

AN ORDINANCE CONTINUING THE "MUNICIPAL OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND" IN THE AMOUNT OF \$.005 PER \$100 OF ASSESSED VALUE UNTIL CHANGED

WHEREAS, in 2003, the Governing Body of the Borough of Waldwick, pursuant to N.J.S.A. 40:12-15.7 issued a non-binding referendum to ascertain the sentiment of the voters of the Borough of Waldwick as to whether the voters would like to establish a "Municipal Open Space, Recreation, Farmland and Historic Preservation Trust Fund" (Open Space Trust Fund) in the amount of \$.005 per \$100 of assessed value for a period of ten (10) years; and,

WHEREAS, the voters overwhelmingly supported the establishment of such Open Space Trust Fund and the Borough began collecting the tax in 2004; and,

WHEREAS, the Borough once again issued a non-binding referendum in 2013, to continue the Open Space Trust Fund for an additional ten (10) years at which time the voters once again overwhelmingly supported the Open Space Trust Fund and so the Governing Body continued the collection of the tax for the Open Space Trust Fund; and,

WHEREAS, this Governing Body has determined that as a result of the overwhelming support of the Open Space Trust Fund via the prior non-binding referendums, the Governing Body would like to codify and continue the collection of the Open Space Trust fund permanently.

NOW, THEREFORE, BE IT ORDAINED that the Municipal Council of the Borough of Waldwick hereby continues the "Municipal Open Space, Recreation, Farmland and Historic Preservation Trust Fund"; and,

BE IT FURTHER ORDAINED that the Municipal Council of the Borough of Waldwick hereby determines that the dedicated tax rate of \$.005 per \$100 of assessed value shall continue to be collected until such time as the amount may be changed by further action of the Governing Body; and,

BE IT FURTHER ORDAINED, that the Borough's Tax Collector is hereby authorized to continue to collect such dedicated tax of \$.005 per \$100 of assessed value with the funds being dedicated to the Municipal Open Space, Recreation and Farmland Historic Preservation Trust Fund to be used in accordance with the same; and,

BE IT FURTHER RESOLVED, that in case for any reason, any section or any provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except that the provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof of the Ordinance; and,

BE IT FURTHER RESOLVED that the ordinance shall take effect upon publication and adoption as required by law.

INTRODUCED: April 9, 2024

ADOPTED: April 23, 2024

Attest: _____
Kelley Halewicz, RMC/CMC
Municipal Clerk

Thomas A. Giordano, Mayor