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## **ORDINANCE #2026-03**

**Introduction: January 26, 2026**

**Adoption:**

### **AN ORDINANCE OF SOUTH ORANGE VILLAGE ESTABLISHING CHAPTER 211 OF THE SOUTH ORANGE VILLAGE CODE TO CODIFY THE OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND AND ADVISORY COMMITTEE**

**WHEREAS**, Resolution #268-99 of the Village Council of South Orange Village authorized a municipal public question as to whether or not the establishment of a Municipal Open Space, Recreation, Farmland and Historic Preservation Trust Fund, to be funded through an annual tax levy not to exceed one cent (\$0.01) per one hundred (\$100) of assessed value, should appear on the official ballot for South Orange Village in the 1999 General Election; and

**WHEREAS**, after voter approval at the November 2, 1999 General Election, the Municipal Open Space, Recreation, Farmland and Historic Preservation Trust Fund was established in South Orange Village; and

**WHEREAS**, Resolution 281-00, adopted by the governing body at its November 27, 2000 regular meeting, established the Advisory Board for the Municipal Open Space, Recreation, Farmland and Historic Preservation Trust Fund; and

**WHEREAS**, Resolution 2013-051 approved a capital maintenance policy for Open Space Trust Funds; and

**WHEREAS**, most recently, Resolution #2025-207, duly adopted by the Village Council of South Orange Village at its regular meeting held on July 28, 2025, authorized a municipal public question to appear on the official ballot for South Orange Village for the November 4, 2025 General Election asking voters if South Orange Village should increase the Open Space Recreation, Farmland and Historic Preservation Trust Fund from \$0.01 to \$0.02 per \$100 of assessed property value to provide additional funding for the acquisition, improvement, and maintenance of parks, open spaces, conservation lands and historic preservation; and

**WHEREAS**, the voters of South Orange Village participating in the 2025 General Election overwhelming voted "Yes" and approved the referendum question (which results have now been certified); and



**WHEREAS**, upon further inspection, there exists a need to codify the Open Space, Recreation, Farmland and Historic Preservation Trust Fund and Open Space Trust Fund Advisory Committee; and

**WHEREAS**, the Municipal Open Space, Recreation, Farmland and Historic Preservation Trust Fund has been maintained, funded and utilized openly and continuously since its establishment in or around 2000 but the Open Space Trust Fund Advisory Committee has been inactive for an extended period of time; and

**WHEREAS**, the Village Council wishes to establish a Village Code Chapter entitled Chapter 211 – Open Space, Recreation, Farmland and Historic Preservation Trust Fund.

**NOW, THEREFORE, BE IT ORDAINED** by the Village Council of South Orange Village, County of Essex, State of New Jersey, as follows:

**SECTION 1.**

There is hereby established a new chapter of the Village Code of South Orange Village which shall be entitled Chapter 211- Open Space, Recreation, Farmland and Historic Preservation Trust Fund to read as follows:

**Ch. 211 Open Space, Recreation, Farmland and Historic Preservation Trust Fund**

**211-1 Purpose**

**211-2 Establishment**

**211-3 Funding of the Trust Fund**

**211-4 Disposition of property, gifts, grants and other funding sources**

**211-5 Capital Maintenance Considerations**

**211-6 through 211-10 RESERVED**

**211-11 Open Space, Recreation, Farmland and Historic Preservation Trust Fund**

**Advisory Committee**

**211-12 Membership**

**211-13 Powers and Duties**

**211-14 Limitations on Advisory Committee's Activities**

**211-1 Purpose**

The purpose of this Chapter is to codify the establishment, operation and maintenance of a fund in the General Capital Fund, which, since its approval



by the voters of the Village at the November 2, 1999 General Election, has been known and designated as the "Municipal Open Space, Recreation, Farmland and Historic Preservation Trust Fund."

### **211-2 Establishment**

In or about 2000, there was created, and continuously maintained, a Municipal Open Space, Recreation, Farmland and Historic Preservation Trust Fund special bank account, administered by the Finance Department of South Orange Village, for the purposes hereby codified in this Chapter. The Village Council is hereby authorized to, by majority vote, cause the utilization of funds from the Municipal Open Space, Recreation, Farmland and Historic Preservation Trust Fund for any and all of the following, or a combination thereof:

- 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. Historic preservation of properties, structures, facilities, sites, areas or objects, and acquisition of such properties, structures, facilities, sites, areas or objects for historic preservation purposes;
- E. Payment of debt service on indebtedness issued or incurred by the Village for any of the above purposes.

