

Chapter 197

SPECIAL IMPROVEMENT DISTRICT

§ 197-1. Introduction and statement of purpose.

The recitation set forth in the preamble above is hereby incorporated in the chapter.¹ This chapter allows the formation of a Special Improvement District, pursuant to N.J.S.A. 40:56-65 et seq., within the Borough of Seaside Heights and designates the Seaside Heights Special Improvement District Management Corporation to assist the governing body in effectuating the purposes and intent of that legislation and the goals and objectives of the Special Improvement District. The governing body hereby determines that the creation of the Special Improvement District will enhance the safety, welfare and economic growth of the Borough of Seaside Heights business community and the Borough of Seaside Heights as a whole.

§ 197-2. Establishment of district.

- A. The Seaside Heights Special Improvement District ("District") is hereby established consisting of the properties designated and listed on Schedule A,² annexed hereto, by tax block and lot numbers and street addresses. The Special Improvement District will be governed by a District Management Corporation as defined in § 197-5 of this chapter.
- B. Schedule A of this chapter may be amended by resolution to add and delete particular properties which were inadvertently omitted from or added to the list, as well as 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.

§ 197-3. Assessments.

All costs of improvements and maintenance, other than the costs of improvements and maintenance ordinarily incurred by the Borough 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 Seaside Heights Tax Assessor for real estate purposes, will be multiplied by the appropriate amount to sustain the approved annual budget to determine the amount of the special district assessment. The foregoing assessment shall be collected by the Borough of Seaside Heights as a special assessment against the properties that are within the District as defined in Schedule A.

1. Editor's Note: The preamble to Ord. No. 99-36 is on file in the Borough offices.

2. Editor's Note: Schedule A is on file in the Borough offices.

§ 197-4. Annual report and budgets. [Amended 2-7-2001 by Ord. No. 2001-6]

- A. The District Management Corporation shall submit an annual report to the governing body pursuant to N.J.S.A. 40:56-80 within 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.
- B. The District Management Corporation shall submit a detailed business plan and budget for the upcoming year, no later than October 15 of the current fiscal year, for the approval by resolution of the governing body, pursuant to the provision 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.
- C. The fiscal year of the District and the Management Corporation shall be January 1 to December 31.
- D. Pursuant to N.J.S.A. 40:56-88 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, and for that purpose the corporation shall employ a certified public accountant of New Jersey. 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 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.

§ 197-5. District Management Corporation. [Amended 2-7-2001 by Ord. No. 2001-6]

- A. The governing body of the Borough of Seaside Heights hereby designates the Seaside Heights Special Improvement District Management Corporation ("District Management Corporation"), a nonprofit corporation incorporated as the Seaside Heights Business Improvement District Management Corporation, as the District Management Corporation for the District.
- B. The Seaside Heights Special Improvement District Board of Directors, also known as "Board of Directors of the Seaside Heights Business Improvement District Management Corporation," shall be composed of a maximum of 22 voting members appointed by the Mayor and approved by the Council of the Borough of Seaside Heights. The Board of Directors shall be composed of the following: **[Amended 2-19-2003 by Ord. No. 03-06]**
 - (1) One member of the governing body of the Borough of Seaside Heights selected from the governing body of the Borough of Seaside Heights.

- (2) The Public Affairs Director or other Borough employee appointed by the Mayor of the Borough of Seaside Heights.
 - (3) Two members who are retail business owner/operators within the District and whose business is located on the Boardwalk from the south side of Sherman Avenue to Porter Avenue.
 - (4) Two members who are retail business owner/operators within the District and whose business is located on the Boardwalk from the north side of Sherman Avenue to Hierung Avenue.
 - (5) One member who is a retail business operator and/or tenant who rents the property, the business being located on the Boardwalk from Porter Avenue to Hierung Avenue.
 - (6) Two members who are retail business operators whose business is located on the Boulevard from Porter Avenue to Hierung Avenue.
 - (7) One member from the nonretail professional business within the District.
 - (8) Two owner/operators of lodging accommodations within the District.
 - (9) Two residents of the Borough of Seaside Heights who own their residence in the District, do not own or operate a business or commercial establishment in the Borough of Seaside Heights and are over the age of 21.
 - (10) Two owner/operators of a dining and entertainment establishment on the Boulevard from Porter Avenue to Hierung Avenue.
 - (11) One retail business owner/operator of a dining and entertainment establishment on the west side of the Boulevard.
 - (12) One owner/operator of a licensed parking lot in the District.
 - (13) Two other members of the business community included in the District.
 - (14) Two member-at-large. **[Amended 2-19-2003 by Ord. No. 03-06]**
 - (15) The Executive Director of the Seaside Heights Special Improvement District as a voting member only if there is a tie vote (50/50) and this vote will break the tie.
- C. The District Management Corporation shall be composed of all the directors of the aforementioned District, appointed by the Mayor and approved by the Council of the Borough of Seaside Heights. The officers (President, Vice President, Treasurer and Secretary) of the Corporation will be members of the Board of Directors and elected by a majority vote of the Board.

- D. The District Management Corporation, in addition to acting as an advisory board to the governing body, shall have all powers necessary and requisite to effectuate the purposes of this chapter, including, but not limited to:
- (1) Adopt 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 or government entities for periods not to exceed 180 days.
 - (7) Provide security, sanitation and other services in the District, supplemental to those normally supplied by the Borough.
 - (8) Undertake 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 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.
 - (9) Publicize the District and the businesses included within the District boundaries.
 - (10) Fund the improvement of the exterior appearance of properties in the District through grants or loans. **[Added 12-19-2019 by Ord. No. 2019-21]**
 - (11) Fund the rehabilitation of properties in the District. **[Added 12-19-2019 by Ord. No. 2019-21]**
 - (12) Accept, purchase, rehabilitate, sell, lease or manage property in the District. **[Added 12-19-2019 by Ord. No. 2019-21]**
 - (13) Enforce the conditions of any loan, grant, sale or lease made by the corporation. **[Added 12-19-2019 by Ord. No. 2019-21]**

- (14) Recruit new businesses to fill vacancies in, and to balance the business mix of, the District. **[Added 12-19-2019 by Ord. No. 2019-21]**
- (15) Organize special events in the District. **[Added 12-19-2019 by Ord. No. 2019-21]**
- (16) Provide special parking arrangements for the District. **[Added 12-19-2019 by Ord. No. 2019-21]**
- (17) Provide temporary decorative lighting in the District. **[Added 12-19-2019 by Ord. No. 2019-21]**

§ 197-6. Municipal powers retained.

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

§ 197-7. Debt obligations.

This chapter obligates the Seaside Heights Special 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 approved budget for that fiscal year. The charter of the Seaside Heights Special Improvement District shall include a clause incorporating the aforementioned.