AN ORDINANCE AUTHORIZING SALE AND LEASE OF UNNEEDED PUBLIC PROPERTY TO CERTAIN NONPROFITS FOR GARDENING AND URBAN FARMING AND EXEMPT LEASED URBAN GARDENS AND FARMS FROM PROPERTY TAXATION

WHEREAS, on March 1, 2011, the Urban Farming Bill was signed into law by Governor Christie. The Bill--A2859/S1964--authorizes the sale and lease of unneeded public property to certain nonprofits for gardening and urban farming and exempts leased urban farms from property taxation; and

WHEREAS, the main goal of the Urban Farming Bill is to encourage the creation of urban gardens and farms that will benefit the Camden community and provide fresh, healthy produce where it is not readily accessible to residents. Such immediate access is especially important during these difficult times when food shelters are overburdened with an influx of underprivileged residents who desperately need a helping hand; and

WHEREAS, the shortages of recreational opportunities and sources of fresh fruits and vegetables have contributed to alarming increases in childhood obesity and other adverse health consequences for municipal residents; and

WHEREAS, vacant properties present numerous problems for the City including: presenting the opportunity for criminal activity, deterring neighboring property owners from improving their properties and prospective purchasers and renters from locating into these areas, and serving as a location for illegal dumping. The productive use of these properties by the Camden community will provide opportunities to enhance the quality of residents' lives; and

WHEREAS, the nonprofit cultivation of previously vacant City-owned land by nonprofit entities is a public purpose for which the long term lease and sale of these properties, and exemption from property taxation therefore, is warranted, even in those instances when produce is sold to further the mission of these nonprofit entities; now, therefore

BE IT ORDAINED by the City Council of the City of Camden that the Code of the City of Camden be, and hereby, is supplemented to add the following new Chapter:

SECTION 1. Public purpose.
Pursuant to the authorization provided in N.J.S.A. 40A:12-15(l), the City may lease any tract of City-owned land of less than five (5) acres to a nonprofit corporation or association for the public purpose of cultivating and selling fresh fruits and vegetables.

SECTION 2. Lease of City-owned land to nonprofit corporation or association; property tax exemption; terms.

A. Any lease for City-owned land entered into by the City pursuant to N.J.S.A. 40A:12-15(l) with a nonprofit corporation or association may permit the nonprofit corporation or association to sell fresh fruits and vegetables on the leased land, off the leased land, or both, provided, that the sales are related and incidental to the nonprofit purposes of the corporation or association and the net proceeds received by the nonprofit corporation or association are used to further the nonprofit purposes of the corporation or association.

B. Property leased pursuant to N.J.S.A. 40A:12-15(l) and N.J.S.A. 54:4-3.6 shall be exempt from property taxation.

C. Except as may be otherwise expressly agreed to in writing between the City and lessee, any lease for City-owned land pursuant to this Section shall provide for the following responsibilities and/or costs to be borne and/or paid for by lessee:

1. All operational and maintenance costs related to selling fresh fruits and vegetables on the leased land, off the leased land, or both;

2. all costs for clearing the land, environmental remediation, maintenance, and security of the land;

3. all utility costs, including, water, sewer, gas, and electricity, for the land;

4. all costs for trash collection; and

5. all costs for liability insurance, and providing proof of such insurance to the City, holding harmless and indemnifying the City, which proof is to be presented prior to entering into any lease hereunder.
SECTION 3. **Sale of City-owned land to nonprofit corporation or association.**

A. The City may engage, pursuant to N.J.S.A. 40A:12-21(n), in the private sale of City-owned land to any duly incorporated nonprofit organization or association for the cultivation and sale of fresh fruits and vegetables on City-owned land of less than five acres within the City, provided that the nonprofit organization or association is not controlled, directly or indirectly, by any agricultural, commercial, or other business.

B. The nonprofit organization or association shall be authorized to sell fresh fruits and vegetables either on the land that was conveyed, off that land, or both, provided, that the sales are related and incidental to the nonprofit purposes of the organization or association and the net proceeds received by the nonprofit organization or association are used to further the nonprofit purposes of the organization or association.

SECTION 4. **Compliance with Zoning Code and ordinances.**

Notwithstanding the provisions contained in this Chapter, all nonprofit lessees and purchasers of City-owned land pursuant to N.J.S.A. 40A:12-15(l) and N.J.S.A. 40A:12-21(n), respectively, shall comply with all applicable Zoning Code provisions and other City ordinances governing said land.

**BE IT FURTHER ORDAINED** that any portion of this ordinance not herein amended and supplemented shall remain in full force and effect.

**BE IT FURTHER ORDAINED** that all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency only.

**BE IT FURTHER ORDAINED** that this ordinance shall take effect twenty (20) days after final passage and publications as provided by law.

**BE IT FURTHER ORDAINED** that if any provision of this ordinance is declared invalid, such invalidity shall not effect the other provisions of this ordinance. Furthermore, the other provisions of this ordinance are deemed to be severable and remain in full force and effect.

**BE IT FURTHER ORDAINED**, that pursuant to N.J.S.A. 52:27BBB-23 and N.J.S.A. 40:69A-41, a true copy of this Ordinance shall be forwarded to the Mayor, who shall have ten (10) days from the receipt thereof to approve or veto this Ordinance. Additionally, pursuant to N.J.S.A. 52:27BBB-23, a true copy of this
Ordinance shall be forwarded to the State Commissioner of Community Affairs, who shall have ten (10) days from the receipt thereof to veto this Ordinance, and the action by the Commissioner regarding this Ordinance shall supersede any action by the Mayor on the same Ordinance. All notices of approval and/or veto shall be filed in the Office of the Municipal Clerk.

Dated: November 10, 2011

The above has been reviewed and approved as to form.

_________________________________________
MARC A. RIONDINO
City Attorney

_________________________________________
FRANCISCO MORAN
President, City Council

_________________________________________
DANA L. REDD
Mayor

FIRST READING:_________________________
SECOND READING:_______________________
ADOPTED:_____________________________
ATTEST:________________________________
   LUIS PASTORIZA
   Municipal Clerk