

**BOROUGH OF PALMYRA
COUNTY OF BURLINGTON, NJ
ORDINANCE CREATING A SPECIAL IMPROVEMENT DISTRICT FOR
PALMYRA BOROUGH BUSINESS COMMUNITY.
ORDINANCE NO. 2009-21**

WHEREAS, business and property owners in Palmyra Borough have petitioned the Governing Body to create a Special Improvement District also known as a Business improvement District with a non-profit Management Corporation pursuant to N.J.S.A. 40:56-65 et seq.; and

WHEREAS, the Governing Body finds that all business, industrial, and commercial properties in Palmyra Borough are integral, vital, economic and social; and

WHEREAS, the anticipated services to be provided to this Special Improvement District will serve to enhance the safety, welfare and economic growth of Palmyra Borough, its inhabitants, and the Borough of Palmyra as a whole; and

WHEREAS, based upon these findings and the desires of business owners, merchants and property owners in Palmyra Borough, the Governing Body hereby desires to establish the Palmyra Borough Special Improvement District designated in Schedules A & B as the Palmyra Borough Business Improvement District;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE BOROUGH OF PALMYRA as follows:

SECTION 1: Definitions.

- a. "Special Improvement District" (sometimes also referred to as the "District") means an area within the Palmyra Borough designated by this Ordinance 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.

b. "District Management Corporation" means the "PALMYRA 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 Ordinance and any amendatory supplemental ordinances.

SECTION 2: Findings - pursuant to N.J.S.A. 40-56-65 et seq. ("The Act") the Governing Body of the Borough of Palmyra hereby determines the following:

- a. That the areas within Palmyra Borough that are described by block and lot and by street address as set forth in Schedules A & B of this ordinance, and the property owners, tenants and inhabitants therein benefit from being designated as a Special Improvement District uniting the business community and will benefit the whole of Palmyra Borough with the exception of the following properties that will not be assessed members of the Special Improvement District:
 - i) Any property owned and operated by the municipal, county and state governments, and,
 - ii) 100% of residential structures 3 units or under;
- b. That a district management corporation would provide administrative and other services to benefit the businesses, employees, residents, and consumers in Palmyra Borough, the Palmyra Borough Special Improvement District, and will also assist the Borough of Palmyra in promoting economic growth and employment;
- c. That a special assessment may be imposed and collected by the Borough of Palmyra 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 ordinance and to exercise the powers given to it pursuant to this ordinance;

- d. That it is in the best interests of the Borough of Palmyra and its inhabitants to create a Special Improvement District and to designate a nonprofit District Management Corporation to manage 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.

Section 3 – Creation of the District.

- a. There is hereby created and designated within the Borough of Palmyra a Special Improvement District authorized pursuant to N.J.S.A. Title 40:56-65 et seq. to be known as the Palmyra Borough Special Improvement District ("District") and is hereby established consisting of the properties designated and listed on Schedules A & B, annexed hereto by tax block and lot numbers and street addresses. The Special Improvement District will be governed by a District Management Corporation.

- b. Schedules A & B of this ordinance 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 amendment

Section 4 – Assessments.

- a. All costs of improvements and maintenance, other than the costs of improvements and maintenance ordinarily incurred by the Borough of Palmyra out of general funds, shall be determined and approved pursuant to N.J.S.A. 40:56-80 or N.J.S.A. 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 Palmyra 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 "A & B".

Section 5 – Designated District Management Corporation

- a. The Governing Body of the Borough of Palmyra hereby designates THE PALMYRA BOROUGH BUSINESS IMPROVEMENT DISTRICT MANAGEMENT CORPORATION ("district management corporation"), a non-profit corporation, as the District Management Corporation for the District.
- b. That 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 ordinance, as specified in N.J.S.A. 40-56-65 et seq. including but not limited to:
 1. Adoption of by-laws 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;
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 Palmyra;
12. Undertake improvements designed to increase safety, attractiveness of the district to businesses which may locate there or visitors to the districts, including, but not limited to parking, litter clean-up 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;
17. Design and enforce environmental and building design criteria under N.J.S.A. 4:50-66 as amended;
18. Regulate vending;
19. Provide temporary decorative lighting in the district; and,
20. Effectuate the purposes and intents of N.J.S.A. 40:56-66 as amended.

