

ORDINANCE 2023-14

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, “CODE OF THE BOROUGH OF SHIP BOTTOM, COUNTY OF OCEAN, STATE OF NEW JERSEY (1997),” AUTHORIZING A REFERENDUM BALLOT QUESTION REGARDING THE ESTABLISHMENT OF AN OPEN SPACE CONSERVATION TRUST FUND

THE MAYOR AND COUNCIL OF THE BOROUGH OF SHIP BOTTOM DOES ORDAIN:

WHEREAS, pursuant to N.J.S.A. 40:12-15.7, municipalities may submit to the voters in a general election a proposition authorizing imposition of an annual levy at a rate deemed appropriate, as determined by the governing body, for the acquisition of lands for recreation, conservation, and preservation purposes; and

WHEREAS, the Mayor and Council of the Borough of Ship Bottom (“Borough”) has revitalized and preserved and continues to revitalize and preserve several areas of open space areas in the Borough for recreation and conservation purposes, and the Borough has concluded that the continued acquisition and preservation of lands for (i) recreation and parks, (ii) water resource and floodplain protection, (iii) environmental protection of wetlands, the watershed, and wildlife habitat, and (iv) historic preservation purposes is of vital public importance and shall further contribute to the public health, welfare, and safety; and

WHEREAS, the Borough has further concluded that the continued and added funding for such recreation, conservation, and preservation purposes shall and continue to enhance the environment, quality of life, aesthetics, and economy of the Borough; and

WHEREAS, in the event the referendum is approved by a majority of the votes cast, the Borough may annually raise by taxation a sum not to exceed the amount of an additional one cent (\$0.01) per hundred dollars of assessed value on the annual local property tax levy; and

WHEREAS, in the event of approval by referendum, the amounts raised by the aforesaid levy shall be deposited into a “Municipal Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund” to be created by the Borough, and shall be used exclusively for the purposes authorized by the voters of the municipality; and

WHEREAS, based upon the foregoing, the Borough has elected to seek the approval of the voters to establish an open space conservation trust fund and the imposition of the one cent (\$0.01) tax levy per hundred dollars of assessed value.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Ship Bottom, County of Ocean, State of New Jersey, in accordance with the aforesaid Recitals, which are expressly adopted and incorporated herein by reference as if set forth fully herein, does hereby authorize the referendum as follows.

STATEMENT OF PURPOSE

The purpose of this Ordinance is to authorize a referendum ballot question on the question of whether the citizens of the Borough of Ship Bottom desire to establish an open space conservation trust fund.

§1. Referendum and Ballot Question. The Mayor and Council does hereby authorize and request that the following referendum question and explanatory statement be placed on the November 2023 general election ballot:

OPEN SPACE CONSERVATION TRUST FUND REFERENDUM

Shall the Borough of Ship Bottom establish the “Borough of Ship Bottom Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund” to be used for the purposes of acquiring, developing, and maintaining recreational and conservation

properties, acquiring or preserving historic properties, and/or for the payment of debt service incurred by the Borough for these purposes to be funded at a rate not to exceed one cent (\$0.01) per one-hundred dollars of total Borough assessed real property valuation?

EXPLANATORY STATEMENT

The Mayor and Council of the Borough of Ship Bottom has revitalized and preserved and continues to revitalize and preserve various areas in the Borough by and through the creation of new public parks and trails. In an effort to further obtain land dedicated to the establishment of additional open public areas for recreation, conservation, and preservation purposes, an open space tax assessment is contemplated. The Open Space Fund shall be dedicated to the purchase of land parcels located in the Borough and reserved for use as parks and recreational areas, preservation, and protection, and/or for the preservation of historic structures. The proposed tax shall be one cent (\$0.01) per one-hundred dollars of assessed property value.

A “Yes” vote approves funding for the purchase and maintenance of Open Space.

A “No” vote rejects funding for the purchase and maintenance of Open Space.

YES _____ NO _____

§2. Conveyance to the Ocean County Clerk. The Municipal Clerk shall submit a certified copy of this ordinance and the foregoing ballot question and explanatory statement to the Ocean County Clerk, who shall place same on the November general election ballot.

§3. Repealer. All ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

§4. Severability. If any word, phrase, clause, section, or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

Effective date.

This ordinance shall take effect after final adoption and publication, as required by law.

NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Mayor and Council of the Borough of Ship Bottom, County of Ocean, State of New Jersey, held on Tuesday, July 25, 2023, at 6:30 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a **special meeting** of the Mayor and Council to be held on **August 9, 2023, at 6:00 p.m.** at the Municipal Building, 1621 Long Beach Boulevard, Ship Bottom, New Jersey 08008.

Kristy DeBoer, RMC
Municipal Clerk

CERTIFICATION

I, KRISTY DEBOER, RMC, Municipal Clerk for the Borough of Ship Bottom do hereby certify that the foregoing Ordinance _____ was duly adopted by the Mayor and Council at the meeting held on _____, _____, 2023, at 4:00 p.m.

Kristy DeBoer, RMC
Municipal Clerk