

BOROUGH OF WOODCLIFF LAKE
Bergen County, New Jersey

ORDINANCE NO. 18-15

**AN ORDINANCE TO ADD CHAPTER 43 ENTITLED “OPEN SPACE TRUST FUND” TO THE
BOROUGH CODE OF THE BOROUGH OF WOODCLIFF LAKE, STATE OF NEW JERSEY**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF
WOODCLIFF LAKE IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:**

WHEREAS, by way of referendum and in accordance with the public’s sentiment, the Borough of Woodcliff Lake established the “Open Space Trust Fund” to authorize the acquisition of real property for open space purposes or for the use for other purposes ancillary to same.

WHEREAS, that Mayor and Council wish to add chapter 43 to the Borough Code to codify pertinent definitions so as to guide the use of said funds.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Woodcliff Lake, Bergen County, New Jersey, as follows:

Section 1. That Chapter 43 entitled “OPEN SPACE TRUST FUND” shall be added to the Borough of Woodcliff Lake Code and shall be read and numbered as follows:

CHAPTER 43 – OPEN SPACE TRUST FUND

§ 43-1. Preamble.

The Borough of Woodcliff Lake recognizes its desire to foster a community that incorporates an appreciation of and engaging with the environment. To that end, the Borough of Woodcliff has adopted by referendum The Open Space Trust Fund which is funded through the collection of local property taxes. This Chapter of the Borough Code is adopted to provide guidance for the use of these funds.

§ 43-2. Use of Fund

The monies contained in the fund shall be utilized in the manner prescribed in the most recent version of the referendum, this Chapter of the Borough Code and the laws of the State of New Jersey.

§ 43-3. Passive Recreation

A. This definition of “passive recreation” is adopted so as to clarify the Borough’s interpretation of the concept and to guide the Borough in the use of the Open Space Trust fund for such purposes.

- B. Passive recreation shall mean those pursuits that offer constructive, restorative, and pleasurable human benefits that foster the appreciation and understanding of an open space and its purpose

Examples of open space utilized for passive reaction are, but not limited to: community gardens, great lawns, courtyards, memorial spaces, places for quiet reflection, water features, formal flower/landscape gardens, walking paths, nature preserves, flower/tree beds for the growing of stock for use in the community.

- C. Open space used for passive reaction should be free as possible from permanent building structures. However, ancillary building structures are permitted so long as their design and scale do not limit or diminish the use of the open space. Such structures shall include but not be limited to: restrooms, drinking fountains, waste receptacles, sitting benches, pavilions that compliment the passive use, small scale sheds necessary for utility mechanisms or storage of equipment for use in community gardens/flower-tree beds, complementary parking areas

§ 43-4. Active Recreation

- A. This definition of “active recreation” is adopted so as to clarify the Borough’s interpretation of the concept and to guide the Borough in the use of its Open Space Trust fund for such purposes.
- B. Active recreation shall mean those pursuits engaged in for the purpose of relaxation, health and wellbeing or enjoyment with the primary activity requiring physical exertion, and the primary focus on human activity.
- C. Examples of open space utilized for active reaction are, but not limited to: sports fields, golf courses, swim pools, playgrounds
- D. Open space used for active reaction is permitted to contain permanent building structures necessary for their dedicated use. Such structures shall include but not be limited to: restrooms, locker rooms, snack bars, viewing stands, storage areas needed for equipment, field equipment, permanent field surfacing, necessary fencing, drinking fountains, waste receptacles, utility sheds, complementary parking areas

Section 2. All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

Section 3. This ordinance shall be construed consistent with the purpose stated in section 1 hereof. Any ambiguities in this ordinance shall be construed in accordance with the purpose of this ordinance. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This ordinance repeals provisions of the Woodcliff Lake Code only where stated herein; otherwise this ordinance is amendatory and supplementary to existing provision of the Woodcliff Lake Code.

Section 4. This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.