

P.L.2017, CHAPTER 154, *approved July 21, 2017*

Assembly, No. 1645

1    **AN ACT** concerning the use of county and municipal open space  
2       trust funds for the acquisition of lands, and amending P.L.1997,  
3       c.24.

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5       **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6       *of New Jersey:*

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8       1. Section 1 of P.L.1997, c.24 (C.40:12-15.1) is amended to  
9       read as follows:

10      1. As used in P.L.1997, c.24 (C.40:12-15.1 et seq.):

11       "Acquisition" or "acquire" means the securing of a fee simple or  
12       a lesser interest in land, including but not limited to an easement  
13       restricting development, by gift, purchase, installment purchase  
14       agreement, devise, or condemnation , and includes the demolition of  
15       structures on, the removal of debris from, and the restoration of  
16       those lands to a natural state or to a state useful for recreation and  
17       conservation purposes .

18       "Blue Acres project" means any project to acquire, for recreation  
19       and conservation purposes, lands that have been damaged by, or  
20       may be prone to incurring damage caused by, storms or storm-  
21       related flooding, or that may buffer or protect other lands from such  
22       damage, and includes the demolition of structures on, the removal  
23       of debris from, and the restoration of those lands to a natural state  
24       or to a state useful for recreation and conservation purposes.

25       "Charitable conservancy" means a corporation or trust exempt  
26       from federal income taxation under paragraph (3) of subsection (c)  
27       of section 501 of the federal Internal Revenue Code of 1986 (26  
28       U.S.C. s.501(c)(3)), whose purposes include (1) acquisition and  
29       preservation of lands in a natural, scenic, or open condition, or (2)  
30       historic preservation of historic properties, structures, facilities,  
31       sites, areas, or objects, or the acquisition of such properties,  
32       structures, facilities, sites, areas, or objects for historic preservation  
33       purposes.

34       "County trust fund" means a "County Open Space, Recreation,  
35       Floodplain Protection, and Farmland and Historic Preservation  
36       Trust Fund" created pursuant to subsection c. of section 2 of  
37       P.L.1997, c.24 (C.40:12-15.2).

38       "Development" means any improvement to land acquired for  
39       recreation and conservation purposes designed to expand and  
40       enhance its utilization for those purposes.

41       "Farmland" means land actively devoted to agricultural or  
42       horticultural use that is valued, assessed, and taxed pursuant to the

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et  
2 seq.).

3 "Farmland preservation purposes" means the long-term  
4 preservation of farmland for agricultural or horticultural use.

5 "Historic preservation" means the performance of any work  
6 relating to the stabilization, repair, rehabilitation, renovation,  
7 restoration, improvement, protection, or preservation of an historic  
8 property, structure, facility, site, area, or object.

9 "Historic property, structure, facility, site, area, or object" means  
10 any property, structure, facility, site, area, or object approved for  
11 inclusion, or which meets the criteria for inclusion, in the New  
12 Jersey Register of Historic Places pursuant to P.L.1970, c.268  
13 (C.13:1B-15.128 et seq.).

14 "Land" or "lands" means real property, including improvements  
15 thereof or thereon, rights-of-way, water, lakes, riparian and other  
16 rights, easements, privileges and all other rights or interests of any  
17 kind or description in, relating to or connected with real property.

18 "Municipal trust fund" means a "Municipal Open Space,  
19 Recreation, Floodplain Protection, and Farmland and Historic  
20 Preservation Trust Fund" created pursuant to subsection c. of  
21 section 7 of P.L.1997, c.24 (C.40:12-15.7).

22 "Public indoor recreation" means public recreation in enclosed  
23 structures or facilities, and includes but is not limited to swimming  
24 pools, basketball courts, and ice skating rinks open for public use.

25 "Recreation and conservation purposes" means the use of lands  
26 for parks, open space, natural areas, ecological and biological study,  
27 forests, water reserves, wildlife preserves, fishing, hunting,  
28 camping, boating, winter sports, or similar uses for either public  
29 outdoor recreation or conservation of natural resources, or both, or  
30 the use of lands for public indoor recreation.

31 (cf: P.L.2011, c.173, s.1)

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33 2. This act shall take effect immediately.

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38 Expands definition of "acquisition," for purposes of county and  
39 municipal open space trust funds, to include demolition, removal of  
40 debris, and restoration of lands being acquired.