

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK TITLE 3, REVENUE AND FINANCE, PROVIDING FOR THE SPECIAL IMPROVEMENT DISTRICT WITHIN THE CITY OF NEW BRUNSWICK AND TO ESTABLISH A DISTRICT MANAGEMENT CORPORATION PURSUANT TO N.J.S.A. 40:56-65, ET SEQ, AS SAME MAY BE AMENDED AND SUPPLEMENTED

BE IT ORDAINED, by the New Brunswick City Council as follows:

SECTION I

Title 3 is hereby amended to **ADD** a new **Chapter 3.36** entitled "Special Improvement District".

3.36.010 Findings

- A. That an area within the City of New Brunswick, as shall be described hereafter by lot and block numbers as well as by street addresses, would benefit from being designated as a special improvement district;
- B. That a District management Corporation would assist the City in promoting economic growth and employment within the business district by providing administrative and other services to benefit the businesses, employees, residents and consumers in the special improvement district;
- C. That a special assessment shall be imposed and collected by the City of New Brunswick with the regular property tax payment or payment in lieu of taxes and that such special assessment shall be transferred to the District management Corporation to exercise the powers given it by this ordinance and to effectuate the purposes of NJSA 40:56-65 et seq;
- D. That it is in the best interests of the City of New Brunswick and the public to create such special improvement district and to designate such District Management Corporation, except that no District Management Corporation shall be designated to receive any funds or to exercise any powers, unless the Board of Directors of that Corporation shall include at least one member of the City Council of the City of New Brunswick;
- E. The public policy of the State of New Jersey permits the Governing Body to protect the public welfare and health and the interests of the public in the safe and effective movement of persons and to preserve and enhance the function and appearance of the business districts of the City of New Brunswick by adoption of a special improvement district ordinance.

3.36.20 Definitions

- A. "Special Improvement District" means an area within the City of New Brunswick designated by this ordinance as an area which a special assessment on all property within the district shall be imposed for the purposes of promoting the economic an general welfare of the district and the Municipality.
- B. "District Management Corporation" means an entity created by municipal ordinance or incorporated pursuant to N.J.S.A. 15A:1-1 et seq. and designated by municipal ordinance to receive funds collected by a special assessment within a special improvement district as authorized by this ordinance.

03.36.030 Special Improvement District Description:

- A. There is hereby designated a Special Improvement District (hereinafter called "SID") which is more particularly described in Table 1.
- B. Any property listed hereinabove, and which is incorporated within the SID, is exempt from the payment of any special assessment if it is exclusively used for residential purposes.

03.36.030 Special Assessment:

The Special Improvement District (SID), as hereinabove described, 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 City of New Brunswick.

- A. Any property located within the S ID which is tax exempt shall not be subject to the special assessment.
- B. In the event any tax exempt entity makes a payment in lieu of taxes to the City of New Brunswick, then, in that event, said entity shall be subject to the imposition of the special assessment.
- C. The improvements and supplemental services in the SID will involve annual costs peculiar only to the SID and will be distinguished from improvements and services normally provided by the city.

- D. While the improvements and supplemental services shall be maintained and operated pursuant to the provisions of this ordinance and N.J.S.A. 40:56-65, et seq. and the costs thereof assessed or taxed to the benefited properties pursuant to this ordinance, such improvements and supplemental services shall not be substituted by the City for improvements and services now supplied to the proposed SID nor be grounds for curtailment of future improvements and service planned.

03.36.040 DISTRICT MANAGEMENT CORPORATION.

New Brunswick City Market, Inc. is hereby designated the District Management Corporation which shall assist the City of New Brunswick in promoting economic growth and improvement within the SID. Said District Management Corporation is 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 SID. In addition, the District Management Corporation shall:

- A. Have a Board of Trustees consisting of eleven members chosen as follows:
1. one member appointed by the Mayor;
 2. one member of the City Council, appointed by the City Council;
 3. such additional persons, including owners of real estate located within the SID and officials of corporations or entities operating retail or service establishments therein, as may be selected under the by-laws of the District Management Corporation.
- B. Exercise the following powers:
1. Adopt by-laws for the regulation of its affairs and the conduct of its business and to prescribe rules, regulations and policies in connection with the performance of its functions and duties;
 2. Employ such persons as may be required, and fix and pay their compensation from funds available to the corporation;
 3. Apply for, accept, administer and comply with the requirements respecting an appropriation of funds or a gift, grant or donation of property or money;
 4. Make and execute agreements which may be necessary or convenient to the exercise of the powers and functions of the corporation, including contracts with any person, firm, corporation, governmental agency or other entity;
 5. Administer and manage its own funds and accounts and pay its own obligations;
 6. Borrow money from private lenders for periods not to exceed 180 days and from governmental entities for that or longer periods;
 7. Accept, purchase, rehabilitate, sell, lease or manage property in the special improvement district;
 8. Provide security, sanitation and other services to the SID supplemental to those provided normally by the city;
 9. Undertake improvements designed to increase the safety or attractiveness of the SID to businesses which may wish to locate there or to visitors to the SID, including, but not limited to, litter clean up and control, landscaping, parking areas and facilities, recreational and rest areas and facilities, and those improvements generally permitted for pedestrian malls under section 2 of P.L. 1972, c. 134 (c. 40:56-66), pursuant to pertinent regulations of the governing body;
 10. Publicize the district and businesses included within the district boundaries;
 11. Organize special events in the districts;
 12. Provide special parking arrangements in conjunction with the New Brunswick Parking Authority for the district;
 13. Provide temporary decorative lighting in the district.

03.36.050 BUDGET.

The District Management Corporation shall submit a detailed annual budget for approval by resolution of the City Council of the City of New Brunswick. The budget shall be submitted with a

report which explains how the budget contributes to goals and objectives for the special improvement district.

- A. The budget shall be introduced, approved, amended and adopted by resolution passed by not less than a majority of the full membership of the City Council of the City of New Brunswick.

- B. The procedure shall be as follows:
 1. Introduction and approval;
 2. Public advertising;
 3. Public hearing;
 4. Amendments and public hearings, if required;
 5. Adoption.
 - a. The budget shall be introduced in writing at a meeting of the City Council of the City of New Brunswick. Approval thereof shall constitute a first reading which may be by title. Upon approval of the budget by the governing body, it shall fix the time and place for the holding of a public hearing upon the budget.

 - b. The budget shall be advertised after approval. The advertisement shall contain a copy of the budget and shall set forth the date, the time and place of the hearing. It shall be published at least 10 days prior to the date fixed therefore in a newspaper circulating in the City of New Brunswick.

 - c. No budget shall be adopted until a public hearing has been held thereon and all persons having an interest therein shall have been given an opportunity to present objections. The hearing shall be held not less than 28 days after approval of the budget.

 - d. The public hearing shall be held at the time and place specified in the advertisement thereof, but may be adjourned from time to time until the hearing is closed.

 - e. The budget as advertised, shall be read at the public hearing in full, or it may be read by its title, if at least one week prior to the date of the hearing:
 - i. a complete copy of the approved budget, as advertised, shall be posted in a public place where public notices are customarily posted in the City Hall of the City of New Brunswick; and
 - ii. is made available to each person requesting the same, during that week and during the public hearing.

 - f. The City Council shall, by resolution passed by not less than a majority of the full membership, determine that the budget shall be read by its title and declare that the conditions set forth in paragraph (e) have been met. After closing the hearing, the City Council may adopt the budget, by title without amendments, or may approve amendments as provided in subsection g. of this section before adoption.

 - g. The City Council may amend the budget during or after the public hearing. No amendment by the City Council shall be effective until taxpayers and all persons having an interest therein shall have been granted a public hearing thereon, if the amendment shall:
 - i. add a new item in an amount in excess of 1% of the total amount as stated in the approved budget; or
 - ii. increase or decrease any item by more than 10%; or
 - iii. increase the amount to be raised pursuant to section 16 of P. L. 1972, c. 134 (C. 40:56-80) by more than 5%, unless the same is made pursuant to an emergency temporary appropriation only. Notice of hearing on an amendment shall be advertised at least three days before the date set therefor. The amendment shall be published in full in the same manner as an original publication and shall be read in full at the hearing before adoption.

ATTEST:

CITY CLERK

APPROVAL OF THE MAYOR ON THIS DAY OF , 2016.

