

Borough of Washington, NJ
Tuesday, November 3, 2015

Chapter 74. SPECIAL IMPROVEMENT DISTRICT

[HISTORY: Adopted by the Mayor and Council of the Borough of Washington 6-4-2003 by Ord. No. 7-2003. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning and land development — See Ch. 94.

§ 74-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DISTRICT MANAGEMENT CORPORATION

The Washington Borough Business Improvement District Management Corporation (also referred to as "management corporation"), an entity to be incorporated pursuant to Title 15A of the New Jersey Statutes and designated by municipal ordinance to receive funds collected by a special assessment within the special improvement district as authorized by this chapter and any amendatory supplemental ordinances.

SPECIAL IMPROVEMENT DISTRICT)

An area (sometimes also referred to as "the district") within the Washington Borough designated by this chapter as an area in which a special assessment on property within the district shall be imposed for the purposes of promoting the economic and general welfare of the district and the municipality.

§ 74-2. Findings.

Pursuant to N.J.S.A. 40:56-65 et seq. ("the Act"), and in particular N.J.S.A. 40:56-68, the governing body of the Borough of Washington hereby determines the following:

- A. That the areas within Washington Borough that are described by block and lot and by street address as set forth in Schedules A1 and A2
Editor's Note: Schedules A1 and A2 are on file in the Borough offices.
of this chapter, and the property owners, tenants and inhabitants therein benefit from being designated as a special improvement district and will benefit the whole of Washington Borough, with the exception of the following properties that will not be assessed members of the special improvement district:
 - (1) Any property owned and operated by the municipal, county and state governments; and
 - (2) One hundred percent of residential structures three units or under.
- B. That a district management corporation would provide administrative and other services to benefit the businesses, employees, residents and consumers in Washington Borough, the

Washington Borough Special Improvement District, and will also assist the Borough of Washington in promoting economic growth and employment;

- C. That a special assessment may be imposed and collected by the Borough of Washington either with the regular property tax payment (or payment in lieu of taxes) or otherwise on properties located within the Borough's limits and that these payments shall be transferred to the District Management Corporation to effectuate the purpose of this chapter and to exercise the powers given to it pursuant to this chapter;
- D. That it is in the best interests of the Borough of Washington and its inhabitants to create a special improvement district and to designate a nonprofit district management corporation in the special improvement district; and
- E. That the business community should be encouraged to provide self-help and self-financing programs to meet local, needs, goals and objectives and should be encouraged to supplement any of the authorized services and improvements through formation of an independent district management corporation formed under Title 15A of the New Jersey Statutes.

§ 74-3. Creation of district.

- A. There is hereby created and designated within the Borough of Washington a special improvement district authorized pursuant to N.J.S.A. 40:56-65 et seq., to be known as the "Washington Borough Special Improvement District" ("District") and is hereby established consisting of the properties designated and listed on Schedules A1 and A2, annexed hereto,
Editor's Note: Schedules A1 and A2 are on file in the Borough offices.
by tax block and lot numbers and street addresses. The special improvement district will be governed by a district management corporation as minimally defined in Schedule B annexed hereto by category.
Editor's Note: Schedule B is on file in the Borough offices.
- B. Schedules A1 and A2 of this chapter may be amended by ordinance to add and delete particular properties which have a change in use affecting the appropriateness of including them as part of the special improvement district. Any change in the classes of properties to be considered part of the special improvement district will require an ordinance.

§ 74-4. Assessments.

All costs of improvements and maintenance, other than the costs of improvements and maintenance ordinarily incurred by the Borough of Washington out of general funds, shall be determined and approved pursuant to N.J.S.A. 40:56-80 or 40:56-85, as determined by the District Management Corporation. The formula for the assessment is as follows: each property's current assessed value, as determined by the Borough of Washington Tax Assessor for real estate tax purposes, will be multiplied by the appropriate factored amount to sustain the approved annual budget to determine the amount of the special improvement district assessment. The foregoing assessment shall be collected as a special assessment against the properties that are within the district as defined in Schedules A1 and A2.

Editor's Note: Schedules A1 and A2 are on file in the Borough offices.

§ 74-5. Designated district management corporation.

- A. The governing body of the Borough of Washington hereby designates the Washington Borough Business Improvement District Management Corporation ("District Management Corporation"), a

nonprofit corporation, as the district management corporation for the district. The Board of Directors of the District Management Corporation shall include at least one member of the governing body.

