



# **BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY**



## **ORDINANCE NO. 23-CODE-920**

### **AN ORDINANCE AUTHORIZING BINDING MUNICIPAL REFERENDUM ON RE-CONTINUATION OF AN ANNUAL LEVY FOR OPEN SPACE TRUST FUND**

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**WHEREAS**, the Mayor and Council believes that the concept of preserving and protecting Open Space within the Borough is of the utmost importance; and

**WHEREAS**, this vital preservation can best be achieved by providing a definite long term fixed source of funding; and

**WHEREAS**, in consideration thereof, the Borough Council adopted Ordinance #03Code-463 on August 20, 2003, Ordinance #08-574 on July 9, 2008, and Ordinance #13-Code-691 on August 14, 2013 all of which authorized binding referenda to establish and therefore to continue an Open Space Trust Fund; and

**WHEREAS**, the Oakland citizens agreed to create an Open Space Trust Fund, by their votes on or about November 4, 2003 and to continue the Trust Fund on November 4, 2008 and November 5, 2013; and

**WHEREAS**, by the terms of Oakland Ordinance 04-Code-474, an open space Trust Fund was created on or about May 2004, which authorized the funding rate of one cent (\$.01) per one hundred (\$100.00) dollars of assessed valuation for each annual tax levy; and

**WHEREAS**, the continuation of the funding of the Open Space Trust Fund will expire on December 31, 2023; and

**WHEREAS**, the Council desires that the public consider re-continuation of the current annual tax levy, by public referendum;

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Oakland, County of Bergen and State of New Jersey, that the following binding referendum be forwarded to the Bergen County Clerk for inclusion on the November 5, 2023 General Election Ballot as follows:

#### **BINDING QUESTION**

( ) Yes Shall the Borough of Oakland continue an Open Space Trust Fund which will be funded in the following manner for the following purposes:

( ) No

The Open Space Trust Fund shall be funded through the collection of local property taxes in the following amount: a minimum of one-half cent (\$.005) and not to exceed one cent (\$.01) per one hundred (\$100.00) dollars of assessed value per year for a period not to exceed ten (10) years.

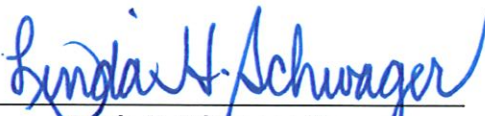
These funds shall be designed for the purchase of open space so as to preserve such land as open space, and to keep said land in its natural state.

If no open space is available for purchase, then the monies in said fund shall be used for such other passive recreation, conservation, farmland preservation or historic preservation purposes as may be permitted by law, to be determined following a public hearing.

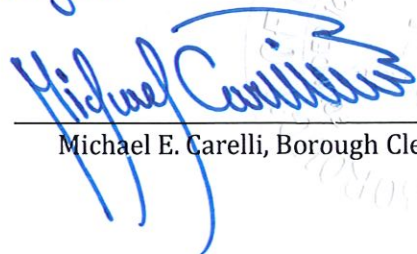
**INTERPRETATIVE STATEMENT:**

This binding referendum will give the elected officials of Oakland the sentiment of the voters concerning the continuation of Oakland's Open Space Trust Fund. This Trust Fund was established in accordance with the public's sentiment to authorize the acquisition of real property for open space purposes. There is no increase in the current rate of tax levy, merely a continuation of the current rate of tax, which was originally approved by the citizens of Oakland in 2003. That rate will not exceed \$.01 (one cent) for each one hundred (\$100) dollars of real property assessment. Therefore, as an example, the owner of a house assessed at \$408,700 would pay a yearly open space tax that will not exceed of \$40.87. The total amount of municipal open space tax proceeds is approximately \$300,541.75 per year. An affirmative vote would allow the Borough to continue to collect this special levy for a period of ten (10) years, at which time the governing body would again submit a proposition for public referendum. If open space is not available for purchase, the monies in the Fund would be used in accordance with law including but not limited to passive activities are those that are relatively inactive or involve less energy, such as walking, sitting, picnicking, board and table games, nature walks and observation.

**BE IT FINALLY ORDAINED**, that the Bergen County Clerk is hereby requested to print the binding referendum and interpretive statement on the official ballot for the General Election to be held November 7, 2023.

  
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Linda H. Schwager, Mayor

Adopted this 3 day of  
August, 2023.

  
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Michael E. Carelli, Borough Clerk