

ORDINANCE NO.
AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE
BOROUGH OF PRINCETON TO AUTHORIZE THE CREATION OF A SPECIAL
IMPROVEMENT DISTRICT IN THE BOROUGH OF PRINCETON

BE IT ORDAINED by the Borough Council of the Borough of Princeton, in the County of Mercer, State of New Jersey, as follows:

Section 1. There is hereby adopted a new Section 17A-409, *et seq.*, under Chapter 17A, Article XI of the Code of the Borough of Princeton to read as follows:

Chapter 17A
Article XI
Division 8- Special Improvement District

§17A-409. Findings

The Princeton Borough Council hereby finds:

A. That the properties and businesses in the area of the Borough situated generally along University Place from Nassau Street to the municipal boundary line at Princeton Borough are an integral, vital economic, social, cultural, and transportation component within the Borough and that the creation of a special improvement district (the “District”) including such properties will serve to enhance the safety, welfare, transportation options, parking, and economic growth of the District and, consequently, the residents of the Borough as a whole.

B. The Borough has recently authorized and approved a Memorandum of Understanding between Princeton University and the municipalities of Princeton Borough and Princeton Township in regard to the proposed E-5 Zone that provides for the expansion of arts and transportation opportunities in the new E-5 Zone and adjacent districts. That Memorandum of Understanding is intended to advance appropriate transportation initiatives and to consider next generation transportation and transit service options which will be intended to benefit the Borough and, in particular, the District. The creation of a special improvement district will assist and support in the implementation of the products of that Memorandum of Understanding, including matters such as pedestrian safety and transportation and transit options such as crosswalks, bridges, tunnels, shuttle service, rail service and light rail service.

C. That through creation of a district management corporation to provide administrative and other services, the property owners, businesses, employees, residents and consumers within the District will benefit, and the Borough will have added ability to promote economic growth and employment, improve and implement transportation initiatives, improve pedestrian safety and improve and encourage pedestrian flow and alternative transportation options, and assist in addressing parking issues, among other potential benefits.

D. That it is in the best interests of the Borough to create a special improvement district and a management corporation to administer the District.

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E. That all costs for the administration and management of the District should be funded by a special assessment imposed and collected by the Borough on non-residential properties within the District. Such levy shall be collected by the Borough and shall be transferred to the district management corporation to effectuate the purposes of this Division of this Article and to exercise the powers granted to it pursuant to this Division of this Article.

§17A-410. Purpose

This Division of this Article authorizes the formation of a special improvement district pursuant to N.J.S.A. 40:56-65, *et seq.* (hereinafter, “the Act”), comprising all non-residential properties situated generally along University Place from Nassau Street to the municipal boundary line at Princeton Borough, all of which properties are identified and set forth in detail by Block and Lot number and street address in Appendix A hereof.

§17A-411. Establishment of District

A. Based upon the findings hereinabove set forth and the interests of the property owners comprising the District, there is hereby established as a special improvement district within the Borough of Princeton, to be referred to as the “Transportation Corridor Special Improvement District” (referred to herein as the “District”), pursuant to the provisions of the Act.

B. The District shall consist of all non-residential properties situated within the District and listed in Appendix A. The District specifically excludes all residential property and no residential property shall be subject to any assessments imposed or collected under this Division of this Article, pursuant to N.J.S.A. 40:56-66. In any case where there is a mixed use which includes a commercial use, the commercial element of the property shall be subject to the assessment and the Assessor shall determine the amount of any assessment based upon the proportion of the mixed use which is non-residential.

C. Any properties hereinafter designated and approved for any non-residential use shall be included in the District and shall be subject to the provisions of this Division of this Article.

D. All non-residential properties within the District and listed in Appendix A shall be subject to a special assessment based upon real property tax assessments.

§17A-412. District Management Corporation

A. There is hereby created the “Princeton on the Move,” (hereinafter “POM”) which shall be the management corporation for the District. POM shall be organized as a 501(c) non-profit corporation.

