

**ORDINANCE NO. 7-2011**

**AN ORDINANCE OF TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER REDUCING THE TWO CENT (\$.02) PER HUNDRED (\$100.00) DOLLAR OF ASSESSED VALUATION DEDICATED OPEN SPACE TRUST FUND TAX RATE TO ONE CENT (\$.01) PER HUNDRED (\$100.00) DOLLARS OF ASSESSED VALUATION DURING CALENDAR YEAR 2011 ONLY AND FURTHER AUTHORIZING THE TOWNSHIP'S CHIEF MUNICIPAL FINANCE OFFICER TO COLLECT THE ONE CENT (\$.01) DEDICATED TAX**

**WHEREAS**, on November 2, 1999, by a vote of almost two to one in favor, the voters of Hanover Township approved a binding referendum question concerning the creation of an Open Space Trust Fund for the Township; and

**WHEREAS**, the binding referendum asked the voters whether the Township should adopt an ordinance establishing an "Open Space and Parkland and Facilities Preservation Trust Fund" and if so, should the Trust Fund be funded through the collection of local property taxes in the amount of two cents (\$.02) for each one hundred (\$100.00) dollars of assessed valuation; and

**WHEREAS**, the creation of the Open Space Trust Fund would complement any other available funding sources to be used exclusively for the purchase of property or easements within the Township, for the preservation of resource open space and/or the maintenance and improvement of the Township's existing parkland and related facilities for outdoor recreation purposes; and

**WHEREAS**, the Township Committee, on December 9, 1999, adopted Ordinance No. 32-99 which established an Open Space and Parkland and Facilities Preservation Trust Fund and the Open Space and Parkland and Facilities Preservation Advisory Committee (OSAC); and

**WHEREAS**, the ordinance also established for the year 2000 and subsequent years, a two cent (\$.02) per hundred (\$100.00) dollar valuation tax which would be specifically dedicated for the acquisition of property for open space and

recreational purposes and the maintenance and improvement to the Township's parkland and related facilities; and

**WHEREAS**, the two cent (\$.02) dedicated tax is shown as a separate line item on each property owners tax bill and not as part of the municipal tax rate in that the tax was established as a dedicated tax for the purposes described above; and

**WHEREAS**, since its inception in the year 2000, the two cent (\$.02) dedicated tax rate has not changed with the exception of calendar year 2009 when the governing body reduced the dedicated open space tax rate from two cent (\$.02) to one (\$.01) cent; and

**WHEREAS**, due to the recession and economic downturn, the Township Committee is well aware of the financial constraints placed on the Township's property taxpayers, and therefore, the governing body has determined that it would be in the best interest of the Township to again reduce the dedicated open space tax rate from two cent (\$.02) per hundred (\$100.00) dollars of assessed valuation to one cent (\$.01) per hundred (\$100.00) dollars of assessed valuation for 2011 only; and

**WHEREAS**, although the dedicated open space tax is not computed as part of the municipal tax rate which supports municipal operations and services, the reduction in the open space tax rate will help to minimize the impact of the property taxpayers' total 2011 tax bill.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

**Section 1.** That the Open Space Trust Fund dedicated tax rate, as established by Ordinance No. 32-99, and codified under Chapter 50 of the Code of the

Township entitled Open Space, Parkland and Facilities Preservation Trust Fund Advisory Committee, shall be reduced from two cents (\$.02) per hundred (\$100.00) dollars of assessed valuation to one cent (\$.01) per hundred (\$100.00) dollars of assessed valuation for calendar year 2011.

**Section 2.** That the Township's Chief Municipal Finance Officer is hereby authorized and directed to collect the one cent (\$.01) per hundred dollars of assessed valuation for calendar year 2011 only. The funds derived from this dedicated tax shall continue to be maintained in a separate account and shall only be utilized for the purposes described in Ordinance No. 32-99 which established the Open Space and Parkland and Facilities Preservation Trust Fund.

**Section 3.** That certified copies of this ordinance shall be transmitted to the Division of Local Government Services, the Township's Chief Municipal Finance Officer and members of the Township's Open Space Advisory Committee.

**Section 4.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

**Section 5.** In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

**Section 6.** This ordinance shall take effect in accordance with the law.

TOWNSHIP COMMITTEE  
TOWNSHIP OF HANOVER  
COUNTY OF MORRIS  
STATE OF NEW JERSEY

DATE OF INTRODUCTION: February 24, 2011

DATE OF ADOPTION: March 10, 2011

## **NOTICE OF INTRODUCTION**

**NOTICE IS HEREBY GIVEN**, That the foregoing Ordinance was submitted in writing at a meeting of the Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey, held on the 24<sup>th</sup> day of February, 2011, introduced and read by title and passed on first reading and the Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on the 10<sup>th</sup> day of March, 2011, at 8:30 o'clock in the evening prevailing time, at the Municipal Building, 1000 Route 10, Whippany, in said Township of Hanover, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

JOSEPH A. GIORGIO, TOWNSHIP CLERK  
TOWNSHIP OF HANOVER  
COUNTY OF MORRIS  
STATE OF NEW JERSEY

DATED: March 3, 2011