

ORDINANCE NO. 2023-01

**ORDINANCE RE-AUTHORIZING THE OPEN SPACE TRUST FUND
FOR THE TOWNSHIP OF WASHINGTON, COUNTY OF WARREN**

WHEREAS, the Township of Washington placed a non-binding referendum on the November 1997 general election ballot regarding the creation of an open space trust fund with a concurrent tax increase to assist in the creation of such trust fund; and

WHEREAS, by vote of 1164 in favor to 760 opposed, the voters of the Township indicated their interest in the creation of an open space trust fund and a concurrent tax increase to provide for the funding of such trust fund; and

WHEREAS, after review of the referendum results and the parameters for the creation of such an open space trust fund and concurrent taxation source, the Washington Township Committee created an open space trust fund and concurrent funding source by the dedication of a specific tax to fund this open space trust; and

WHEREAS, the Ordinance enabling such expired effective December 31, 2022; and

WHEREAS, the Township Committee wishes to re-authorize the fund.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Washington, County of Warren, State of New Jersey that the Washington Township Committee does hereby re-authorize the Township open space trust fund and concurrent funding source, via a separate tax, as follows:

Section 1. There is hereby created a Washington Township Open Space Trust Fund, whose purposes are set forth below.

Section 2. The purposes of the Washington Township Open Space Trust Fund are as follows:

- A. To acquire/develop lands/properties within the Township for recreation (active and/or passive) and conservation purposes.
- B. To assist in the preservation of farmland within the Township wherein there is a funding necessity, either through matching grants for farmland preservation/acquisition or through funding for the reservation of farming privileges and/or the acquisition of development rights as established by state law or the Warren County Board of Chosen Freeholders or their designees.
- C. To preserve historic properties, either through direct acquisition or providing matching funding for grants and/or loans.
- D. To provide funding for the payment of debt service related to appropriations in accordance with subsections A through C above.

Section 3. The funding source for the Township Open Space Trust Fund shall be the establishment of a separate Township tax line item at an annual rate not to exceed two (\$.02) cents per one hundred (\$100.00) dollars of ratables for each and every taxable property located within the Township. The rate shall be set every year by the Township Committee, by resolution, during the existence of the Township Open Space Trust Fund, no later than the meeting at which Township budget shall be introduced. The Township Chief Financial Officer, the Township Auditor, the Tax Collector and the Township Tax Assessor shall assist the Township Committee in the annual creation and collection of this open space tax.

Section 4. The determination of how the Township Open Space Trust Fund shall be expended at any time shall be at the sole discretion of the Township Committee and they shall be the final determiners of the allocation(s) of the Trust Fund during its existence.

Section 5. The provisions for taxation to create and fund Open Space Trust Fund and the existence of the Township Open Space Trust Fund shall cease to exist at the close of business on December 31, 2024 unless the Township Committee extends the duration of this Ordinance by the close of business on December 31, 2023.

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

- a. All ordinances or portions of ordinances which are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.
- b. The various parts, sections and clauses of this Ordinance are hereby declared to be severable so that if any part, sentence, paragraph, section or clause of this Ordinance is adjudged unconstitutional or invalidated by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- c. This Ordinance shall take effect immediately upon final passage and publication as required by law.

NOTICE is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Township Committee of the Township of Washington held January 3, 2023 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a meeting of the Township Committee to be held on February 15, 2023 at 6:30 p.m. or as soon thereafter as the matter may be heard at the Municipal Building, 211 Route 31 North, Washington, NJ, 07882 at which time all persons interested will be given an opportunity to be heard concerning such Ordinance.

Ann Kilduff, RMC
Township Clerk