- B. The District Management Corporation, in addition to acting as an advisory board to the governing body, shall also have all powers necessary and requisite to effectuate the purposes of this chapter, including but not limited to:
- (1) Adoption of bylaws for the regulation of its affairs and the conduct of its business and prescribe rules, regulations and policies for 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 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 contract with any person, firm, corporation, government agency or entity;
 - (5) Administer and manage its own funds and accounts and pay its own obligations;
 - (6) Borrow money from private lenders and government entities;
[Amended 7-1-2008 by Ord. No. 6-2008]
 - (7) Fund the improvement of exterior appearance of properties in the district through grants and loans;
 - (8) Fund rehabilitation of properties in the district;
 - (9) Accept, purchase, rehabilitate, sell, lease or manage property in the district;
 - (10) Enforce the conditions of any loan, grant, sale or lease made by the Corporation;
 - (11) Provide security, sanitation and other services in the district, supplemental to those normally supplied by the Borough of Washington;
 - (12) Undertake improvements designed to increase safety, attractiveness of the district to businesses which may locate there or visitors to the district, including but not limited to parking, litter cleanup and control, landscaping, signage, and those improvements generally permitted for pedestrian malls under N.J.S.A. 40:56-66 pursuant to pertinent regulations of the governing body;
 - (13) Publicize, promote and plan for the district and the businesses included within the district boundaries.
 - (14) Recruit new businesses to fill vacancies in, and to balance the business mix of, the district;
 - (15) Organize special events in the district;
 - (16) Provide special parking arrangements for the district;
Editor's Note: Former Subsections B(17) and B(18), which immediately followed this subsection were repealed 7-1-2008 by Ord. No. 6-2008. The ordinance also renumbered original Subsections B(19) and B(20) as Subsections B(17) and B(18), respectively.
 - (17) Provide temporary decorative lighting in the district; and
 - (18) Effectuate the purposes and intents of N.J.S.A. 40:56-66, as amended.

- C. The District Management Corporation shall utilize affirmative action goals and guidelines in its hiring and expenditures whenever possible. Pursuant to N.J.A.C. 17:27-5.2, the District Management Corporation will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status or sex. The District Management Corporation will take affirmative action to ensure that such applicants are recruited and employed and that employees are treated during employment without regard to their age, race, creed, national origin, ancestry, marital status or sex.
- D. Upon further written agreement, the Borough of Washington may delegate to the District Management Corporation the contracting of work to be done on any street, or on other municipal property, included in the special improvement district. In that event, the Corporation shall be a "contracting unit" within the Local Public Contracts Law, P.L. 1971, c. 198 (N.J.S.A. 40A:11-1 et seq.). The plans and specifications shall be approved by the Municipal Engineer prior to initiation of any action for the award of a contract under the Act.

§ 74-6. Annual report and budgets.

- A. The District Management Corporation shall submit a detailed business plan and budget for the upcoming year, no later than November 1 of the current fiscal year starting the year after this chapter is adopted, for the approval by resolution of the governing body, pursuant to the provisions of N.J.S.A. 40:56-84. The budget shall be submitted with a report which explains how the budget contributes to the goals and objectives for the special improvement district.
- B. The fiscal year of the District Management Corporation shall be January 1 to December 31.

§ 74-7. Annual audit of District Management Corporation.

The District Management Corporation shall also cause an audit of its books, accounts and financial transactions to be made and filed with the governing body by a certified public accountant. This audit shall be completed and filed with the governing body within four months after the close of the fiscal year of the Corporation. A certified duplicate copy of the audit shall be filed with the County of Warren Tax Assessor and Director of the Division of Local Government Services in the State of New Jersey Department of Community Affairs within five days of the filing of the audit with the governing body.

§ 74-8. Annual report to municipality.

The District Management Corporation shall submit an annual report to the governing body pursuant to N.J.S.A. 40:56-80 within 60 days of the close of the fiscal year. This report shall consist of a narrative covering the previous year's operation and detailed financial statements.

§ 74-9. Municipal powers retained.

Notwithstanding the creation of the special improvement district, the Borough of Washington expressly retains all its powers and authority over the area designated as the Washington Borough Special Improvement District.