The funds from the account may also be used to acquire land which has improvements on it at the time of acquisition, provided that the principal purpose of the acquisition is consistent with the purposes enumerated above. The Village Council shall determine the amount of funds that it will make available for each acquisition after conducting at least one public hearing thereon in accordance with N.J.S.A. 40:12-15.7(2). In the event the Village Council finds it appropriate to apportion the cost of acquisition between open space and improvement, it may do so and charge the Open Space, Recreation, Farmland and Historic Preservation Trust Fund for the approximate value that the Village Council deems relative to the purposes of this Chapter and the Village's capital account for the value that it determines attributable to improvements.



### **211-3 Funding of the Trust Fund**

Since 2000, a special tax rate was added to the total Village tax rate in an amount not to exceed \$0.01 per \$100.00 of the assessed valuation of all real property within the Village. Resolution #2025-207, duly adopted by the Village Council of South Orange Village at its regular meeting held on July 28, 2025, authorized the municipal public question to appear on the official ballot for South Orange Village for the November 4, 2025 General Election asking voters if South Orange Village should increase the Open Space Recreation, Farmland and Historic Preservation Trust Fund from \$0.01 to \$0.02 per \$100 of assessed property value to provide additional funding for the acquisition, improvement, and maintenance of parks, open spaces, conservation lands and historic preservation. The voters of South Orange Village overwhelming voted "Yes" and approved the referendum question.

As of January 1, 2026, a special tax rate shall be added to the total Village tax rate in an amount which shall not exceed \$0.02 per \$100.00 of the assessed valuation of all real property within the Village.

### **211-4 Disposition of property, gifts, grants and other funding sources**

The Fund shall also be permitted to accept donations and testamentary bequests. In the event the Village shall become the beneficiary, by way of gift, bequest, federal or state grant or other funding sources, of any lands or unrestricted funds, such lands and/or funds may, at the discretion of the Village Council, be deposited in the trust fund (in the case of monies) or be placed upon the trust fund's register or open lands, as the case may be. No real property or interest therein acquired with funds from the Open Space, Recreation, Farmland and Historic Preservation Trust Fund shall be sold, conveyed, leased or otherwise alienated, unless it is needed for another public purpose or otherwise furthers the purposes of this Chapter. If such a sale, lease or conveyance is made, the Village shall do so in accordance with N.J.S.A. 40:12-15.9. The Open Space, Recreation, Farmland and Historic Preservation Trust Fund shall be administered in accordance with applicable state and federal statutory provisions and programs, including, without limitation, N.J.S.A. 40:12-15.1, et seq.

### **211-5 Capital Maintenance Considerations**

Projects intended to be eligible for Open Space Trust Fund monies involving maintenance of lands acquired for recreation and conservation purposes must



be purposed for projects intended to have a long term impact of no less than five years or projects which, once completed, will not need to be repeated within five years and may include, but are not limited to:

- A. Dredging, where an engineer certifies that the dredge spoils and siltation is, based on past experience, in this area, unlikely to be repeated within five years;
- B. Planting of perennial trees and bushes where the plantings themselves serve the purpose of maintenance, such as stabilization of stream banks, etc., and will likely endure longer than five years according to product specifications or other reliable information;
- C. Removal of invasive species where same threatens the use and enjoyment of recreation and conservation lands;
- D. Remedial investigation and clean up and removal of contamination exceeding New Jersey Department of Environmental Protection standards applicable to the property, in accordance with and to meet the site cleanup technical regulations where such lands will be put to use for purposes of recreation or conservation (including flood zone preservation);
- E. Replacement of tennis courts;
- F. Replacement of playground equipment intended, but not limited to, meeting safety or risk management guidelines; and
- G. Maintenance projects lasting or having an impact longer than five (5) years consistent with grants the Village obtains and which uses Open Space Trust Fund monies to match grants (such as but not limited to Green Acres or Federal Transportation Enhancements) and are termed "capital maintenance"; and
- H. Such capital maintenance uses that would otherwise be appropriate for the use of Open Space Trust Fund monies by the Village.

Short-term, routine, repeating maintenance efforts (such as cutting grass or maintaining shrubs in lawn areas, building curtilage, or parkland; ordinary grass cutting, weeding, maintenance, seeding, and care of planted beds; play field or playground annual maintenance, including annual maintenance to tennis courts, basketball courts, baseball infields or outfields, and soccer fields) are not eligible for Open Space Trust Fund monies.



**211-6 through 211-10 RESERVED**

**211-11 Open Space, Recreation, Farmland and Historic Preservation Trust Fund Advisory Committee**

There is hereby established a permanent advisory committee which shall be known as the Open Space, Recreation, Farmland and Historic Preservation Trust Fund Advisory Committee (or, as may be hereafter referred to, the "OSTF Advisory Committee") whose terms and powers are hereinafter set forth. In all instances, the OSTF Committee shall comport with the requirements of Village Code Chapter 3-8 Advisory Committees.

