

TOWNSHIP OF RARITAN
COUNTY OF HUNTERDON, NEW JERSEY

ORDINANCE No. 24-5

An Ordinance of the Township of Raritan, County of Hunterdon, State of New Jersey, amending the Township's Open Space Trust Fund and Special Tax Rate.

BE IT ORDAINED by the Township Committee of the Township of Raritan, in the County of Hunterdon and State of New Jersey, as follows:

Section 1. Chapter 106 entitled "Open Space Advisory Committee and Trust Fund" of Part I entitled "Administrative Legislation" of *The Code of the Township of Raritan* is hereby supplemented and amended to read as follows: [New language in **bold and underline**; deleted language in ~~double strikethrough~~.]

Chapter 106. Open Space Advisory Committee and Trust Fund

§106-1. Reserve for open space funds; acquisition of land.

There is established an account in the general capital fund which should be noted and designated as the reserve for open space funds. Subject to approval by the Township Committee, funds from the reserve for open space funds may be utilized to acquire any type of interests in real property, including, not by way of limitation, fee simple acquisitions, easements, development acquisition and preservation, and such other purposes as set forth in N.J.S.A. 40:12-15.7a(1)(a) to (f), as may be amended from time to time. The acquisition of land shall mean undeveloped land as well as land containing improvements at the time of acquisition, provided the principal purpose of the acquisition is to preserve open space. The Township Committee shall have the option of either paying for land acquisitions with improvements upon them solely through the reserve for open space funds or by apportioning the cost thereof by charging the reserve for open space funds for the land portions and the capital account for the improvement portion. Acquisition may also occur via gift, purchase or by eminent domain proceedings pursuant to N.J.S.A. 20:3-1 et seq.

§106-2. Funding.

- A. In 1997, a special tax rate shall be added to the total Township tax rate in the amount of \$0.02 per \$100 of the 1997 assessed valuation and each succeeding year's valuation with the funds raised therefrom to be deposited in the reserve for open space funds. The special tax rate shall remain the applicable tax rate to be applied for the reserve for open space funds in succeeding years. Effective in the year 2008 **the Township amended** the special

tax rate ~~to shall be~~ \$0.015 of said assessed valuation. Effective in the year 2017 **through 2022, the Township amended** the special tax rate ~~was further modified~~ between \$0.015 and \$0.008 of said assessed valuation. Effective in the year 2022 **the Township amended** the special tax rate **to \$0.01 shall be 1.0 cents** per \$100 of said assessed valuation. **Effective in the year 2024 and each succeeding year thereafter, the special tax rate shall be 2.0 cents per \$100 of said assessed valuation.**

- B. The special tax rate shall remain the applicable tax rate to be applied for the reserve for open space funds in succeeding years. The Chief Financial Officer of the Township shall report annually as to the fund's status, balances and transactions.
- C. The reserve for open space funds shall also be permitted to accept donations and testamentary bequests. The funds accumulated within the reserve for open space funds shall be utilized for the acquisition of real estate and interests in real estate as more fully delineated in §106-1. In connection with such acquisition, the funds may also be utilized for appraisals and other items of expense permitted by law in connection with the acquisition or as a down payment for the issuance of bonds or for debt service for the same purpose at the discretion of the Township Committee. Any and all interest accruing on the funds shall remain in the reserve for open space funds and may be utilized for the above-described purposes. In no eventuality shall the Township pay more than fair market value for the land to be acquired. The Township shall obtain a minimum of two appraisals from certified appraisers plus the evaluation of the Township Tax Assessor as a guide to the fair market value.

§106-3. Utilization of properties acquired.

The land acquired through the reserve for open space funds shall be utilized for all categories of open space, including parks, passive and active recreational areas, greenways, wildlife habitats, and preservation of farm land, with the concept of preserving open space.

§106-4. Sale of property.

No real property or the interest therein acquired with funds from the reserve for open space funds shall be sold, conveyed, leased or otherwise alienated unless it is needed for another public use or otherwise furthers the purposes of the trust. If such a sale, lease or conveyance is authorized by the Township Committee, the moneys received shall be placed into the reserve for open space funds for use in replacing the open space with another property or similar interest in real estate. The deed of any property acquired with funds from the reserve for open space funds shall contain a specific notation reflecting that the property was acquired with funds from the reserve for open space funds.

§106-5. Open Space Advisory Committee.

- A. Committee established. There is established an Open Space Advisory Committee to review and recommend parcels of land and interests therein for acquisition and preservation as open space within the Township.

B. Membership

- (1) The Open Space Advisory Committee shall consist of nine members to be appointed by the Township Committee. The membership in the Open Space Advisory Committee shall include:
 - (a) One member of the Township's Environmental Commission.
 - (b) The Township Planner.
 - (c) Two members of the Township Committee.
 - (d) One member of the Planning Board of the Township who shall not be an elected official.
 - (e) Four residents of the municipality.
- (2) The Planning Board and Environmental Commission members shall have terms which correspond with the terms of their respective appointive offices. The Township Planner shall serve as member of the Open Space Advisory Committee as long as he or she is employed by the Township in the capacity of Township Planner. Resident members shall be appointed for a term of three years. The Township Committee members shall be appointed annually.

C. Duties and functions. The Open Space Advisory Committee shall:

- (1) Annually review, update and submit to the Township Committee the open space plan for the Township. It shall review and update the inventory of open space properties within the Township and reevaluate and prioritize such open space properties through the criteria established by the Environmental Commission and Greenways Committee. It shall review, update and recommend to the Township Committee the parcel ranking as well as make recommendations concerning the nature of the interests in such real estate to be acquired and the purposes for which such land should be utilized.
- (2) Assist the Township in the establishment of an open space tracking program to catalog the state of privately owned open space in the Township and record the Township's progress with respect to open space preservation.
- (3) Provide guidance and support to the Township Committee and Planning Board on issues and matters of open space.
- (4) Periodically review its functions and submit recommendations to the Township Committee as to whether additional duties should be assigned or delegated to the advisory committee.
- (5) Select from among its members a Chair and a Vice Chair to serve as the presiding officer in the absence of the Chair. The Committee shall also select a Secretary whose function shall be to maintain minutes of the Committee's meetings and records of the proceedings of the Committee.

§106-6. When effective; termination.

This chapter shall be effective for a limited period to and until December 31, 2026, at which time this chapter shall terminate and be repealed, unless prior thereto the Township Committee conducts a public review of the open space acquisition and funding program and the Township Committee amends this chapter to extend its lifespan.

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid in any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Raritan, the provisions hereof shall be determined to govern, and the inconsistencies of the prior ordinance are hereby repealed. All other parts, portions and provisions of the Ordinances of the Township of Raritan are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 4. This Ordinance shall take effect immediately upon: (i) adoption; and (ii) publication in accordance with the laws of the State of New Jersey.

Date Adopted: *March 19, 2024*

ATTEST:

**TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF RARITAN**

Donna Kukla
Township Clerk

Mayor Scott Sipos