



Legislation Details (With Text)

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**Title:** AN ORDINANCE TO AMEND TITLE X, FINANCE AND TAXATION, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, CHAPTER 9, "OPEN SPACE AND RECREATIONAL TRUST FUND", TO INCREASE THE ANNUAL LEVY FROM ONE (\$.01) CENT PER ONE HUNDRED (\$100.00) DOLLARS TO THREE (\$.03) CENTS PER ONE HUNDRED (\$100.00) DOLLARS, THE INCREASE SHALL BE SPECIFICALLY FOR THE EXPANSION OF THE NEWARK RIVERFRONT PARK.

**Sponsors:** Augusto Amador, Gayle Chaneyfield Jenkins

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
2/17/2016	1	Municipal Council	Close on Public Hearing and Adopt	Pass
2/3/2016	1	Municipal Council	Adopt on First Reading	Pass
1/20/2016	1	Municipal Council	Advance to First Reading	Pass

**AN ORDINANCE TO AMEND TITLE X, FINANCE AND TAXATION, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, CHAPTER 9, "OPEN SPACE AND RECREATIONAL TRUST FUND", TO INCREASE THE ANNUAL LEVY FROM ONE (\$.01) CENT PER ONE HUNDRED (\$100.00) DOLLARS TO THREE (\$.03) CENTS PER ONE HUNDRED (\$100.00) DOLLARS, THE INCREASE SHALL BE SPECIFICALLY FOR THE EXPANSION OF THE NEWARK RIVERFRONT PARK.**

**WHEREAS,** parks and open spaces enhance quality of life, health, and sustainability in an urban environment; and

**WHEREAS,** more than 30 percent of Newark’s children live more than a quarter of a mile from a park; and

**WHEREAS,** the 2012 City of Newark Master Plan identified the need to make parks more secure, attractive, and enjoyable for the public, to improve maintenance and programming at existing parks, and to expand quality open space and recreation in neighborhoods underserved by parks; and

**WHEREAS,** pursuant to N.J.S.A. 40:12-15.7, on November 5, 2013, the citizens of the City of Newark voted on a proposition to adopt the imposition of an annual levy of One (\$.01) Cent per One Hundred (\$100.00) Dollars of assessed valuation of real property for the purpose of providing safe, clean and accessible parks; repairing and improving existing parks; and creating neighborhood playgrounds and playfields for youth sports for the following purposes:

- (a) acquisition of lands for recreation and conservation purposes;
- (b) development of lands for recreation and conservation purposes;
- (c) maintenance of lands for recreation and conservation purposes; and
- (d) payment of any debt service on indebtedness issued or incurred by the City of Newark for any of the purposes set forth in (a), (b), and (c) of this paragraph; and

**WHEREAS**, pursuant to N.J.S.A. 40:12-15.7, on November 3, 2015, the citizens of the City of Newark voted on a proposition to increase the annual levy from One (\$.01) Cent per One Hundred (\$100.00) Dollars to Three (\$.03) Cents per One Hundred (\$100.00) Dollars of assessed value for a period of thirty (30) years, specifically for the expansion of the Newark Riverfront Park for the following purposes:

- (a) acquisition of lands for recreation and conservation purposes;
- (b) development of lands acquired for recreation and conservation purposes;
- (c) maintenance of lands acquired for recreation and conservation purposes;
- (d) 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;
- (f) payment of debt service on indebtedness issued or incurred by a municipality for any of the purposes set forth in subparagraphs (a), (b), (d), (e) or (g) of this paragraph; or
- (g) Blue Acres projects; and

**WHEREAS**, the City of Newark (“the City”) now wishes to amend the Open Space and Recreational Trust Fund to increase the annual levy from One (\$.01) Cent per One Hundred (\$100.00) Dollars to Three (\$.03) Cents per One Hundred (\$100.00) Dollars of assessed value for a period of thirty (30) years, specifically for the expansion of the Newark Riverfront Park.

**NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT: (New Amendments are underlined)**

**Section 1.** Title X, Finance and Taxation, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, be amended to add a new Chapter 9 establishing an Open Space and Recreational Trust Fund.

**10:9-1 Definitions.**

"Acquisition" means the securing of a fee simple or a lesser interest in land, including but not limited to an easement restricting development, by gift, purchase, installment purchase agreement, devise or condemnation.