**211-12 Membership**

The OSTF Advisory Committee shall be comprised of members appointed by the Mayor, in number and composition to be determined by the Mayor, in her sole discretion, who may consider, without limitation or constraint except those imposed by Village Code Chapter 3-8 Advisory Committees, the following interests and representations in her selection of members:

- A. A Village Council liaison
- B. The Mayor or her designee
- C. The Director of Recreation and Cultural Affairs for South Orange Village
- D. 3 Representatives from park conservancies
- E. 5 Members at Large

The term of the Village Council Liaison, Mayor's designee, Director of Recreation and Cultural Affairs or other South Orange municipal employee or elected official (if appointed) shall correspond to their respective tenure. All other appointed members shall serve upon terms designated by the Mayor except that terms of such first appointed members shall be distributed evenly such that the term of not more than a proportionate numbers of appointed members shall expire in any one year. Any vacancies occurring for any reason shall be filled by the Mayor for the unexpired term in the same manner as the original appointment. The Mayor may remove any member of the advisory committee with or without cause.



### **211-13 Powers and Duties**

- A. The powers and duties of the OSTF Committee shall be limited to those enumerated herein.
- B. The OSTF Committee shall make recommendations to the Mayor, Village Council and Village Administrator regarding creation and the overall administration of a municipal parks, open spaces, conservation lands and historic properties acquisition program;
- C. The OSTF Committee shall make recommendations to the Mayor, Village Council and Village Administrator regarding implementation of the recreation and open space component of the South Orange Village Master Plan;
- D. The OSTF Committee shall prepare a report recommending parcels of land which may be acquired in fee and/or those parcels of land from which the Village should acquire development rights only. The Committee shall also develop and maintain an updated plan outlining the Committee's recommendations for the acquisition, development and maintenance of lands for recreation and conservation purposes and the historic preservation of historic properties, structures, facilities, sites, areas or objections. The Committee shall submit to the Village Council the properties which it recommends that the Village acquire. The Village Council shall review the properties submitted and make a determination as to which properties, if any, are to be acquired.
- E. The OSTF Committee shall recommend that the Village apply for County, State, and non-profit foundation grants to supplement the Village's Open Space, Recreation and Historic Preservation Trust Fund and shall, upon request of the Village Administrator, prepare such funding application(s) for submission by the Village Administrator which funding assistance programs may include:
  - 1. Acquisition of lands for recreation and conservation purposes;
  - 2. Development of lands acquired for recreation and conservation purposes;
  - 3. Maintenance of lands acquired for recreation and conservation purposes;
  - 4. Historic preservation of properties, structures, facilities, sites, areas or objects, and acquisition of such properties, structures, facilities, sites, areas or objects for historic preservation purposes;
  - 5. Payment of debt service on indebtedness issued or incurred by



the Village for any of the above purposes.

**211-14 Limitations on Advisory Committee's Activities**

The Advisory Committee shall not perform the following activities:

- A. Review any site plan application and make recommendations with respect thereto;
- B. Appear before the Planning Board or Zoning Board of Adjustment in conjunction with any application being heard by those boards; and
- C. Shall not assume any other duties or functions other than those specifically granted to the advisory committee by ordinance or resolution.

**SECTION 2.**

If any section, sub-section, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

**SECTION 3.**

All ordinances and resolutions, or parts of ordinances and resolutions inconsistent herewith shall be and are hereby repealed as to such inconsistencies.

**SECTION 4.**

This ordinance shall take effect upon final passage and publication as required by law.

**SECTION 5.**

On passage this ordinance shall be codified.

**Introduction – First Reading**

<b>Council Member</b>	<b>Motion</b>	<b>Second</b>	<b>Ayes</b>	<b>Nays</b>	<b>Abstain</b>	<b>Absent</b>
Canning		X	X			
Greenberg			X			
Haskins	X		X			
Jones			X			
Lewis-Chang			X			
Zollman			X			



**CERTIFICATION**

I, Ojetti E. Davis, Village Clerk of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was introduced on first reading by the Village Council at their regular meeting held on January 26, 2026.

  
 Ojetti E. Davis  
 Village Clerk

**Adoption – Second Reading**

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
Canning						
Greenberg						
Haskins						
Jones						
Lewis-Chang						
Zollman						

**CERTIFICATION**

I, Ojetti E. Davis, Village Clerk of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was adopted on second reading by the Village Council at their meeting held on February 23, 2026.

\_\_\_\_\_  
 Ojetti E. Davis  
 Village Clerk

Adopted:

Attest:

\_\_\_\_\_  
 Sheena C. Collum  
 Mayor

\_\_\_\_\_  
 Ojetti E. Davis  
 Village Clerk