

**AN ORDINANCE TO ESTABLISH AN OPEN SPACE TRUST FUND IN
THE CITY OF NEW BRUNSWICK**

WHEREAS, pursuant to N.J.S.A. 40:12-15.7, on November 5, 2019, the citizens of the City of New Brunswick voted on a proposition to adopt the imposition of an annual levy of one cent (\$0.01) per \$100.00 of assessed valuation of real property for the purposes of acquiring, developing, and preserving lands for recreation and conservation, including protecting the water quality of rivers and streams; preserving open space to protect from floods and protecting the Raritan River; providing safe, clean, and accessible parks, repairing and improving existing parks; creating neighborhood playgrounds and playfields for youth sports; and for the payment of any debt service or indebtedness issued or incurred by the City for these purposes; and

WHEREAS, the City of New Brunswick ("the City") now wishes to create an Open Space Trust Fund for the purposes of acquiring, developing, and preserving lands for recreation and conservation, including protecting the water quality of rivers and streams; preserving open space to protect from floods and protecting the Raritan River; providing safe, clean, and accessible parks, repairing and improving existing parks; creating neighborhood playgrounds and playfields for youth sports; and for the payment of any debt service or indebtedness issued or incurred by the City for these purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRUNSWICK, NEW JERSEY, THAT:

SECTION I

- A. There is hereby established a reserve in the City of New Brunswick's General Trust Fund to be known as the "Open Space Trust Fund." A separate bank account shall be opened and maintained for this purpose which shall be maintained in accordance with N.J.S.A. 40A:4-1, N.J.S.A. 40A:5-1, and all applicable laws and shall be used exclusively for the proposition approved by the voters of the City of New Brunswick on November 5, 2019.
- B. Pursuant to N.J.S.A. 40:12-15.7, and as adopted by the voters of the City of New Brunswick on November 5, 2019 through a proposition, funds from the Open Space Trust Fund may be used for the purposes of acquiring, developing, and preserving lands for recreation and conservation, including protecting the water quality of rivers and streams; preserving open space to protect from floods and protecting the Raritan River; providing safe, clean, and accessible parks, repairing and improving existing parks; creating neighborhood playgrounds and playfields for youth sports; and for the payment of any debt service or indebtedness issued or incurred by the City for these purposes.
- C. The Open Space Trust Fund shall be funded through the dedication of an amount of \$0.01 per \$100.00 of assessed valuation of each annual tax levy as authorized by the voters on November 5, 2019, commencing with the 2020 tax year and the 2020 budget year. The fund shall also be permitted to accept donations and testamentary bequests. These funds are intended to add to, rather than replace, the annual tax levy as approved by the voters on November 5, 2019 and shall be used exclusively for the aforementioned purposes.

SECTION II

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION III

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.


SECTION IV

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

I, Leslie R. Zeidman, City Clerk of the City of New Brunswick, NJ, do hereby certify the foregoing Ordinance is a true copy of the Original Ordinance adopted on second and final reading at a regular meeting of the New Brunswick City Council at its meeting on: **LESLIE R. ZEIDMAN**
LESLIE R. ZEIDMAN
 FEBRUARY 5, 2020
 Any reproduction of the Original Ordinance must contain the raised seal of the City of New Brunswick to be legally certified.

ADOPTED ON FIRST READING:
 DATED: January 15, 2020



 COUNCIL PRESIDENT

ADOPTED ON SECOND READING:
 DATED: February 5, 2020



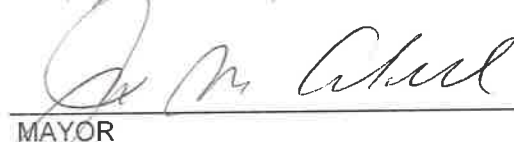
 PRESIDENT

ATTEST:



 CITY CLERK

APPROVAL OF THE MAYOR ON THIS 6TH DAY OF February, 2020.

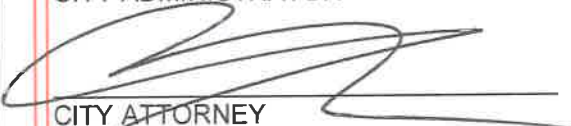


 MAYOR

APPROVALS:



 CITY ADMINISTRATOR



 CITY ATTORNEY

TKS/kc

COUNCIL MEMBER	Y	N	AB	NV	N	N	V	N	NV	AB
EGAN, M	X						X			
ESCOBAR										
FLEMING, S										
COUNCIL MEMBER										
SICORA, LUDWIG							X			
ANDERSON, Pres								X		

COUNCIL MEMBER	Y	N	NV	AB	COUNCIL MEMBER	Y	N	NV	AB
EGAN, S	X				ANDERSON, Pres	X			
ESCOBAR					ANDERSON, Pres				
FLEMING									

FIRST READING VOTE ON JANUARY 15, 2020 NF=MOVED S=SECOND NV=NO VOTE AB=ABSENT