B. The Board of Directors of the POM shall consist of nine (9) persons:

1. The Mayor or her or his designee;
2. One Member of the Borough Council selected by the Borough Council;

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3. The Business Administrator of the Borough or his or her designee;
4. The following who shall be selected by the Mayor with the advice and consent of the Borough Council (“Selected Members”):
 - a. A resident of the Borough who serves as a member of the Borough Traffic and Transportation Committee;
 - b. A Representative of a business or property owner from within the District;
 - c. A Representative of a recognized merchants organization serving the Borough;
 - d. A Representative of a business owner or property owner whose business or property is located on Nassau Street between Vandeventer Avenue and University Place;

C. The Board as initially constituted shall serve until December 31, 2013. Prior to taking office, the Selected Members shall draw lots for the length of term, with two to serve one year, and two to serve two years. Thereafter, all such directors shall be selected for a two-year term.

D. All Board members shall serve on a volunteer basis, without compensation of any kind.

E. The officers of POM shall be elected by a majority vote of the Board members and shall consist of the following: President, one or more vice presidents, secretary and treasurer.

F. POM, as the managing entity, shall have all powers necessary and requisite to effectuate the purposes of this Division of this Article and the District. Such powers shall include, without limitation:

1. Adoption of bylaws for the regulation of the affairs of POM and the conduct of its business and the prescribing of rules, regulations and policies in connection with the performance of its functions and duties;
2. Employment of such persons as may be required to carry out the business of POM, and to fix and pay their compensation from funds available to the management entity;
3. Retention of legal counsel;
4. Application, acceptance, administration, and compliance with requirements respecting an appropriation of funds or a gift, grant or donation of property or money;

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5. Making and executing agreements which may be necessary or convenient to the exercise of the powers and functions of the management entity, including contracts with any person, firm, corporation, government agency or other entity;
6. Administration and management of its own funds and accounts and payment of its own obligations;
7. Borrowing money from private lenders and from government entities;
8. Funding the improvement of the exterior appearance of properties in the District through grants or loans;
9. Funding the rehabilitation of properties in the District;
10. Acceptance, purchase, rehabilitation, sale, lease or management of property in the District;
11. Enforcing the conditions of any loan, grant, sale or lease made by the management entity;
12. Provision of security, sanitation, and other services to the District, supplemental to those normally provided by the Borough;
13. Undertaking improvements designed to increase the safety, attractiveness, or functionality of the District, including but not limited to promoting economic growth and employment, improving and implementing transportation initiatives, improving pedestrian safety and encouraging pedestrian flow and alternative transportation options, assisting in addressing parking issues, litter cleanup and control, landscaping, and those improvements generally permitted for pedestrian malls under N.J.S.A. 40:56-66, pursuant to pertinent regulations of the Princeton Borough Council;
14. Publicizing and promoting the District and properties included within the District boundaries;
15. Recruitment of new businesses to fill vacancies in and to balance the business mix of the District;
16. Organizing special events in the District;
17. Providing parking arrangements in the District in coordination with the Borough;
18. Providing temporary decorative lighting for the District; and

19. Taking any other actions that are necessary and proper to achieve the purposes of this Division of this Article and that are otherwise permitted by law.

§17A-413. Assessments

A. All costs of improvements and maintenance, other than those costs of improvements and maintenance normally incurred by the Borough of Princeton out of general funds, shall be determined and approved by the Borough Council pursuant to N.J.S.A. 40:56-80 or N.J.S. 40:56-85, as determined by the district management corporation. Assessments shall be determined by multiplying the current assessed valuation, as determined by the Tax Assessor of the Borough for real estate tax purposes, multiplied by a rate to be established by the district management corporation. Such rates shall be subject to amendment and adjustment by the district management corporation. Notwithstanding the above, the portion of the proposed budget for the first year of operation of the District that shall come from the annual assessment shall be no greater than \$90,000.00.