“Charitable Conservancy” means a corporation or trust exempt from federal income taxation under paragraph (3) of Subsection (c) of Section 501 of the Federal Internal Revenue Code of 1986 (26 U.S.C. s.501(c)(3)), whose purposes include (1) acquisition and preservation of lands in a natural, scenic, or open condition, or (2) historic preservation of historic properties, structures, facilities, sites, areas, or objects, or the acquisition of such properties, structures, facilities, sites, areas, or objects for historic preservation purposes .

"Debt service" means annual payments of principal and interest on loans used for the acquisition of land.

"Development" means any improvement to land acquired for recreation and conservation purposes designed to expand and enhance its utilization for those purposes.

"Land" or "lands" means real property, including improvements thereof or thereon, rights-of-way, water, lakes, riparian and other rights, easements, privileges and all other rights and interests of any kind or description in, relating to or connected with real property.

"Public indoor recreation" means public recreation in enclosed structures or facilities, and includes but is not limited to swimming pools, basketball courts, and ice skating rinks open for public use.

"Recreation and conservation purposes" means the use of lands and water areas for parks, open space, natural areas, ecological and biological study, forests, water reserves, wildlife preserves, fishing, hunting, camping, boating, winter sports, or similar uses for public outdoor recreation or conservation of natural resources, or both, or the use of lands for public indoor recreation.

**10:9-2 Establishment of Open Space and Recreational Trust Fund.** There is hereby established a reserve in the City of Newark's General Fund to be known as the "Open Space and Recreational 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 Newark on November 5, 2013 as set forth in 10:9-3 herein.

**10:9-3 Purposes for Open Space and Recreational Trust Fund.** Pursuant to N.J.S.A. 40:12-15.7, and as adopted by the voters of the City of Newark on November 5, 2013 through a proposition, funds from the Open Space and Recreational Trust Fund may be used for providing safe, clean and accessible parks; repairing and improving existing parks; and creating neighborhood playgrounds and playfields for youth sports for the following purposes:

- (1) acquisition of lands for recreation and conservation purposes;
- (2) development of lands for recreation and conservation purposes;
- (3) maintenance of lands for recreation and conservation purposes; and
- (4) payment of any debt service on indebtedness issued or incurred by the City of Newark for any of the purposes set forth in (1), (2), and (3) of this Section.

**10:9-3.1 Amendment to Purposes for Open Space and Recreational Trust Fund.** Pursuant to N.J.S.A. 40:12-15.7, and as adopted by the voters of the City of Newark, on November 3, 2015, through an amendment to the Open Space and Recreational Trust Fund may be used for the expansion of the Riverfront Park:

- (a) acquisition of lands for recreation and conservation purposes;
- (b) development of lands acquired for recreation and conservation purposes;
- (c) maintenance of lands acquired for recreation and conservation purposes;
- (d) 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;

- (f) payment of debt service on indebtedness issued or incurred by a municipality for any of the purposes set forth in subparagraphs (a), (b), (d), (e) or (g) of this paragraph; or
- (h) Blue Acres projects.

**10:9-4 Funding for Open Space and Recreational Trust Fund.** The Open Space and Recreational Trust Fund shall be funded through the dedication of an amount of One Cent (\$0.01) per One Hundred Dollars (\$100.00) of assessed valuation of each annual tax levy as authorized by the voters on November 5, 2013, commencing with the 2015 tax year and the 2015 budget year. The fund shall also be permitted to accept donations and testamentary bequests, fees associated with permitted events, and concessions. These funds are intended to add to, rather than replace, existing budgeted funds associated with parks maintenance at the time of passage of this ordinance.

**10:9-4.1 Amendment for Funding for Open Space and Recreational Trust Fund (Riverfront Park).** The Amendment to the Open Space and Recreational Trust Fund shall be funded through the dedication of an amount of Three Cents (\$.03) per One Hundred Dollars (\$100.00) of assessed valuation of each annual tax levy a period of thirty (30) years as authorized by the voters on November 3, 2015, commencing with the 2016 tax year and the 2016 budget year. The fund shall also be permitted to accept donations and testamentary bequests, fees associated with permitted events, and concessions. These funds are intended to add to, rather than replace, existing budgeted funds associated with parks maintenance at the time of passage of this ordinance.

**10:9-5 Management of Open Space and Recreational Trust Fund.** The Director of Neighborhood and Recreational Services shall be responsible for the management and expenditure of funds collected via the Open Space and Recreational Trust Fund for the above purposes set forth in 10:9-3 of this Ordinance, in coordination with the advice of the Parks Advisory Board established and described in this Ordinance.