MAYOR

APPROVALS:

CITY ADMINSTRATOR

CITY ATTORNEY

TKS/kc

Table 1

Block	Lot	Qualifier	Property Location	Expand Date
1.01	1.04		725 STATE ROUTE 18 NB	
1.01	6.01		795 STATE ROUTE 18 NB	
3	12		19 DENNIS ST	
3	15.02		29 DENNIS ST	
3	35.01		100 HIRAM SQUARE	
3	36.01		5 DENNIS ST	
4	36.01		2 ALBANY ST	
4	37	C0001	2 HIRAM SQUARE	
4	37	C0002	4 HIRAM SQUARE	
4	37	C0003	6 HIRAM SQUARE	
4	37	C0004	8 HIRAM SQUARE	
4	37	C0005	10 HIRAM SQUARE	
4	37	C0006	12 HIRAM SQUARE	
4	37	C0007	14 HIRAM SQUARE	
4	37	C0008	16 HIRAM SQUARE	
4	37	C0009	18 HIRAM SQUARE	
4	37	C0010	20 HIRAM SQUARE	
4	37	C0011	22 HIRAM SQUARE	
4	37	C0012	24 HIRAM SQUARE	
4	37	C0013	26 HIRAM SQUARE	
4	37	C0014	28 HIRAM SQUARE	
4	37	C0015	30 HIRAM SQUARE	
4	37		32 HIRAM SQUARE	
5	6.01		147 NEILSON ST	
5	24.01	C0016	19 HIRAM SQUARE	
5	24.01	C0017	17 HIRAM SQUARE	
5	24.01	C0018	15 HIRAM SQUARE	
5	24.01	C0019	13 HIRAM SQUARE	
5	24.01	C0020	11 HIRAM SQUARE	
5	24.01	C0021	9 HIRAM SQUARE	
5	24.01	C0022	7 HIRAM SQUARE	
5	24.01	C0023	5 HIRAM SQUARE	
5	24.01	C0024	3 HIRAM SQUARE	
5	24.01	C0025	1 HIRAM SQUARE	
5	24.01	C0026	163 NEILSON ST	
5	24.01	C0027	161 NEILSON ST	
5	24.01	C0028	159 NEILSON ST	
5	24.01	C0029	157 NEILSON ST	
5	24.01	C0030	155 NEILSON ST	
5	24.01	C0031	153 NEILSON ST	
5	24.01	C0032	151 NEILSON ST	
5	24.01	C0033	149 NEILSON ST	
5	24.01	CG001	161G NEILSON ST	
5	24.01	CG002	157G NEILSON ST	
5	24.01	CG003	153G NEILSON ST	
5	24.01	CG004	149G NEILSON ST	
5	24.01		21 HIRAM SQUARE	
5	25.01		10 DENNIS ST	
8	1.01		150 NEILSON ST	
8	4.01	C0001	335 GEORGE ST	
8	4.01	C0002	335 GEORGE ST	
8	4.01		335 GEORGE ST	
9	1.01		25 BAYARD ST	
9	5		349 GEORGE ST	
9	7		355 GEORGE ST	
9	8		357 GEORGE ST	
9	9		359 GEORGE ST	
9	10		361 GEORGE ST	
9	11		363 GEORGE ST	
9	12.01		365 GEORGE ST	