B. Assessments shall be due on the same dates that real property taxes are due, and shall be received by the Borough Tax Collector within 10 calendar days thereafter. Any assessment not received within the 10 calendar days following the due date shall be subject to interest from the due date until the date of payment at the same rates as real property taxes applicable in the Borough:

1. For the first \$1,500, the rate shall be 8% per annum.
2. For all amounts in excess of \$1,500, the rate shall be 18% per annum.

C. The Tax Collector of the Borough of Princeton may affix a penalty not to exceed 6% of the delinquent assessment as billed prior to the end of the fiscal year for the most recent fiscal year only.

D. Unpaid special assessments shall become a lien against the underlying property and shall be collectible in the same manner as any other municipal property taxes and assessments as provided by the laws of the State of New Jersey.

§17A-414. Annual budgets; reports

A. The district management corporation shall operate on a calendar year basis, January 1 through December 31, inclusive.

B. Not later than November 1 of each year, the management entity shall submit a detailed business plan and budget for the upcoming year, for approval by the Borough Council pursuant to N.J.S. 40:56-84. The budget shall be accompanied by a report explaining how the budget contributes to the goals and objectives for the District.

C. The budget shall be introduced, approved, amended and adopted by resolution passed by not less than a majority of the full membership of the Borough Council.

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D. The management entity shall cause an annual audit of its books, accounts and financial sections to be made and filed with the Princeton Borough Council. Such audit shall be completed and delivered to the Council within four (4) months after the close of the fiscal year. A certified duplicate copy of the audit shall be filed with the Director of the Division of Local Government Services in the State Department of Community Affairs within five (5) days of the filing with the Borough. The district management corporation shall employ a certified public accountant licensed by and practicing within the State of New Jersey to perform the required audit.

E. The district management corporation shall submit an annual report to the Borough Council pursuant to N.J.S. 40:56-80, within 30 days of the close of the fiscal year. The report shall consist of a narrative covering the previous year's operation and detailed financial statements.

F. All books, records, accounts and reports of the district management corporation shall be available at reasonable times for public inspection.

§17A-415. Municipal powers retained

Notwithstanding the creation of the special improvement District, the Borough of Princeton expressly reserves and retains all its police powers and other rights and powers related to the area within the District.

§17A-416. Debt obligations

The District shall be obligated to satisfy all debts, loans and financial liabilities incurred by the district management corporation. The district management corporation may not borrow an amount that exceeds the approved budget for the fiscal year.

§17A-417. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance shall be repealed to the extent of such inconsistency only.

§17A-418. Should any section, paragraph, clause or any other portion of this ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

§17A-419. This ordinance shall take effect upon final passage and publication according to law.

