

**ORDINANCE CREATING A BUSINESS IMPROVEMENT DISTRICT
AND DESIGNATING A DISTRICT MANAGEMENT CORPORATION**

WHEREAS, businesses and property owners located in the Broadway-Monmouth commercial district of the City of Gloucester City have petitioned the City Council to create a Business Improvement District with a Management Corporation pursuant to N.J.S.A. 40:56-65, et seq.; and

WHEREAS, the City Council regards the Broadway-Monmouth commercial district of Gloucester City as an integral, vital, economic and social area of the City, and the heart of Gloucester City's downtown business district; and

WHEREAS, the anticipated services to be provided to this Business Improvement District will only serve to enhance the safety, welfare and economic growth of the Broadway-Monmouth commercial district, its inhabitants and the City of Gloucester City as a whole; and

WHEREAS, pursuant to N.J.S.A. 40:56-65, et seq. (the "Act"), the Gloucester City Council hereby determines the following:

1. That the Broadway-Monmouth district within Gloucester City is described by block and lot and by street address and set forth in Schedule A of this ordinance, and the property owners, tenants and inhabitants therein will benefit from being designated as a Business Improvement District, as will the whole of the City benefit, with the exception of the following properties that will not be part of the Business Improvement District:

- A. Any property wholly owned and operated by the government,
- B. Any property that is exempt from property tax, and
- C. 100% of residential structures with less than five (5) units;

2. That a district management corporation would provide administrative and other services to benefit those businesses and consumers in the Broadway-Monmouth district and will also assist the City of Gloucester City generally in promoting economic growth and employment;

3. That a Business Assessment may be imposed and collected by the City of Gloucester City with the regular property tax payment (or payment in lieu of taxes) or otherwise on commercial properties located within the City and that these payments shall be transferred to the district management corporation to effectuate the purposes of this ordinance and to exercise the powers given to it pursuant to this ordinance;

4. It is in the best interests of the City of Gloucester City and its inhabitants to create a Business Improvement District and to designate a district management corporation to administer the district; and

WHEREAS, based upon these findings and the desires of business owners, merchants,

and property owners in the Broadway-Monmouth district identified, the City Council hereby desires to establish the area designated in Schedule A as the Broadway-Monmouth Business Improvement District.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF GLOUCESTER CITY, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY AS FOLLOWS:

Section 1 - Introduction. The recitation set forth in the preamble above is hereby incorporated in the ordinance.

Section 2 - Establishment of the District. The Broadway-Monmouth Business Improvement District (the "District") is hereby established, consisting of the properties designated and listed on Schedule A annexed hereto by tax block and lot numbers and street addresses.

Section 3 - Assessments. All costs of improvements and maintenance, other than the costs of improvements and maintenance ordinarily incurred by the City of Gloucester City 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 Gloucester City Tax Assessor for real estate purposes, will be multiplied by the appropriate amount to sustain the approved annual budget, less the amount of any municipal appropriation or Urban Enterprise Zone allocation applied to that budget, to determine the amount of the Business district assessment. The foregoing assessment shall be collected as a Business assessment against the properties that are within the district as defined in Schedule "A."

Section 4 - Annual Report and Budgets. The district management corporation shall submit an annual report to the City Council pursuant to N.J.S.A. 40:56-80 within thirty (30) 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.

- (a) The district management corporation shall submit a detailed business plan and budget for the upcoming year no later than July 1 of the current fiscal year, for the approval by resolution of the City Council, pursuant to the provisions of N.J.S.A. 40:56-84. The budget shall be submitted with a report that explains how the budget contributes to the goals and objectives for the Business improvement district.
- (b) The fiscal year of the district and the management corporation shall be January 1st to December 31st, except that the first year of operation will commence on _____.
- (c) The district management corporation shall also cause an audit of its books, accounts and financial transactions to be made and filed with the City Council.

This audit shall be completed and filed with the City Council 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 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 City Council.

