

**ORDINANCE NO. 2016-09**

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN,  
STATE OF NEW JERSEY, AUTHORIZING A REFERENDUM BALLOT QUESTION  
REGARDING THE ESTABLISHMENT OF AN  
OPEN SPACE CONSERVATION TRUST FUND  
PURSUANT TO NJSA 40:12-15.7**

**WHEREAS** the Borough of Harvey Cedars possesses several areas of open space and natural preservation areas within the Borough for the benefit of the public at large; and

**WHEREAS** the Borough seeks to obtain the approval of the voters for expanding its natural open space program and the funding mechanisms for the same; and

**WHEREAS** NJSA 40:12-15.7(a)(1)(a) provides that the governing body of any municipality may submit to the voters of the municipality in a general election a proposition authorizing imposition of an annual levy for an amount or at a rate deemed appropriate for any or all of the purpose of the acquisition of lands for recreation and conservation purposes; and

**WHEREAS** NJSA 19:37-1 provides that the governing body of any municipality may ascertain the sentiment of the legal voters of the municipality upon any question or policy pertaining to the government or internal affairs thereof by the submission of such question to a vote of the electors in the municipality at any election to be held therein, by adopting at any regular meeting an ordinance or resolution requesting the Clerk of the County to print upon the official ballots to be used at the next ensuing general election a certain proposition to be formulated and expressed in the ordinance or resolution in concise form; provided that such request shall be filed with the County Clerk not later than 81 days previous to the election (August 19, 2016).

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean, State of New Jersey, as follows:

**SECTION 1.** The Board of Commissioners of the Borough of Harvey Cedars does hereby request that the following referendum question be placed on the November 2016 general election ballot:

**OPEN SPACE CONSERVATION TRUST FUND REFERENDUM**

Shall the Board of Commissioners of the Borough of Harvey Cedars adopt an ordinance establishing an "Open Space Conservation Trust Fund," which shall have the following provisions:

- A. The Open Space Conservation Trust Fund shall be funded through the collection of local property taxes in the amount of an additional one (1) cent per hundred dollars of assessed value on the annual local property tax levy.
- B. The aforementioned fund shall be designated solely for the purchase of property rights within the Borough of Harvey Cedars from willing sellers, including but not by way of limitation, fee simple acquisitions, easements, development rights, or any other lesser interest in real estate which will further the goal of property acquisitions of lands and property rights for recreation and/or conservation purposes, including all costs and expenses associated therewith.
- C. Any property rights acquired through the Open Space Recreation & Conservation Trust Fund shall not be sold or conveyed by the Borough unless or until authorized by subsequent Public Referendum of the voters of the Borough of Harvey Cedars.

**EXPLANATORY STATEMENT**

The proposed Open Space Conservation Trust Fund will be used to acquire property from willing sellers to preserve open space on developed or undeveloped areas in the Borough of Harvey Cedars. The purchase and maintenance of property will be funded by a separate additional one (1) cent assessment per hundred dollars of assessed value on the annual local property tax beginning in 2017. The funds raised by the tax will be used to acquire and maintain land for recreational or conservation purposes only. An Open Space Advisory Committee shall be established to study and determine open space properties and to make recommendations for acquisitions. The Committee shall include citizens that need not be full-time residents. Donations to the Trust Fund will also be accepted. Changes to the tax can only be done by referendum.

\_\_\_\_\_ YES                      \_\_\_\_\_ NO

**SECTION 2.** The Mayor and Commissioners do hereby further request that the Ocean County Clerk print the aforementioned question and explanatory statement on the official ballot for the Borough of Harvey Cedars for the General Election to be held on November 8, 2016.

**SECTION 3.** A certified copy of this ordinance shall be forwarded to the Ocean County Clerk.

**SECTION 4.** This ordinance shall take effect immediately upon its enactment after second reading and publication as required by law.

MOTION TO ADOPT: Commissioner Garofalo

SECOND: Commissioner Gerkens

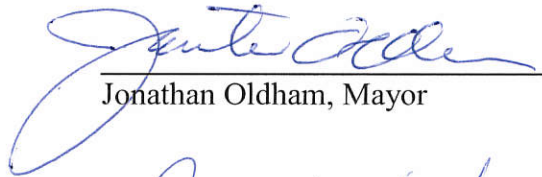
ROLL CALL:

AYES: Oldham, Gerkens, Garofalo

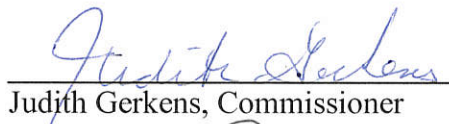
NAYS: none

ADOPTED ON: August 5, 2016

EFFECTIVE DATE: August 25, 2016



Jonathan Oldham, Mayor



Judith Gerkens, Commissioner



Michael Garofalo, Commissioner