BOROUGH OF SPRING LAKE **ORDINANCE NO. 2012-004**
COUNTY OF MONMOUTH

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 317 OF THE BOROUGH CODE, "SPECIAL IMPROVEMENT DISTRICT" TO CREATE AN ADDITIONAL CATEGORY OF PROPERTIES FOR ASSESSMENT PURPOSES AND OTHER REVISIONS

WHEREAS, Chapter 317, "Special improvement district" created and regulates said district for the purpose of promoting the economic revitalization of Borough's commercial and business properties; and

WHEREAS, Section 317-5 designates those properties which are included within said district and authorizes the assessment of annual costs to be allocated among said properties based on defined categories; and

WHEREAS, representatives and Directors of the District Management Corporation, in consultation with Borough Administration and Council Liaison, recommend that a third category of property owner consisting of "Bed and Breakfast" establishments be created for purposes of cost assessments, as well as other revisions; and

WHEREAS, the Mayor and Council, have determined that it is in the best interests of the residents of the Borough to amend and revise these sections accordingly; and

NOW, THEREFORE, BE IT HEREBY ORDAINED, by the Mayor and Borough Council of the Borough of Spring Lake, in the County of Monmouth and State of New Jersey, that the following sections of Chapter 317, "Special improvement district" , are amended and supplemented with deletions reflected in ~~strikethrough~~ and additions reflected in **bold underline** as follows:

§5. Special Assessment

The special improvement district, as described on Schedule A, shall be an area in which all of the property included therein, except as hereinafter stated, shall have imposed a special assessment for the purposes of promoting the economic and general welfare of the district and the Borough of Spring Lake.

A. The improvements and supplemental services in the special improvement district will involve annual costs peculiar only to the special improvement district and will be distinguished from improvements and services normally provided by the Borough. While the improvements and supplemental services shall be maintained and operated pursuant to the provisions of this chapter and to N.J.S.A. 40:56-65 et seq. and the costs thereof assessed or taxed to the benefited properties pursuant to this chapter, such improvements and supplemental services shall not be substituted by the Borough for improvements and services now supplied to the proposed special improvement district nor be grounds for curtailment of future improvements and services planned.

B. Properties within the Special Improvement District that are subject to the special assessment shall be separated into ~~two~~ **three** categories as follows:

1) Special District 1: Properties that are completely within the Borough's Retail Commercial (RC) district as designated on the Borough's official zoning map.
2) Special District 2: Properties that are in any zone other than the Borough's Retail Commercial district (GC, R1, R2, R3 or CS-SC) as designated on the Borough's official zoning map that have commercial retail or service uses.
3) **Special District 3: Properties that operate as a "bed and breakfast" as defined in N.J.A.C 5:70-1.5.**

The appropriate tax rate to be applied to each category of property shall be calculated to generate the amount required to fund the budget adopted per this Ordinance wherein the rate for properties in Special District 2 shall be 50% of the rate for properties in Special District 1, **and the rate for properties in Special District 3 shall be 40% of the rate for properties in Special District 1.**

The foregoing assessment shall be collected by the Borough as a special assessment against the properties that are within the district as defined in Schedule A per the above.

§6. Exemptions from Special Assessment

The following properties are exempt from the special assessment tax of this chapter:

A. Property owned by a municipal, county, state, or federal government.
B. Property used exclusively for **a single-family** residential purpose.
C. Property that is unimproved, undeveloped, and in a residential zone.
D. Exempt properties, under the New Jersey Real Estate Tax laws, including public and parochial school property, church property, cemeteries, exempt charity owned property, and other such exempt property.
E. Properties owned by nonprofit recreational, cultural or fraternal organizations and used for the purpose.

§9. District Management Corporation

Spring Lake Business Development Corporation, Inc., is hereby designated the District Management Corporation which shall assist the Borough of Spring Lake in promoting

economic growth and development within the special improvement district. Said District Management Corporation is or will be incorporated pursuant to the provisions of Title 15A of the New Jersey statutes and is hereby designated as eligible to receive the funds collected as special assessment within the special improvement district. In addition, the District Management Corporation shall:

A. Have a Board of Directors consisting of ~~21~~ **20** members, chosen as follows:

(1) A member of the Borough governing body, to be called the "Borough Director";

(2) Four persons who are owners of commercial real estate in the RC Zone, or officials of a corporation or entity owning commercial real estate in the RC Zone, to be called the "RC Zone Owner Directors";

(3) Four persons who operate a retail business in the RC Zone to be called the "RC Zone Business Directors";

(4) Two persons who operate a service or professional business within the district to be called the "Service Business Directors";

(5) One person who owns commercial property or operates a retail, service or professional business within the district but not in the RC Zone to be called the "General Business Director".

(6) Two persons who operate a restaurant, food, or dining experience business within the district to be called the "Dining Directors";

(7) Two unrelated residents of the district who are neither owners of commercial property within the district nor owners or operators of a business within the district, to be called the "Residential Directors";

(8) One person who shall be an owner resident of the Borough, the owner of commercial property within the district or the operator of a business or profession within the district, to be appointed by the Greater Spring Lake Chamber of Commerce, to be called the "Chamber of Commerce Director";

~~(9) One person who shall be an owner resident of the Borough, the owner of commercial property within the district or the operator of a business or profession within the district, to be appointed by the Spring Lake Merchants Association, to be called the "Merchants Association Director";~~

(~~10~~ **9**) One person who shall be an owner resident of the Borough, the owner of a bed and breakfast within the district, to be appointed by Spring Lake Bed and Breakfast Association, to be called the "Bed and Breakfast Director";

(~~11~~**10**) One person, who shall be a member, trustee or employee of a cultural organization that serves Spring Lake and is formally designated by that organization as its representative, to be called the "Cultural Director";

(~~12~~**11**) One person, who shall be a member, trustee or employee of a historic preservation organization that serves Spring Lake and is formally designated by that organization as its representative, to be called the "Preservation Director";

Section 2.

If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

Section 3.

Any ordinances or parts thereof in conflict with the provisions of the Ordinance are repealed to the extent of such conflict; and

Section 4.

This ordinance shall take effect upon passage and publication in accordance with applicable law.

INTRODUCED: February 14, 2012

ADOPTED: February 29, 2012

APPROVED: _____
JENNIFER NAUGHTON, Mayor

Attest:

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JANE L. GILLESPIE, Borough Clerk