

Explanation: This Ordinance amends the Township's Open Space Trust Fund to permit the use of same for the maintenance of the Township's open space as authorized by referendum.

TOWNSHIP OF BEDMINSTER

ORDINANCE NO. 2013-007

AN ORDINANCE AMENDING SUBSECTION 15-2.1 ENTITLED "FUND FOR OPEN SPACE" OF SECTION 15-2 ENTITLED "OPEN SPACE TRUST FUND" OF CHAPTER XV ENTITLED "TAXATION" OF *THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF BEDMINSTER* TO PERMIT THE USE OF A PORTION OF THE OPEN SPACE TRUST FUND FOR THE MAINTENANCE OF THE TOWNSHIP'S OPEN SPACE AS AUTHORIZED BY PUBLIC REFERENDUM AT THE NOVEMBER 6, 2012 GENERAL ELECTION.

WHEREAS, the Township of Bedminster has established an Open Space Trust Fund for the purchase of lands for recreation and conservation purposes; and

WHEREAS, pursuant to N.J.S.A. 40:12-15.7(d), the Township is authorized to seek voter sentiment for a proposed amendment or supplementation of the proposition previously submitted for the establishment of an open space trust fund and the funding of same through a special tax rate, including adding or removing purposes for which the fund monies may be expended; and

WHEREAS, maintenance of lands acquired for recreation and conservation purposes is a permitted use of the Township's Open Space Trust Fund pursuant to N.J.S.A. 40:12-15.7(a)(1)(c); and

WHEREAS, the Township currently incurs expenses for the regular maintenance of its lands acquired for recreation and conservation purposes; and

WHEREAS, by Resolution No. 2012-104, the Township Committee authorized the placement of the public question of whether the permitted uses of the Township's Open Space Trust Fund should be expanded to include the maintenance of lands acquired for recreation and conservation purposes owned by the Township; and

WHEREAS, at the November 6, 2012 General Election, the voters of the Township voted in favor of the proposed amendment to the Township's Open Space Trust Fund to include the maintenance of the Township's open space; and

WHEREAS, the Township Committee of the Township of Bedminster finds it to be in the best interest of the Township and its citizens to comply with the voter sentiment and amend the Township's Open Space Trust Fund to expand the permitted uses to include the maintenance of lands acquired for recreation and conservation purposes owned by the Township.

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

Section 1. Subsection 15-2.1 entitled "Fund for Open Space" of Section 15-2 entitled "Open Space Trust Fund" of Chapter XV entitled "Taxation" of *The Revised General Ordinances of the Township of Bedminster, 1984*, is hereby supplemented and amended to read as follows: (New terms in **bold and underlined**, deleted terms in ~~double-strikethrough~~.)

15-2.1 Fund for Open Space. .

There is hereby established a reserve in the General Capital Fund which shall be noted and designated as the "Open Space Trust Fund". A separate bank account shall be established and maintained therefor entitled "Bedminster Township Open Space Trust Account". As directed by the township committee, funds from the Open Space Trust Fund may be utilized **(1) to acquire all types of interests in real property, including, not by way of limitations, fee simple acquisitions, easements, development rights, or any other lesser interests in real estate which will further the goal of open space acquisition and preservation; and (2) for the maintenance of lands acquired by the Township for recreation and conservation purposes not to exceed twenty (20%) percent of the amount levied each year.** The lands in which such interests may be acquired shall include undeveloped land as well as land containing improvements at the time of acquisition provided the principal purpose of the acquisition is to preserve open space. The Township Committee shall have the option of paying for land acquisitions with improvements upon them either solely through the Open Space Trust Fund or by apportioning the cost thereof by charging the Open Space Trust Fund for the land portion and the capital account for the improvement portion. It is understood that such acquisition may occur via gift, purchase or by eminent domain proceedings pursuant to N.J.S.A. 20:3-1 et seq. In addition, the Township Committee may authorize the disbursement of monies from the Open Space Trust Fund to assist any recognized public or recognized private entity in acquiring interests in real property, located within the township, for the purposes stated herein, provided that suitable arrangements are made to assure (i) that such lands are made subject to restrictions substantially similar to those imposed by this ordinance, and (ii) that in the event such interests subsequently are sold, the net proceeds of such disposition will be paid over to the Township's Open Space Trust Fund in the same proportion that the township's contribution bore to the original price.

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Bedminster, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Township of Bedminster are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 4. This Ordinance shall take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey.

Introduced by:
Passed:
Published:
Adopted:

ATTEST:

BEDMINSTER TOWNSHIP COMMITTEE

By: _____
Judith Sullivan, RMC
Township Clerk

By: _____
Steven E. Parker,
Mayor

Introduced	Seconded	Township Committee	Vote for Adoption	Nay	Abstain	Absent
		Steven E. Parker, Mayor				
		Bernie Pane				
		Carolyn Freeman				
		Lawrence Jacobs				