

EXPLANATION: This Ordinance authorizes the Open Space Tax be decreased from four cents (\$0.04) per one hundred dollars (\$100.00) of assessed value to two point eight cents (\$0.028) per one hundred dollars (\$100.00) of assessed value, and amends Section 77-2 of the Code of the Township of Hillsborough to decrease the Open Space Tax.

ORDINANCE 2011-11

AN ORDINANCE AUTHORIZING THE OPEN SPACE TAX BE DECREASED FROM FOUR CENTS (\$0.04) PER ONE HUNDRED DOLLARS (\$100.00) OF ASSESSED VALUE TO TWO POINT EIGHT CENTS (\$0.028) PER ONE HUNDRED DOLLARS (\$100.00) OF ASSESSED VALUE, AND AMENDING SECTION 77-2 OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH TO DECREASE THE OPEN SPACE TAX.

WHEREAS, on July 25, 1995, pursuant to N.J.S.A. 19:37-1 et seq., the Township Committee of the Township of Hillsborough adopted a Resolution authorizing a nonbinding Open Space Ballot Measure; and

WHEREAS, the authorized Open Space Ballot Measure stated as follows:

1. Pursuant to the aforesaid statute, the Township Committee hereby determines to submit the following question to a nonbinding vote at the next general election on November 7, 1995:

Shall the Township Committee of the Township of Hillsborough adopt an ordinance establishing an "Open Space Trust Fund" which shall be funded annually through the collection of local property taxes in an amount up to four cents (\$0.04) per one hundred dollars (\$100.00) assessed value?

; and

WHEREAS, on November 7, 1995, the voters of the Township of Hillsborough approved the nonbinding Open Space Ballot Measure; and

WHEREAS, on December 8, 1998, the Township Committee of the Township of Hillsborough adopted Ordinance No. 98-43 providing that "[t]he applicable tax rate to be applied for the Open Space Trust Fund shall be \$0.04 per \$100 of assessed value"; and

WHEREAS, on May 29, 2007, the Somerset County Board of Taxation entered an Order to Implement a Municipal-Wide Revaluation; and

WHEREAS, on September 30, 2010, pursuant to the Order of the Somerset County Board of Taxation, the Township completed a revaluation of all of the properties in the Township; and

WHEREAS, the revaluation will result in an increase in assessed values; and

WHEREAS, because the Open Space Tax is a fixed amount of assessed value, an increase in assessed value will result in a disproportionate increase in the revenue raised through the Open Space Tax; and

WHEREAS, the Open Space Ballot Measure granted the Township Committee the flexibility to collect through “property taxes... an amount up to four cents (\$0.04) per one hundred dollars (\$100.00) of assessed value”; and

WHEREAS, the Township Committee believes that the flexibility provided by the Open Space Ballot Measure should be utilized now because of the revaluation; and

WHEREAS, it is the intent of the Township Committee to maintain the amount to be raised by the Open Space Tax in a “like amount” before and after the revaluation; and

WHEREAS, the Tax Assessor and Tax Collector have calculated that “like amount” to be \$1,560,257.44 based upon two point eight cents (\$0.028) per one hundred dollars (\$100.00) of assessed value for 2011.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, as follows:

Section 1. The first sentence of Section 77-2 of the Code of the Township of Hillsborough shall be amended from “The applicable tax rate to be applied for the Open Space Trust Fund shall be \$0.04 per \$100 of assessed value”, to “The applicable tax rate to be applied for the Open Space Trust Fund shall be \$0.028 per \$100 of assessed value.”

Section 2. Other Sections Remain Unchanged. All other sections of Chapter 77 and Section 77-2 remain unchanged.

Section 3. Severability. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section 4. Effective Date. This Ordinance shall take effect as provided by law.

ATTEST:

TOWNSHIP OF HILLSBOROUGH:

Michael Merdinger
Acting Clerk

Gloria McCauley
Mayor

*Introduced: 4/12/2011
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Public Hearing: 5/10/2011
Adopted: 5/10/2011
Published: 5/19/2011*