- a. That 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.
- b. Upon further written agreement, the Borough of Palmyra 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.

Section 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 ordinance 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 1st to December 31st.

Section 7 – Annual Audit of the 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. This audit shall be completed and filed with the Governing Body within four (4) 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 Burlington Tax Assessor, Director of the Division of Local Government Services in the State of New Jersey Department of Community Affairs within five (5) days of the filing of the audit with the governing body.

Section 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 90 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.

Section 9 – Municipal Powers Retained

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

Section 10 – Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate and distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 11 – Effective date

This ordinance shall take effect upon passage, approval and publication as required by law.

SCHEDULES "A & B"

The attached list of properties make up this Special Improvement District as well as an area wide impact area of both districts as a whole.

STATEMENT

This Ordinance provides for the designation of a Special Improvement District (SID) pursuant to N.J.S.A. 40:56-65 et seq., and the designation of the Palmyra Borough Business Improvement District Management Corporation to manage same. It further provides for the powers of said Corporation and the manner of assessment for funding and operation of the SID.

SCHEDULES A & B

PALMYRA BOROUGH SPECIAL IMPROVEMENT DISTRICT

SCHEDULE A

| <u>BLOCK</u> | <u>LOT</u> | <u>PROPERTY ADDRESS</u> |
|--------------|------------|-----------------------------|
| 23 | 6 | 201 Spring Garden |
| 24 | 1 | 620-22 Highland Ave. |
| 25 | 9 | 100 E. Broad Street |
| 26 | 2.01 | 16 E. Broad Street |
| 26 | 3 | 615 Garfield Ave. |
| 26 | 7 | Garfield Ave. |
| 26 | 10 | 12-14 E. Broad Street |
| 26 | 11 | 600 Cinnaminson Ave. |
| 26 | 12 | 602 Parry Ave. |
| 29 | 1 | 36 W. Broad Street |
| 29 | 2.02 | Broad & Walnut Streets |
| 37 | 1 | Cinnaminson Ave. 2 Bldgs. |
| 39 | 1 | 2 Memorial Ave. |
| 56 | 2 | 610 Public Road |
| 56 | 9 | New Jersey & Broad |
| 59 | 3 | 427 W. Broad Street |
| 59 | 9.01 | W. 6th Street |
| 59 | 15 | W. 6th Street |
| 60 | 1 | 531 W. Broad Street |
| 60 | 3 | W. Broad Street |
| 60 | 5.01 | 519-521 W. Broad Street |
| 71 | 5 | 804 W. 5th Street |
| 71 | 8 | Broad & Orchard Ave. |
| 72 | 13 | 533 Legion Ave |
| 72 | 17 | 501 Legion Ave. |
| 74 | 5 | W. Broad Street |
| 74 | 9 | W. Broad Street |
| 74 | 9.01 | W. Broad Street |
| 74 | 13 | W. 6th Street |
| 74 | 14 | W. 6th Street |
| 75 | 1 | 1 Filmore Street |
| 75 | 1.01 | Filmore & Spring Garden |
| 75 | 2 | 665 Public Road |
| 75 | 4 | 600 W. Broad Street |
| 76 | 1 | 806 Broad Street So |
| 76 | 3.01 | 806 Broad Street So |
| 76 | 3.02 | 806 Broad Street So |
| 76 | 3.04 | 806 Broad Street So |
| 76 | 4 | 806 Broad Street So |
| 76 | 6.01 | 707 W. Spring Garden Street |
| 77 | 2 | Rt. 73 & River Road |
| 80 | 7 | 317 E. Broad Street |
| 80 | 8 | 313 E. Broad Street |
| 80 | 9 | 309-311 E. Broad Street |
| 80 | 10 | 305 E. Broad Street |