Section 5 - District Management Corporation. The City Council of the City of Gloucester City hereby designates the Broadway-Monmouth Business Improvement District Management Corporation (“District Management Corporation”), a non-profit corporation, as the District Management Corporation for the district.

(a) The District Management Corporation shall be composed of representative directors appointed initially by the Mayor and approved by the City Council, and thereafter according to the by-laws of the District Management Corporation, with the exception of the City Council member, who shall be appointed annually by the Gloucester City Council. The District Management Corporation will be a non-profit management corporation. The board shall be composed of the following seven members:

- 1 elected official of the Gloucester City Council appointed by the City Council,
- 1 member selected by the District Management Corporation Board of Directors that owns property in Gloucester City in which he or she permanently resides, and is over the age of 21,
- 2 members who are retail business operators within the District and also own the property in which the business operates, and
- 3 members who are retail business operators within the District who rent the property in which the business operates.

The officers (President, Treasurer, and Secretary) of the District Management Corporation shall be elected by a majority vote of the Board from among the members of the board of directors.

(b) The District Management Corporation, in addition to acting as an advisory board to the City Council, shall have all powers necessary and requisite to effectuate the purposes of this ordinance, including but not limited to:

1. Adopting by-laws for the regulation of its affairs and the conduct of its business, and prescribing rules, regulations, and policies for the performance

of its functions and duties;

2. Employing such persons as may be required, including an executive director of the Business Improvement District, and fixing and paying their compensation from funds available to the corporation;
3. Applying for, accepting, and administering and complying with the requirements respecting an appropriation of funds, or gifts, grants, or donations of property or money;
4. Making and executing agreements which may be necessary or convenient to the exercise of the powers and functions of the corporation, including contracts with any persons, firms, corporations, governmental agencies, or entities;
5. Administering and managing its funds and accounts and paying its own obligations;
6. Borrowing money from private lenders and entities for periods not to exceed 180 days and from governmental agencies for that or longer periods;
7. Providing security, sanitation, maintenance and other services in the district, supplemental to those normally supplied by the City;
8. Undertaking improvements designed to increase safety and attractiveness of the district to businesses which may locate there or visitors to the district, including but not limited to 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 City Council; and
9. Publicizing the district and the businesses included within the district's boundaries.

Section 6 - Municipal Powers Retained. Notwithstanding the creation of the Business improvement district, the City of Gloucester City expressly retains all of its powers and authority over the areas designated as within the Business improvement district.

Section 7 - Debt Obligations. This ordinance obligates the Broadway-Monmouth Business Improvement District to satisfy all debts, loans, and financial liabilities incurred by the corporation. The District and the District Management Corporation may not borrow an amount that exceeds the ability of the approved budget for that fiscal year to pay the amount required by the instruments executed at the time the debt is incurred. The charter of the Broadway-Monmouth Business Improvement District will include a clause incorporating the aforementioned.

Section 8 - Severability. If any provision of this ordinance or part thereof shall be declared to be invalid or inoperative, such section, to the extent it is not invalid or inoperative, shall not be affected thereby and shall be enforced and effectuated.

Section 9 - Effective Date. This ordinance shall take effect upon passage, approval, and publication as required by law.

STATEMENT OF PURPOSE

This ordinance allows the formation of a Business Improvement District pursuant to N.J.S.A. 40:56-65, et seq. and designates the Broadway-Monmouth Business Improvement District Management Corporation to assist the City Council in effectuating the purposes and intent of that legislation and the goals and objectives of the Business Improvement District. The City Council hereby determines that the creation of the Business Improvement District will enhance the safety, welfare and economic growth of the commercial district, their businesses and residents, and the City of Gloucester City as a whole.

PAUL J. KAIN
CITY CLERK

ADOPTED: _____

SCHEDULE A

Commercial Property Within the Broadway-Monmouth Business Improvement District

Block Lot Address

Block Lot Address