

BOROUGH OF CRESSKILL

ORDINANCE NO. 22-13-1595

ORDINANCE

CODIFYING REFERENDUM RESULTS AND CREATING THE MUNICIPAL OPEN SPACE RECREATION & FARMLAND AND HISTORIC PRESERVATION TRUST FUND

SECTION I -Establishment

The Cresskill Council adopted Resolution no. 9, which authorized the placement of a Public Question on the November 4, 2003 General Election Ballot, whereas an affirmation vote would create the Municipal Open Space, Recreation & Farmland and Historic Preservation Trust Fund; and

The electorate of Cresskill, New Jersey, approved on November 4, 2003, the creation of the Municipal Open Space Recreation & Farmland and Historic Preservation Trust Fund; and

The ballot question as approved, permits the Council of Cresskill to raise a sum not to exceed one cent (\$0.01) per One Hundred (\$100.00) Dollars of total municipal real property valuation; and

SECTION II -Purpose

Eighty Percent (80%) of the funds received by the imposition of this annual tax levy shall be used for the following purposes:

- a. Acquisition and improvement of lands for recreation and conservation purposes;
- b. Development of lands acquired for recreation and conservation purposes;
- c. Capital improvements and maintenance of parcels of Municipal Land, and subsequently acquired lands for recreation and conservation purposes;
- d. Capital improvements and acquisition of farmland for farmland preservation purposes;
- e. Historic preservation of historic properties, structures, facilities, sites, areas, or objects, and the acquisition of such properties, structures facilities, sites, areas, or objects for historic preservation purposes; or
- f. Payment of debt service on indebtedness issued or incurred by a municipality for any of the purpose set forth in subparagraph (a), (b), (d), or (e) of this paragraph.
- g. The remaining twenty percent (20%) of the taxable funds are to be used for the acquisition and improvement of Municipal outdoor recreation/conservation facilities.

SECTION III – Operational Guidelines

1. Pursuant to the referendum, Cresskill enacted a Municipal Open Space, Recreation, Farmland & Historic Preservation Trust Fund pursuant to N.J.S.A. 40:12-15.7; and
2. The amounts raised by this tax levy shall be deposited into a Municipal Open Space, Recreation & Farmland and Historic Preservation Trust Fund to be used for designated purposes within the municipality and may be disbursed for specific projects pursuant to law; and
3. The 2003 Council relied upon Resolution No. 9, and never memorialized the creation of the Municipal Open Space Recreation & Farmland and Historic Preservation Trust Fund by Ordinance. Therefore, this Council does hereby Ordain the following, which memorializes the 2003 Referendum Results.

SECTION IV

Council does hereby memorialize the Borough of Cresskill Municipal Open Space, Recreation & Farmland and Historic Preservation Trust Fund and establishes a Trust Fund rate of one cent (\$0.01) per One Hundred Dollars of total Cresskill real property valuation; and

That Eighty Percent (80%) of the monies shall be used for the acquisition and improvement of land for conservation and recreation purposes, the acquisition of farmland for farmland preservation, capital improvements and maintenance of municipal owned park facilities, and for the acquisition or upgrade of qualified historic preservation facilities and twenty percent (20%) of the monies shall be used for the acquisition and improvement of Municipal outdoor recreation and/or conservation facilities; and

That this Ordinance codifies all prior adopted Resolutions adopted in 2003; and the Council does hereby ratify from 2003 to the present, all the Municipal Open Space, Recreation & Farmland and Historic Preservation Trust Fund expenditures.

SEVERABILITY. If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid in whole or in part or as applied to any particular circumstance or individual by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this ordinance.

REPEALER. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies only.

EFFECTIVE DATE. This ordinance shall take effect immediately upon final passage and publication as required by law.