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| 81 | 4.01 | 521-23 Maple Ave. 213 E. Broad St. & Maple |
| 81 | 5 | Ave. |
| 81 | 9.01 | 518 Morgan Ave. |
| 81 | 10 | 211 E. Broad Street |
| 81 | 11 | 207 E. Broad Street |
| 81 | 13 | E Broad & Morgan Ave. |
| 82 | 3.01 | 517 Morgan Ave. |
| 82 | 5 | 527-29 Morgan Ave. |
| 82 | 6 | 121 E. Broad Street |
| 82 | 9 | 117 E. Broad Street |
| 82 | 9.01 | 115 E. Broad Street |
| 82 | 11 | 111 E. Broad Street |
| 82 | 13 | 109 E. Broad Street |
| 82 | 15 | 103 E. Broad Street |
| 82 | 19 | 508 Garfield Ave. |
| 83 | 5 | 519 Garfield Ave. |
| 83 | 8 | 504-506 Cinnaminson Ave. |
| 83 | 10 | 510 Cinnaminson Ave. |
| 83 | 11 | 516 Cinnaminson Ave. |
| 83 | 12 | 520 Cinnaminson Ave. |
| 83 | 13 | 19 E. Broad Street |
| 83 | 13 | 21 E. Broad Street |
| 83 | 14 | 15 E. Broad Street |
| 83 | 14 | 17 E. Broad Street |
| 83 | 15 | 11 E. Broad Street |
| 83 | 15 | 519 Garfield Ave. |
| 83 | 16 | 7 E. Broad Street |
| 83 | 17 | 3 E. Broad Street |
| 83 | 17 | 526 Cinnaminson Ave. |
| 83 | 18 | 1 E. Broad Street |
| 84 | 5 | 519 Cinnaminson Ave. Cinnaminson & W. Broad |
| 84 | 14 | Street |
| 84 | 14 | 3 W. Broad Street |
| 84 | 14 | 535 - 537 Cinnaminson Ave. |
| 84 | 14 | 531-533 Cinnaminson Ave. |
| 84 | 14 | 525-529 Cinnaminson Ave. |
| 84 | 15 | 5-7 W. Broad Street |
| 84 | 16 | 9-11 W. Broad Street |
| 84 | 17 | 13 W. Broad Street |
| 84 | 18 | 17 W. Broad Street |
| 107 | 3 | 131 W. Broad Street |
| 107 | 12 | 111 W. Broad Street |
| 107 | 14 | 107-109 W. Broad Street |
| 107 | 15 | 103 W. Broad Street |
| 107 | 15 | 105 W. Broad Street |
| 107 | 24 | 523 Leconey Ave. |
| 108 | 3 | Delaware Ave. |
| 108 | 5 | 237 W. Broad Street |

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| 108 | 6 | 227 W. Broad Street |
| 108 | 9 | 219 W. Broad Street |
| 108 | 9.01 | 217 W. Broad Street |
| 108 | 10 | 213 W. Broad Street |
| 108 | 11 | 209-211 W. Broad Street |
| 108 | 12 | 201 W. Broad Street |
| 110 | 2 | 331 W. Broad Street |
| 110 | 2.01 | W. 6th Street |
| 110 | 7 | W. 6th Street |
| 110 | 12 | 307 W. Broad Street |
| 132 | 1 | 13 Market Street |
| 136 | 8 | Market & Jefferson Streets |
| 137 | 1 | Rt.073 & Madison Street |
| 141 | 1.02 | Market & Madison Street |