NOTICE OF PENDING ORDINANCE

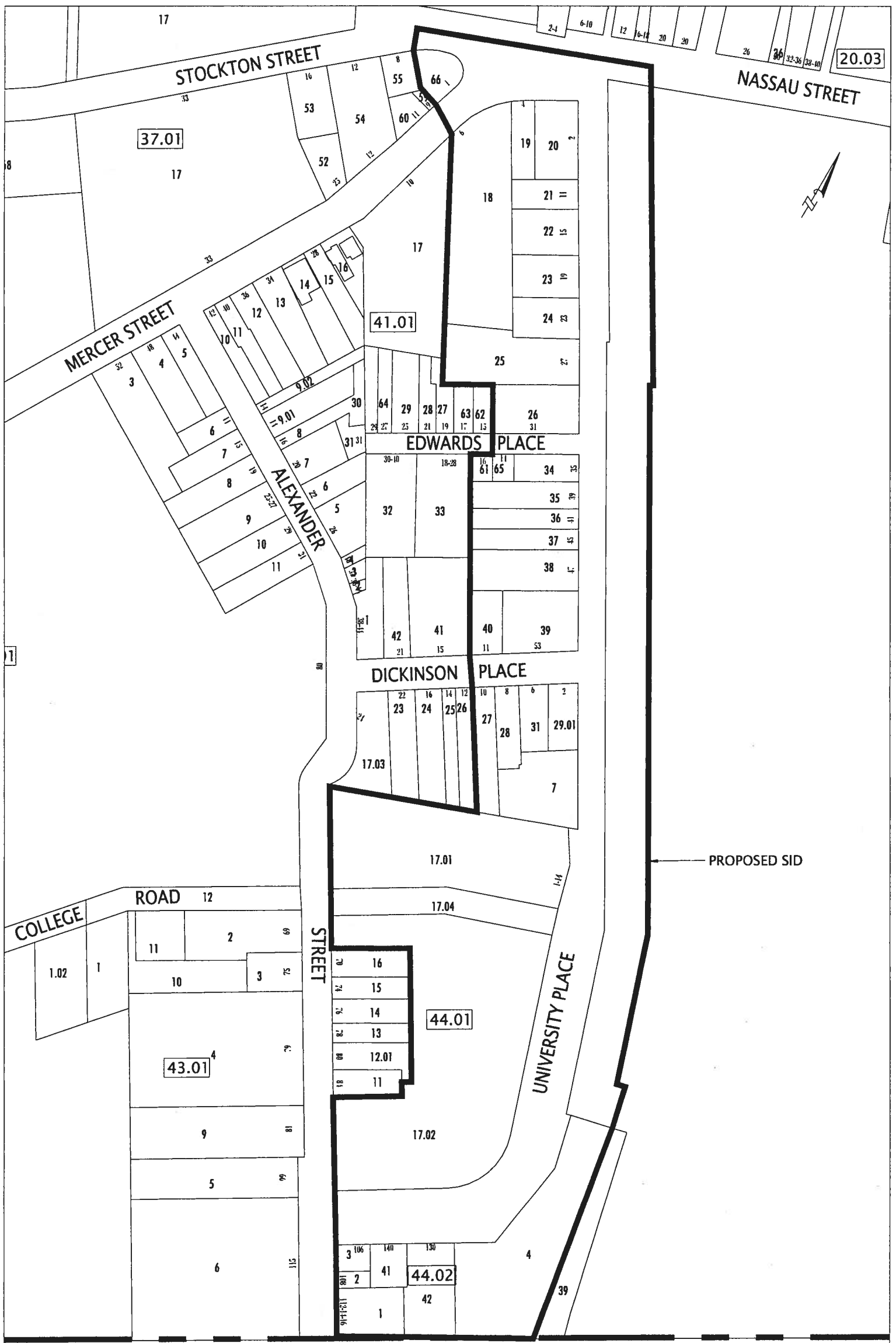
Ordinance No. -2012 of the Borough of Princeton, entitled

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was introduced and passed on first reading at a meeting of the Borough Council of Princeton in the County of Mercer, state of New Jersey, on _____, and will be further considered for final passage, after public hearing thereon, at a meeting of the said Borough Council to be held at the Borough Municipal Building _____, New Jersey, on _____ at _____ o'clock P.M. Copies of the said ordinance are available at the Office of the Borough Clerk, _____, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, legal holidays excepted.

The Ordinance provides for the creation of a Special Improvement District to include all non-residential properties in the Borough located within the boundaries of the District, as described in more detail in the Ordinance and which properties are specifically identified in Appendix A to the Ordinance, establishing the governance of the District and providing for assessment of properties within the District to carry out the purposes thereof.

Andrea Lea Quinty
Borough Clerk



MAP OF A PORTION OF THE
BOROUGH of PRINCETON
MERCER COUNTY, NEW JERSEY

Showing Block, Lot and House Numbers and a proposed SID zone

SCALE 1" = 200' October 2011

PREPARED BY THE PRINCETON BOROUGH ENGINEERING DEPARTMENT