

**ORDINANCE NO. 2017-07
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NEW JERSEY**

**AN ORDINANCE AUTHORIZING A REFERENDUM
BALLOT QUESTION REGARDING THE USE
OF OPEN SPACE TRUST FUNDS.**

WHEREAS, Green Township has approved an Open Space Committee and Open Space Trust Fund for acquisition of vacant land and land which has improvements upon it, where the principal purpose is to preserve open space, recreation, farmland preservation, and/or historic preservation, currently codified in the Green Township Code Section 2-40.1 et seq.; and

WHEREAS, N.J.S.A. 40:12-15.7(d) allows the governing body to submit to voters in a general or special election a proposition amending or supplementing a previously approved proposition regarding open space conservation, including adding purposes for which Open Space Funds may be expended; and

WHEREAS, N.J.S.A. 19:37-1 permits governing bodies to ascertain the sentiment of legal voters upon a question by submission of such question to a vote of the electors in the municipality at any election held therein, by adopting at a regular meeting an ordinance or resolution requesting the County Clerk to print upon official ballots to be used at the next ensuing general election a proposition to be formulated and expressed in the Ordinance in concise form; provided the request shall be filed with the County Clerk not later than eighty-one (81) days previous to the election.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Green, as follows:

Section 1. The Green Township Committee does hereby request that the following referendum question be forwarded to the Sussex County Clerk to be placed on the November 2017 General Election Ballot:

OPEN SPACE TRUST FUND REFERENDUM

Shall the Green Township Committee adopt an Ordinance revising the permitted uses of the Open Space Trust Fund, currently codified as Section 2-40.1 et seq. of the Green Township Code, to allow the Open Space Fund to be used not only for land acquisition, but also allow up to a maximum of 30% of the total Open Space Fund (as of January 1 of each year) to be utilized for construction and maintenance costs of Open Space properties?

[] Yes

[] No

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INTERPRETIVE STATEMENT

This proposal will revise the Township’s current Open Space Ordinance, Section 2-40.1 et seq., by allowing up to 30% of the balance of the Open Space Trust Fund monies each year to be utilized for costs of construction and maintenance of Open Space properties. Currently, the Township Code allows for Open Space Trust Fund monies to “be utilized to acquire vacant land, as well as land which has improvements upon it at the time of acquisition, where the principal purpose of the acquisition is to preserve open space, recreation, farmland preservation and/or historic preservation.”

A Yes vote on this referendum question will mean that the voters desire that up to 30% of Open Space funds may also be utilized for construction and maintenance costs on Open Space properties.

Section 2. The Sussex County Clerk is hereby requested to print the Referendum and Interpretive Statement on the Official Ballot for the next Election held in November 2017.

Section 3. **Severability.** If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected and shall remain in full force and effect.

Section 4. **Repealer.** All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

Section 5. **Effective date.** This Ordinance shall take effect after its final passage and publication as required by law.

NOTICE

TAKE NOTICE that the above entitled Ordinance was introduced at a regular meeting of the Green Township Committee held on Monday, June 19, 2017. It will be considered for adoption, after final reading and public hearing thereon, at a regular meeting of the Green Township Committee to be conducted at 7:00 p.m. on Monday, July 17, 2017 at the Green Township Municipal Building, 150 Kennedy Road, Tranquility, New Jersey, and shall take effect according to law.

ATTEST:

TOWNSHIP OF GREEN,
IN THE COUNTY OF SUSSEX

Mark Zschack, Township Clerk

Margaret “Peg” Phillips, Mayor

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Record of Vote - Introduction:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip	√		√			
Mr. Conkling			√			
Mr. Qarmout		√	√			
Mrs. Raffay			√			
Mrs. Phillips			√			

Record of Vote - Adoption:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip						
Mr. Conkling						
Mr. Qarmout						
Mrs. Raffay						
Mrs. Phillips						

INTRODUCED: June 19, 2017
ADVERTISED INTRODUCTION:
PUBLIC HEARING:

ADOPTED:
ADVERTISED ADOPTION:

Mark Zschack, Clerk/Administrator