

TOWNSHIP OF CHESTERFIELD

ORDINANCE 2016-1

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF CHESTERFIELD REGARDING UTILIZATION AND APPLICATION OF RECREATION TRUST FUNDS

WHEREAS, Section 110-130(S) requires a recreation fee of Three Thousand Dollars (\$3,000.00) per unit for all new developments; and Section 130-88.1(C)(5) of the Code of the Township of Chesterfield requires certain recreation contributions from developers of land within the Receiving Area under the Township's Transfer of Development Rights Program; and

WHEREAS, recreation funds, whether received from developers within or outside of the Receiving Area, are placed in a dedicated "Recreation Trust Fund"; and

WHEREAS, although most of the funds received in that account are associated with developments within the Receiving Area, the Township's TDR Program has now proven to be a successful land use planning initiative, and an estimated fifty-three percent (53%) of the Township's population currently resides in the Receiving Area, and, upon full build-out, the Township's Master Plan reflected that more than seventy-five percent of the Township's population will be centered in the Receiving Area, such that the Township's various recreational needs will be represented and sought largely by residents in the Receiving Area; and

WHEREAS, current Township Ordinances limit the application and use of recreation contributions to the development and maintenance of various facilities within the Receiving Area, as well as the fields on Fenton Lane; and

WHEREAS, notwithstanding current Ordinance limitations, the Receiving Area is not a separate part of Chesterfield, but is instead vitally and fully coordinated into the Chesterfield community, and all recreation fields and facilities are available to the fully community; and

WHEREAS, included among future facilities to be enjoyed by residents of the entire Township, are portions of the proposed new municipal building which will be made available to and used by community groups, such as Boy Scouts, Girl Scouts, and other community organizations; and

WHEREAS, the Township Committee deems it appropriate to facilitate the utilization of funds in the Recreation Trust Fund for improvements that will benefit the entire community, and not limit the application of those funds to improvements at either the Fenton Lane fields or within the Receiving Area itself; and

WHEREAS, the Township specifically expresses its desire to utilize some of the monies in the Recreation Trust Fund to off-set the costs of those portions of the proposed new municipal building that will advance the recreational needs and community interests of all of the residents of the Township.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Chesterfield, County of Burlington, State of New Jersey as follows:

ARTICLE I. Recreation Trust Fund Usage. In addition to, and notwithstanding any limitations implicit in existing sections, paragraphs, and clauses in the Code of the Township of Chesterfield, the Township Committee hereby authorizes, subject to the adoption of a Resolution to be enacted at the appropriate time and for specific purposes, the

use of monies within the Township's Recreation Trust Fund, for purposes other than those set forth in Section 130-88.1(C)(5) of the Code, to the extent that the governing body deems the use of said monies to be consistent with, related to, or otherwise associated with, the broadly construed purposes of "recreation", whether same are active or passive, including the use of said funds for the construction of the new municipal building, and specifically that square footage which shall be dedicated to community usage, community groups, and similar organizations; and in the future, to such other uses as may be determined by the Township Committee to meet, and advance, the spirit, purpose and intent of this Ordinance.

ARTICLE II. REPEALER, SEVERABILITY AND EFFECTIVE DATE.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

CHESTERFIELD TOWNSHIP COMMITTEE

Introduced: January 4, 2016
Adopted: January 28, 2016