open space grants to those municipalities which have established a municipal Open Space Trust Fund; and,

WHEREAS, it is anticipated by the Mayor and Council that, in the future, the Borough will acquire open space, and it will be advantageous for the Borough to have established a Municipal Open Space Trust Fund in order to be eligible to receive grants;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, and State of New Jersey, as follows:

Section I: There shall be established within the Borough of Franklin Lakes, for a period of five (5) years, an open space tax to be known as the Municipal Open Space Tax which shall be in the form of an additional tax levy upon taxpayers in the amount of one cent (\$.01) per one hundred dollars (\$100) of assessed value on each home.

Section II: The municipal open space tax shall be used to fund, for a period of five (5) years, an Open Space Trust Fund, to be known as the Municipal Open Space Fund.

Section III: All municipal open space tax funds raised for the Municipal Open Space Fund, and all income and interest that accrues thereon, shall be used and allocated for any one or all of the following purposes, or any combination thereof, as determined by the Governing Body after conducting at least one public hearing:

- a. Acquisition of lands for recreation and conservation purposes;
- b. Development of lands acquired for recreation and conservation purposes;
- c. Maintenance of lands acquired for recreation and conservation purposes;

- d. Payment of debt service on indebtedness issued or incurred by a municipality for any of the purposes set forth in a, b, and c above.

Section IV: The annual open space tax levy utilized to fund the Municipal Open Space Fund shall be in effect for a period of five (5) years, at which time it shall expire unless extended by the voters of the Borough of Franklin Lakes.

Section V: This ordinance shall not take effect unless it is approved by the voters in a public question at the next general election on November 7, 2023.

Section VI: The following question shall be placed on ballot at the general election to be held on November 7, 2023:

“Do you wish the Borough of Franklin Lakes to levy upon the taxpayers a tax in a sum not to exceed one cent (\$0.01) per one hundred (\$100) dollars of real property valuation, to be utilized solely for one or more of the following purposes:

- a. Acquisition of lands for recreation and conservation purposes;
- b. Development of lands acquired for recreation and conservation purposes;
- c. Maintenance of lands acquired for recreation and conservation purposes; or
- d. Payment of debt service on indebtedness issued or incurred by a municipality for any of the purposes set forth in a, b, and c above.

All funds to be deposited into an Open Space Trust Fund and utilized for no other purpose.”

Section VII: This Ordinance shall become effective immediately upon passage and publication in accordance with law, subject to the requirement of Section V above that it be approved by the voters.

APPROVED: _____
Charles J. X. Kahwaty, Mayor

ATTEST: _____
Gail M. Rulli, Borough Clerk

Introduced: 05-16-2023
Adopted: 06-20-2023