SCHEDULE B

| <u>BLOCK</u> | <u>LOT</u> | <u>PROPERTY ADDRESS</u> |
|--------------|------------|-------------------------------|
| 67 | 1 | Rt. 73 & 4th Street |
| 67 | 3 | 300 Rt. 73 |
| 67 | 4 | Rt. 73 & 4th Street |
| 67 | 6 | Rt. 73 |
| 67 | 7 | Rt. 73. |
| 67 | 8 | Rt. 73 & E. Cor Front St. |
| 67 | 1.B01 | Rt. 73 & 4th Street |
| 70 | 1 | Rt. 73 & Cor of 5th Street |
| 70 | 3 | Rt. 73 & 4th Street |
| 71 | 2 | Rt. 73 & 5th Street |
| 71 | 7 | W. Broad Street |
| 76 | 3.03 | 808 Broad St. So |
| 76 | 6 | 705 W. Spring Garden Street |
| 76 | 6.02 | Rt. 73 & Penna RR |
| 76 | 6.03 | Rt. 73 & Spring Garden Street |
| 76 | 3.03B | 808 S. Broad Street |
| 77 | 1 | Rt. 73 & River Road |
| 77 | 2 | Rt. 73 & River Road |
| 78 | 3 | Rt. 73 & River Road |
| 78.01 | 2.03 | 723 Public Road |
| 78.01 | 2.05 | Public & River Roads |
| 78.01 | 3 | Spring Garden & Filmore |
| 78.01 | 3.02 | Rt. 73 & Spring Garden Street |
| 78.01 | 1.B01 | Rt. 73 |
| 118 | 2 | 304 Market Street |
| 118 | 3 | 310 Market Street |
| 119 | 1 | Market Street |

| | | |
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| 119 | 4 | Market Street |
| 127 | 1 | 321 Market Street |
| 130 | 3 | 115 Market Street |
| 133.01 | 1 | Rt. 73 |
| 134 | 6 | Market and Front Street |
| 134 | 11 | Front and Market Street |
| 135 | 1 | Rt. 73 & De Klyne |
| 135 | 2 | De Klyne & Jefferson Street |
| 135 | 4 | Rt. 73 & Kennedy Street |
| 135 | 5 | De Klyne & Kennedy Street |
| 136 | 12 | Market and Kennedy Street |
| 137 | 1 | Rt. 73 & Madison |
| 138 | 1 | Rt. 73 & Mad & Jefferson Street |
| 140 | 2 | Rt. 73 & Vanderveer Street |
| 141 | 1.03 | Rt. 73 & Madison |
| 141 | 1.04 | Rt. 73 NO & Vanderveer Street |
| 142 | 1 | Market Street |
| 142 | 1.01 | Rt. 73 |
| 142 | 1.01 | 100 Rt. 73 |
| 142 | 1.01B | Route 73 |
| 142.01 | 1 | Rt. 73 & Souder Street |
| 146 | 2 | 19 Rte, 73 South |
| 146 | 2 B01 | 19 S Rt. 73 |
| 154 | 2.01 | Rt. 73 & Souder Street |
| | 2.01 | |
| 154 | B01 | Rt. 73 & Souder St |
| 156 | 1 | 201 Rt. 73 South |
| 156 | 1 | 201 Rt. 73 South |
| 156 | 1.03 | Rt. 73 |
| 156 | 1.04 | Rt. 73 |
| 156 | 1.05 | 207 Rt. 73 Hwy |
| 156 | 1.06 | 209 Rt. 73 Hwy South |
| 156 | 16 | Rt. 73 Below Front Street |
| | 16 / | |
| 156 | B01 | Rt. 73 Below Front Street |
| 156 | 2.B01 | Rt. 73 & Pennsauken Creek |
| 156 | 2.B02 | Rt. 73 & Pennsauken Creek |
| 156.01 | 1.02 | Rt. 73 |
| 156.01 | 1.03 | Rt. 73 & Broad Street |

CERTIFICATION OF CLERK

ORDINANCE 2009-21

Borough of Palmyra

An Ordinance Creating A Special Improvement District For Palmyra Borough Business Community

This ordinance was adopted on second and final reading at the Borough Council meeting of December 7, 2009 and will take effect after publication according to law.