Block	Lot	Qualifier	Property Location	Expand Date
9	21		9 BAYARD ST	
10	4.01		369 GEORGE ST	
10	4.06		15 PATERSON ST	
10	5.02		375 GEORGE ST	
10	6.01		377 GEORGE ST	
10	7.03		385 GEORGE ST	
10	8		92 CHURCH ST	
10	9.02		90 CHURCH ST	
11	1.01		100 ALBANY ST	
11	13		387 GEORGE ST	
11	15.01		108 ALBANY ST	
12	1.01		5 KIRKPATRICK ST	
12	9.02		86 BAYARD ST	
12	10.02		78 BAYARD ST	
12	10.03		78 BAYARD ST	
12	13.01		70 BAYARD ST	
12	15.01		58 BAYARD ST	
12	16		344 GEORGE ST	
12	17		342 GEORGE ST	
12	18		340 GEORGE ST	
12	19		338 GEORGE ST	
12	20		336 GEORGE ST	
12	21		1 LIVINGSTON AVE	
12	23.01		9 LIVINGSTON AVE	
12	24.01		15 LIVINGSTON AVE	
12	26.01		33 LIVINGSTON AVE	
13	2.01		45 BAYARD ST	
13	4		49 BAYARD ST	
13	5		51 BAYARD ST	
13	6.01		1 ELM ROW	
13	8.01		46 PATERSON ST	
13	8.02		358 GEORGE ST	
13	10		354 GEORGE ST	
13	11		352 GEORGE ST	
13	12		350 GEORGE ST	
14	1.01		75 BAYARD ST	
14	1.02		56 PATERSON ST	
15	1.01		366 GEORGE ST	
15	2.01	C0001	1 SPRING ST	
15	2.01	C0002	1 SPRING ST	
15	2.01		1 SPRING ST	
15	7		5 SPRING ST	
15	8		7 SPRING ST	
15	9		9 SPRING ST	
15	10		124 CHURCH ST	
15	14.01		108 CHURCH ST	
15	16		104 CHURCH ST	
15	17		382 GEORGE ST	
15	18		380 GEORGE ST	
15	19		378 GEORGE ST	
15	20.01		376 GEORGE ST	
16	3.01		390 GEORGE ST	
16	4.01		120 ALBANY ST	
16	11.01		120 ALBANY ST	
16	13.01		120 ALBANY ST	
16	15		392 GEORGE ST	
17	1.01		2 FRENCH ST	
18	1		53 PATERSON ST	
18	2		55 PATERSON ST	

Block	Lot	Qualifier	Property Location	Expand Date
18	3		57 PATERSON ST	
18	4.01		140 CHURCH ST	
18	8		69 PATERSON ST	2016
18	9		71 PATERSON ST	2016
18	10		73 PATERSON ST	2016
18	11.02		75 PATERSON ST	2016
18	19.01		150 CHURCH ST	2016
18.02	1.02		100 KIRKPATRICK ST	2016
19	1		85 BAYARD ST	2016
19	2		87 BAYARD ST	2016
19	3.01		89 BAYARD ST	2016
19	5.01		93 BAYARD ST	2016
19	7		97 BAYARD ST	2016
19	8		99 BAYARD ST	2016
19	9		101 BAYARD ST	2016
19	10		103 BAYARD ST	2016
19	11		17 NO JOYCE KILMER AVE	2016
19	12.01		21 NO JOYCE KILMER AVE	2016
19	15		96 PATERSON ST	2016
19	16.01		94 PATERSON ST	2016
19	18.01		90 PATERSON ST	2016
19	20		86 PATERSON ST	2016
19	21		84 PATERSON ST	2016
19	24		36 KIRKPATRICK ST	2016
20	6		104 BAYARD ST	2016
20	6.02		100 BAYARD ST	2016
20	11		94 BAYARD ST	2016
20	12		92 BAYARD ST	2016
20	13		90 BAYARD ST	2016
21	1		107 BAYARD ST	2016
21	18		24 NO JOYCE KILMER AVE	2016
21	19		22 NO JOYCE KILMER AVE	2016
23.01	10.02		101 PATERSON ST	2016
36.01	1.01		3 ALBANY ST	
44	1.01		410 GEORGE ST	
104.01	1.01		1 RICHMOND ST	
116	1.01		95 NEILSON ST	
117.01	1		303 GEORGE ST	
117.01	2.01		317 GEORGE ST	
117.01	3.02		120 NEILSON ST	
117.01	15		323 GEORGE ST	
119	11.01		285 GEORGE ST	2016
127.01	1.02	C0001	10 LIVINGSTON AVE	
127.01	1.02	C0002	20 LIVINGSTON AVE	
127.01	1.02	C0003	20 LIVINGSTON AVE	
127.01	1.02		10 LIVINGSTON AVE	
129	1.01		290 GEORGE ST	
129	1.02		70 NEW ST	
129	2.01		83 MORRIS ST	
129	3.01		89 MORRIS ST	
129	3.02		40 LIVINGSTON AVE	
129	5.01		90 NEW ST	
129	9.01		82 NEW ST	
130	1.01		57 LIVINGSTON AVE	