**10:9-6 Establishment of Parks Advisory Board for Open Space and Recreational Trust Fund.** In order to support the advancement of the goals of the Open Space and Recreational Trust Fund, the City of Newark hereby establishes a Parks Advisory Board to serve in an advisory capacity to the Director of Neighborhood and Recreational Services.

**10:9-7 Membership.** Membership and operations of the Parks Advisory Board will be as follows:

- (1) One resident from each ward (to the extent legally permissible each resident shall be a member in good standing in United Parks As One)
- (2) Two at-large representatives of local parks organizations appointed by the Mayor's office
- (3) Two youth members (between 14 and 18 years of age).
- (4) Two members of the Municipal Council one Ward representative and one at-Large member.
- (5) All members shall be appointed by the Mayor with the advice and consent of the Municipal Council
- (6) Members will serve for two years
- (7) Members will serve on a voluntary basis and will not be compensated
- (8) Six out of eleven members shall constitute a quorum

- (9) The Parks Advisory Board shall meet no less than bi-annually and no more than monthly

**10:9-8 Parks Advisory Board Responsibilities.** The Parks Advisory Board shall serve in an advisory capacity to the Director of Neighborhood and Recreational Services and their advisory responsibilities shall include:

- (1) Solicitation of public input on use and needs at existing City parks and playgrounds
- (2) Notification to the Director of Neighborhood and Recreational Services of any repairs, safety issues, unsightliness, etc.
- (3) Review and comment on five-year parks plan and annual budgets prepared by the Director of Neighborhood and Recreational Services
- (4) Generate recommendations on programming, social uses in designated areas such as barbecuing or picnicking, youth engagement, and community stewardship activities
- (5) Create recommendations for improving and enhancing open space in underserved areas
- (6) Provide recommendations for connecting work associated with parks with Newark workforce priorities including employment and training of ex-offenders and unemployed Newark residents
- (7) Provide regular advice on, and periodically revisit, priorities for Open Space and Recreational Trust Fund

**10:9-9 Meetings.** The Parks Advisory Board shall meet at least twice annually and at most monthly. One meeting will be dedicated to reviewing the budget and proposed plans of the Director of Neighborhood and Recreational Services. The second meeting will be dedicated to soliciting input from the general public on park use, maintenance, and development. The Parks Advisory Board will be responsible for preparing written recommendations to the Director of Neighborhood and Recreational Services annually as well as providing regular advice throughout the year.

**Section 2.** The City of Newark Tax Collector is hereby authorized and directed to collect the One Cent (\$0.01) per One Hundred Dollars (\$100.00) of assessed valuation of each annual tax levy as authorized by the voters on November 5, 2013, commencing with the 2015 tax year and the 2015 budget year. The funds derived from this dedication shall be maintained in a separate bank account to be used exclusively for the proposition approved by the voters of the City of Newark on November 5, 2013 as set forth in 10:9-3 of this Ordinance and in accordance with N.J.S.A. 40A:4-1, N.J.S.A. 40A:5-1, and all applicable laws.

**Section 2.1** The City of Newark Tax Collector is hereby authorized and directed to collect the Three Cents (\$0.03) per One Hundred Dollars (\$100.00) of assessed valuation of each annual tax levy for a period of thirty (30) years as authorized by the voters on November 3, 2015, commencing with the 2016 tax year and the 2016 budget year. The funds derived from this dedication shall be maintained in a separate bank account to be used exclusively for the proposition approved by the voters of the City of Newark on November 5, 2013 as set forth in 10:9-3.1 of this Ordinance and in accordance with N.J.S.A. 40A:4-1, N.J.S.A. 40A:5-1, and all applicable laws.

**Section 3.** Certified copies of this Ordinance shall be transmitted to the Division of Local Government Services, the City of Newark Director of Finance, the City of Newark Tax Collector and the City of Newark Tax Assessor

**Section 4.** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

**Section 5.** The Provisions of this Ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this Ordinance shall be declared invalid, illegal or unconstitutional, such clause, phrase, sentence, paragraph or provision shall be served and shall be inoperative and the remainder of this ordinance shall remain operative and in full force and effect.

**Section 6.** This Ordinance shall take effect upon final passage and publication and in accordance with the laws of the State of New Jersey.

### **STATEMENT**

This ordinance amends Title X, Finance and Taxation, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, Chapter 9“ Open Space and Recreational Trust Fund” to increase the annual levy from One (\$.01) Cent per One Hundred (\$100.00) Dollars to Three (\$.03) Cents per One Hundred (\$100.00) Dollars, the increase of which shall be specifically for the expansion of the Newark Riverfront Park.