

**ORDINANCE NO. 3-15**

**ORDINANCE AMENDING CHAPTER 54 OF THE JEFFERSON TOWNSHIP MUNICIPAL CODE ENTITLED "FUNDS" FOR THE PURPOSE OF COMBINING THE OPEN SPACE TRUST FUNDS TO PERMIT ACQUISITION, AS WELL AS REDEVELOPMENT AND IMPROVEMENT UNDER A SINGLE FUND**

**WHEREAS**, there exists Chapter 54 of the Jefferson Township Municipal Code, entitled "Funds" which establishes in Article I an Open Space Trust Fund for the acquisition of land development rights and improvements; and

**WHEREAS**, there exists under Article II of Chapter 54 a fund for the development and redevelopment and improvement of active and passive recreation entitled Reserve for Parks and Recreation Development, Redevelopment and Improvement; and

**WHEREAS**, the funding for the acquisition of property is an amount not to exceed \$0.02 per \$100 of assessed valuation of annual tax levy; and

**WHEREAS**, the fund for the development and redevelopment and improvement is funded through a dedication of not more than \$0.01 per \$100 of assessed valuation of each annual tax levy; and

**WHEREAS**, the Township Council is desirous of combining said Ordinances so that the funding would allow an amount not to exceed \$0.03 per \$100 of assessed valuation of each annual tax levy for the purpose of acquisition and/or development, redevelopment and improvement of Open Space areas for active and passive recreation; and

**WHEREAS**, N.J.S.A. 19:37-1 authorizes the Township Council to submit a question of a non-binding referendum on the ballot at a general election, which was in fact done at the general election of November 4, 2104; and

**WHEREAS**, the majority of voters voting in Jefferson Township approved said referendum to allow for the combining of said funds; and

**WHEREAS**, the Township Council is desirous of moving forward with the combining of such funds.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, that Chapter 54, entitled "Funds" of the Jefferson Township Municipal Code is hereby vacated in its entirety, and in its place and stead shall be the following

## SECTION I

### **“FUNDS”**

- §54.1 **Open Space Trust Fund Establishment.** There is hereby established an Open Space Trust Fund, which fund shall be administered by the Township Council.
- §54.2 **Powers and Duties.** The Township Council is authorized by a majority vote to acquire lands, easements and/or development rights for Open Space, which lands may be used for active or passive recreation. The Township Council shall determine the amount of funds that shall be made available for each acquisition. In addition, the Council shall have the right to use the funds as established in this Ordinance, in addition for the acquisition of lands, easements and/or development rights, to develop any lands either acquired pursuant to this Ordinance or already owned and maintained by the Township, for parks, recreational development, redevelopment and improvement as may directed by the Township Council. This shall include the development, redevelopment and improvement of active and passive recreation areas owned by the Township.
- §54.3 **Funding.** (a) There is hereby established a reserve in the Township’s general capital fund, which shall be known and designated as the “Open Space Trust Fund.” A separate bank account shall be opened and maintained for this purpose. Funds from the account may be used as directed by the Township Council, to acquire vacant land, easements and/or development rights, as well as for the development, redevelopment and improvement of lands owned by the Township, including development, redevelopment and improvement for active and passive recreation. Funds from the account may also be used to acquire land which has improvements upon it at the time of acquisition; provided that the principal purpose of the acquisition is to preserve Open Space. In the event that the Township Council shall find it appropriate to apportion the cost of acquisition between Open Space improvements, it may do so and charge the Open Space Trust Fund for the approximate value that it deems appropriate relative to Open Space, and the Township’s capital account for the value that it determines attributable to improvements. (b) The Open Space Trust Fund shall be funded through the dedication to the Fund of an amount not to exceed \$0.03 per \$100 of assessed valuation of each annual tax levy. The Fund shall also be permitted to accept donations and testamentary bequests. The funds accumulated within the Fund may be utilized for the acquisition of land, easements and/or development rights, as well as a down-payment for the issuance of bonds for the same purpose, at the discretion of the Township Council. In addition, said funds may be used for the development, redevelopment and improvement for the purposes of active and/or passive recreation on land and property owned by the Township, including any buildings existing on said land. Said funds may also be used for the repayment of bonds and/or notes issued for said purposes, and for other related purposes at the discretion of the Township Council. Any and all interest accruing on said funds shall remain in the Fund and may be utilized for the above-

described purposes.

- §54.4 **Right to Acquire Property Pursuant to Eminent Domain.** The Township Council is hereby authorized by a majority vote in accordance with N.J.S.A. 20:3-1, et seq., to acquire by eminent domain properties purchased using funds from the Open Space Trust Fund.
- §54.5 **Disposition of Property or Other Interest in Land.** No property or interest in land acquired with funds from the Open Space Trust Fund shall be leased, sold or otherwise disposed of by the Township until the disposition has been authorized and approved by the Township Council, after and in accordance with a binding public referendum.
- §54.6 **Preparation of a Plan.** A plan should be prepared to identify facilities and sites to be developed and redeveloped and/or improved as active or passive recreation, which plan shall be periodically updated at the discretion of the Mayor and Township Council.

## SECTION II

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

## SECTION III

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.


## SECTION IV

This Ordinance shall take effect immediately upon final publication as provided by law.

ATTEST:

COUNCIL OF THE TOWNSHIP  
OF JEFFERSON

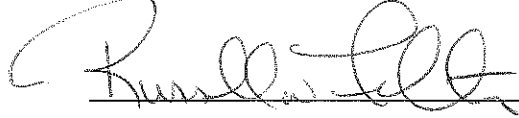
  
\_\_\_\_\_  
LORI HARVIN, CLERK

  
\_\_\_\_\_  
RICHARD W. YOCUM, PRESIDENT

INTRODUCED: February 4, 2015

ADOPTED: February 18, 2015

RUSSELL W. FELTER, MAYOR



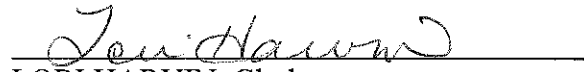
Russell W. Felter

DATE AND TIME PRESENTED TO MAYOR FOR SIGNATURE:

2-18-15 8:15 pm

**CERTIFICATION**

I, LORI HARVIN, Clerk of the Township of Jefferson, do hereby certify that the foregoing Ordinance was duly adopted by the Township of Jefferson Council on the 18 day of February, 2015.



Lori Harvin  
LORI HARVIN, Clerk  
Township of Jefferson